

MINUTES OF THE MEETING  
INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

February 11, 1987

The twenty-sixth meeting of the Institutions and Cultural Education Subcommittee was called to order in room 202-A of the state capitol by Vice-chairperson Senator Bengtson on February 11, 1987 at 8:05 a.m.

ROLL CALL: All members were present except for Chairman Miller, who was excused the first half of the meeting. Also present were Keith Wolcott, Senior Analyst for the Legislative Fiscal Analyst; Alice Omang, secretary, George Harris of the Office of Budget and Program Planning (OBPP); Carrol South, Director of the Department of Institutions and various other guests.

BOARD OF PARDONS: 26-1-A:005

Hank Burgess, Chairman of the Montana Board of Pardons, stated that this is an agency that is attached to the Department of Institutions for administrative purposes only. He advised that there are four board members, three of whom are regular board members and one auxiliary. He informed the committee of their various duties and commented on their crowded facility.

There was some discussion on ways in which the overcrowded situation could be alleviated

Mr. Harris reviewed the budget as presented by the OBPP as per exhibit 1.

(200) Mr. Wolcott gave an overview of the LFA budget as per exhibit 2. He distributed exhibits 3 and 4, recapping the personal services, issues 1 and 2 and operating expenses, issues 1 and 2 as per exhibit 3.

(260) In response to a question from Senator Haffey, Mr. Harris replied that they did not make the recommendation based upon per-diem days, but they were looking for \$4,074 for the pay plan from the special session reductions and for percentage reductions of \$4,985, and they asked Mr. Burgess where they should look for that and he responded that it could be taken out of per diem.

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EXECUTIVE SESSION: (280) Sentor Haffey moved that the committee ACCEPT the LFA recommendations on personal services. The motion CARRIED unanimously.

Senator Haffey moved that they ACCEPT the LFA budget at the level of \$32,744 in FY 88 and \$32,787 in FY 89 in operating expenses. The motion CARRIED unanimously.

In response to a question from Senator Haffey concerning the early release of prisoners, Mr. Burgess replied that the idea scares him to death as he has been on the Board for fifteen years and they work hard at releasing people that they feel will be appropriate to be released and wholesale release of prisoners from the prison would be absolute diaster to the state of Montana.

There was some discussion on the amount of travel the board members log and problems of travel.

Mr. Burgess distributed exhibit 5 to the committee and explained these figures to them.

EXECUTIVE SESSION:

Historical Society: 26-1-B:045

Administration Program - Mr. Wolcott reviewed exhibits 3 and 4 of the twenty-fourth meeting dated February 9, 1987.

Senator Bengtson moved that they ACCEPT the executive's recommendation on personal services. The motion CARRIED unanimoously.

Senator Bengtson moved that they ACCEPT the executive's recommendation on operating expenses. The motion CARRIED unanimously.

Senator Bengtson moved that they include the charges of \$1,958 for computer services in FY 88 and \$2,239 more in FY 89. The motion CARRIED unanimously.

Senator Bengtson moved on the funding that they ACCEPT the governor's recommendation with the figures adjusted. The motion CARRIED unanimously.

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Senator Bengtson moved that they ACCEPT 4% vacancy savings for the total program.

In response to a question, Dr. Robert Archibald, Director of the Montana Historical Society, acknowledged that there were 47 employees, but employees cannot be switched back and forth in terms of a funding source so that in the eighteen months, they have had one general fund vacancy other than security guards. He advised if they applied a 4% vacancy savings, that it would have to be a created vacancy.

There was some discussion on this and a roll call vote was taken on the motion and it passed with a vote of 4 to 2. See roll call vote.

Library Program (190) Senator Bengtson moved that they ACCEPT the personal services budget of the executive of \$128,014. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the governor's recommendation on operating expenses. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the LFA's figures on equipment so that they can get the books and leave off the microfilm reader/printer. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the executive's figures on funding for both years. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the modification for \$10,000 for upgrading the microcomputer in 1988. The motion CARRIED unanimously.

Museum Program (225) Senator Bengtson moved that they ACCEPT the executive's recommendation of 8.50 FTEs (full time equivalent employees) in personal services. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the governor's recommendation in operating expenses. The motion CARRIED unanimously.

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Senator Bengtson moved that they ACCEPT the executive's recommendation on funding in both years of the biennium. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the \$4,160 for a modification for artifact conservation project for 1988. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the modification of \$3,000 in each year of the biennium for the photograph program. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the museum exhibit renovation of \$40,000 for each year of the biennium. The motion CARRIED unanimously.

Magazine Program (250) Senator Bengtson moved that they ACCEPT the LFA's recommendations on personal services for both years of the biennium. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the LFA's recommendation on operating expenses in both years of the biennium. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the LFA's numbers of \$41,320 for non-operating in both years of the biennium. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the LFA's recommendation on the funding in both years of the biennium. The motion CARRIED unanimously.

Mr. Wolcott advised that he had \$199,000 in the Historical Society enterprise fund (06002) and the profits from that program fund 06013, and he does not have enough there, so he asked the committee to allow him to make the adjustments based on the motions previously made and based on the proportional breakout of the funding. Senator Bengtson moved that they do this. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the magazine promotion for \$5,000 for each year of the biennium. The motion CARRIED unanimously.

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Senator Bengtson moved that they ACCEPT the modification for increased spending for the centennial in the amount of \$30,000 for FY 88 and \$40,000 for FY 89. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the modification for press expansion for the centennial for \$15,000 in FY 88 and \$40,000 in FY 89. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT \$18,700 as increased spending for the increased cost of subscriptions for both years of the biennium. The motion CARRIED unanimously.

Historical Sites: (370)

Senator Bengtson moved that they ACCEPT the executive's recommendation of 6.5 FTE for personal services. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the governor's recommendation on operating expenses. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the executive's recommendations on the non-operating. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the governor's figures on the funding mix. The motion CARRIED unanimously.

Archives Program: (400)

Senator Bengtson moved that they ACCEPT the executive's recommendation on personal services. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the executive's recommendation on operating expenses. The motion CARRIED unanimously.

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Senator Bengtson moved that they ACCEPT the governor's recommendation on funding. The motion CARRIED unani-  
mously.

Senator Bengtson moved that they ACCEPT \$2,500 for travel modification for each year of the biennium. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT \$8,000 for both years of the biennium for microfilming. The motion CARRIED unanimously.

Photo Archives: (440)

Senator Bengtson moved that they ACCEPT the LFA recom- mendations on personal services. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the LFA's recom- mendation on operating expenses. The motion CARRIED unanimously.

Senator Bengtson moved that they ACCEPT the LFA's recom- mendation on the funding mix. The motion CARRIED unani-  
mously.

Senator Bengtson moved that they ACCEPT the \$5,000 for FY 88 for the foundation and be allowed to spend that money. The motion CARRIED unanimously.

Education Program: (450)

Senator Bengtson moved that they ACCEPT the executive's recommendation on personal services for both years of the biennium. The motion CARRIED with Senator Haffey voting no.

Senator Bengtson moved that they ACCEPT the governor's recommendation on operating expenses. The motion CAR- RIED unanimously.

Senator Bengtson moved that they ACCEPT the governor's recommendation on funding. The motion CARRIED unani-  
mously.

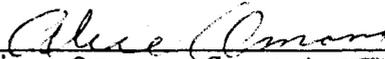
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ADJOURNMENT: There being no further business, the meeting was adjourned at 9:25 a.m.



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REPRESENTATIVE MILLER, Chairman



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Alice Omang, Secretary

ROLL CALL VOTE

INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

DATE February 11, 1987

AGENCY Historical Society

NUMBER #1

NAME	AYE	NAY
REP. RON MILLER, CHAIRMAN	X	
SEN. BENGTON, V. CHAIRMAN	X	
SEN. HAFEEY		X
SEN. TVEIT	X	
REP. MENAHAN		X
REP. MENKE	X	

TALLY 4 2

*Alice O'neary*  
Secretary

\_\_\_\_\_  
Chairman

Motion: To apply 4% vacancy savings for the total program.

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\_\_\_\_\_

2/11/87  
Geo. Hannis

Agency Summary Budget Detail Summary	Actual	Budgeted	Recommendation	
	FY 1986	FY 1987	FY 1988	FY 1989
Full Time Equivalent Employees	4.00	4.00	4.00	4.00
Personal Services	129,312.02	123,042	120,255	120,216
Operating Expenses	29,254.03	36,800	34,793	32,472
Equipment	1,492.14	0	0	0
Debt Service	562.50	0	0	0
<b>Total Agency Costs</b>	<b>\$160,620.69</b>	<b>\$159,842</b>	<b>\$155,048</b>	<b>\$152,688</b>
General Fund	160,620.69	159,842	155,048	152,688
<b>Total Funding Costs</b>	<b>\$160,620.69</b>	<b>\$159,842</b>	<b>\$155,048</b>	<b>\$152,688</b>
Current Level Services	160,620.69	159,842	155,048	152,688
<b>Total Service Costs</b>	<b>\$160,620.69</b>	<b>\$159,842</b>	<b>\$155,048</b>	<b>\$152,688</b>

**Agency Description**

The Board of Pardons consists of three regular members and an auxiliary member appointed by the Governor with the advice and consent of the Senate. The board is responsible for the release of inmates on parole and furlough, and reviews and makes recommendations to the Governor on all cases of executive clemency. The board endeavors to secure the effective application and improvement of the Parole and Probation System and the laws upon which it is based. The board is allocated to the Department of Institutions for administrative purposes. Statutory authority of the board is found in sections 2-15-2302 and 46-23-104, MCA.

**Budget Issues**

The FY86 base for the Board of Pardons was reduced by \$9,059 to cover unfunded pay plan increases and percentage reductions. This base was then increased by \$7,760 for increased operational costs in FY88 and FY89. These operational increases are for additional per diem which was not reflected in the FY86 base because of the illness of a board member. Also, there are additional communication costs which were previously paid by the prison. Some minor inflationary adjustments were made. A 4% vacancy savings factor was applied. Audit costs are only reflected in FY88.

## MONTANA YOUTH TREATMENT CENTER

Agency Summary Budget Detail Summary	Actual FY 1986	Budgeted FY 1987	Recommendation FY 1988      FY 1989	
Full Time Equivalent Employees	95.52	112.26	.00	.00
Personal Services	1,677,473.20	1,042,189	0	0
Operating Expenses	463,243.37	229,263	0	0
Equipment	129.00	0	0	0
Debt Service	232.95	0	0	0
<b>Total Agency Costs</b>	<b>\$2,141,078.52</b>	<b>\$1,271,452</b>	<b>\$0</b>	<b>\$0</b>
General Fund	2,095,064.74	1,201,832	0	0
Federal & Other Spec Rev Fund	38,000.16	41,555	0	0
Proprietary Fund	8,013.62	28,065	0	0
<b>Total Funding Costs</b>	<b>\$2,141,078.52</b>	<b>\$1,271,452</b>	<b>\$0</b>	<b>\$0</b>
Current Level Services	2,133,191.36	1,271,452	0	0
Modified Level Services	7,887.16	0	0	0
<b>Total Service Costs</b>	<b>\$2,141,078.52</b>	<b>\$1,271,452</b>	<b>\$0</b>	<b>\$0</b>

**Agency Description**

The Montana Youth Treatment Center is a 60-bed facility which provides inpatient psychiatric treatment for seriously emotionally disturbed youth. The Center provides a full range of mental health treatment services and, in addition, offers education, recreation, and vocational counseling programs.

**Budget Issues**

During the June 1986 Special Session, the Legislature passed House Bill 36 which authorized the sale of the Montana Youth Treatment Center to a private provider. Since that time the facility has been sold effective December 31, 1986. Consequently, there is no budget proposal for this agency.

EXHIBIT 2  
2/11/89  
Keith Woleott

BOARD OF PARDONS  
COMPARISON OF EXECUTIVE BUDGET AND LFA CURRENT LEVEL

	FTE FY '89	----- Biennium ----- General Fund	Total Funds
Executive Budget	4.00	\$307,736	\$307,736
LFA Current Level	4.00	316,392	316,392
Executive Over (Under) LFA	<u>0.00</u>	<u>\$(8,656)</u>	<u>\$(8,656)</u>

The executive budget is \$8,656 under the LFA current level general fund. The differences between the executive budget and LFA current level are discussed in the issues that follow.

ISSUE 1: VACANCY SAVINGS

The executive budget applies a 4 percent vacancy savings factor for a \$8,630 savings over the biennium. The LFA current level does not apply vacancy savings to this program.

ISSUE 2: BOARD PER DIEM

The executive budget includes \$16,676 per year for approximately 333 hearing and reading days compared with the LFA current level per diem of \$19,800 for 396 hearing and reading days. The executive per diem is \$6,248 under the LFA current level.

ISSUE 3: AUDIT COSTS

The executive budget includes \$2,352 for audit costs, which are included in the Department of Institutions Central Office in the LFA current level.

ISSUE 4: COMMUNICATIONS

The executive increased the Board of Pardons communications budget \$2,400 per year. These increases are not included in the LFA current level.

BOARD OF PARDONS

Budget Item	Actual	Appropriated	- - Current Level - -		% Change 1987-89 Biennium
	Fiscal 1986	Fiscal 1987	Fiscal 1988	Fiscal 1989	
F.T.E.	4.00	4.00	4.00	4.00	0.00
Personal Service	\$129,313	\$123,042	\$127,695	\$127,654	1.2
Operating Expense	29,255	36,800	30,500	30,543	(7.6)
Equipment	1,493	-0-	-0-	-0-	(100.0)
Total Operating Costs	\$160,061	\$159,842	\$158,195	\$158,197	(1.1)
Non-Operating Costs	563	-0-	-0-	-0-	(100.0)
Total Expenditures	<u>\$160,624</u>	<u>\$159,842</u>	<u>\$158,195</u>	<u>\$158,197</u>	<u>(1.3)</u>
<b>Fund Sources</b>					
General Fund	<u>\$160,624</u>	<u>\$159,842</u>	<u>\$158,195</u>	<u>\$158,197</u>	<u>(1.3)</u>

The Board of Pardons oversees Montana's inmate parole and furlough programs. The board also reviews requests for executive clemency and makes recommendations to the Governor concerning those requests.

The board consists of three members and an auxiliary member who are appointed by the Governor. At least one member is required to have particular knowledge of Indian culture and problems. Members are compensated \$50 for each day that board duties are actually and necessarily performed. In addition, board members are compensated for actual travel expenses incurred while performing board duties.

The board has four full-time employees, located in Deer Lodge, who perform support and administrative duties for the board.

Personal services increase only 1.2 percent due to turnover of positions which now cost \$5,000 less than the fiscal 1986 level. Operating costs decrease 7.6 percent from the 1987 biennium to the 1989 biennium. This reduction occurs mostly in travel where three out-of-state trips are budgeted rather than five. The general fund remains about the same as the 1987 biennium.

Fiscal 1986: Comparison of Actual Expenses to the Appropriation

The following table compares fiscal 1986 actual expenditures and funding to appropriations as anticipated by the 1985 legislature.

Table 1  
Comparison of the Appropriation to Actual Expenses - Fiscal 1986

<u>Budget Item</u>	<u>Legislature</u>	<u>Actual</u>	<u>Difference</u>
F.T.E.	4.00	4.00	0.00
Personal Service	\$126,681	\$129,313	\$(2,632)
Operating Expense	39,570	29,255	10,315
Equipment	-0-	1,493	(1,493)
Subtotal	<u>\$166,251</u>	<u>\$160,061</u>	<u>\$ 6,190</u>
Non-Operating Expenses	\$ -0-	\$ 563	\$ (563)
Total Exp. and Gen. Fund	<u>\$166,251</u>	<u>\$160,624</u>	<u>\$ 5,627</u>

The \$5,350 personal services savings resulting from the absence of two board members for most of the year was offset by termination costs in excess of \$7,000.

The operating savings of \$10,315 occurred primarily as a result of less travel (\$7,990) than anticipated, both in-state and out-of-state. The reduced travel occurred because one board member was ill much of the year and another member took a five month leave of absence to teach out-of-state. The balance of the savings occurred in consultant and professional services. The board spent \$1,493 on office equipment for which it was not budgeted.

Current Level Adjustments

Board per diem is included at \$19,800 to provide 396 hearing and reading days per year at \$50 per day per board member. This compares with a budget for 435 days for each year in the 1987 biennium. The board actually was paid for 328 days in fiscal 1986. As mentioned above, two board members were absent for extended periods during fiscal 1986 causing the decrease in hearing and reading days. Operating costs are increased approximately \$1,200 each year to adjust in-state travel to a three year average since the board had both board absences as well as employee turnover in fiscal 1986. The biennial audit fees of \$2,352 as quoted by the Office of the Legislative Auditor have been included in the central office budget.

Exhibit 3  
2/11/89  
K. Wolkoff  
Bd of Pardons

AGENCY: BOARD OF PARDONS

LEGISLATIVE ACTION

PROGRAM: BOARD SERVICES

BUDGET ITEM	FY 1986 Actual	Fiscal 1988		Fiscal 1989		FY 86-88 % Change
		Executive Current Level	Difference	Executive Current Level	Difference	
FTE	4.00	4.00	0.00	4.00	0.00	0.00
Personal Services	\$129,313	\$120,255	(\$7,440)	\$127,654	(\$7,438)	-0.01
Operating Expenses	\$29,255	\$34,793	\$4,293	\$30,543	\$1,929	0.04
Equipment	\$1,493	\$0	\$0	\$0	\$0	-1.00
Non-Operating	\$563	\$0	\$0	\$0	\$0	-1.00
<b>TOTAL EXPENSES</b>	<b>\$160,624</b>	<b>\$155,048</b>	<b>(\$3,147)</b>	<b>\$158,197</b>	<b>(\$5,509)</b>	<b>-0.02</b>

FUNDING

General Fund	\$160,624	\$155,048	(\$3,147)	\$158,197	(\$5,509)	-0.02
<b>TOTAL FUNDING</b>	<b>\$160,624</b>	<b>\$155,048</b>	<b>(\$3,147)</b>	<b>\$158,197</b>	<b>(\$5,509)</b>	<b>-0.02</b>

Personal Services

- The executive applied a 4 percent vacancy savings rate compared with a zero rate in the LFA current level. This difference amounts to \$4,316 in fiscal 1988 and \$4,314 in fiscal 1989.
- The LFA current level includes \$3,129 more each year of the biennium for per diem than the executive recommendation.

Operating Expenses

- The executive recommendation includes audit fees of \$2,352 in fiscal 1988 that has been moved to the central office by previous subcommittee action.
- The agency requested and the executive included increased telephone costs that are not included in current level. This difference amounts to \$2,244 each year of the biennium. The increase results from phone system charges at the board office in Deer Lodge that were paid by the prison previously.

Exhibit 4  
2/11/87  
Bd of Pardons

OFFICE OF BUDGET & PROGRAM PLANNING  
EXECUTIVE BUDGET SYSTEM  
AGENCY/PROGRAM/CONTROL --- BUDGET WORKSHEET

REPORT EBSR106  
DATE : 01/07/87  
TIME : 15/24/40

AGENCY : 6413 BOARD OF PARDONS  
PROGRAM : 01 BOARD SERVICES  
CONTROL : 00000

AE/OE	DESCRIPTION	OBPP FY 88	LFA FY 88	DIFF FY 88	SUB-CMT FY 88	OBPP FY 89	LFA FY 89	DIFF FY 89	SUB-CMT FY 89
0000	FULL TIME EQUIVALENT (FTE)	4,00	4,00			4,00	4,00		
1100	SALARIES	89,005	89,005			88,795	88,795		
1300	OTHER COMPENSATION	16,676		16,676		16,676		16,676	
1400	EMPLOYEE BENEFITS	13,370	13,370			13,539	13,539		
1500	HEALTH INSURANCE	5,520	5,520			5,520	5,520		
1600	VACANCY SAVINGS	-4,316		-4,316		-4,314		-4,314	
1800	TOTAL SECOND LEVEL	120,255	127,695	-7,440		120,216	127,654	-7,438	
2022	SUPPLIES & MATERIALS-INFLATION	3	-23	26		15		15	
2023	COMMUNICATIONS-INFLATION	36	36			55	55		
2100	CONTRACTED SERVICES	4,107	2,109	1,998		1,755	2,109	-354	
2200	SUPPLIES & MATERIALS	3,544	3,605	-61		3,544	3,605	-61	
2300	COMMUNICATIONS	11,867	9,472	2,395		11,867	9,472	2,395	
2400	TRAVEL	12,198	12,225	-27		12,198	12,225	-27	
2700	REPAIR & MAINTENANCE	2,047	2,084	-37		2,047	2,084	-37	
2800	OTHER EXPENSES	991	992	-1		991	993	-2	
	TOTAL SECOND LEVEL	34,793	30,500	4,293		32,472	30,543	1,929	
	TOTAL PROGRAM	155,048	158,195	-3,147		152,688	158,197	-5,509	
01100	GENERAL FUND	155,048	158,195	-3,147		152,688	158,197	-5,509	
	TOTAL PROGRAM	155,048	158,195	-3,147		152,688	158,197	-5,509	

4

Exhibits  
2/11/87  
Hank Burgess  
Bd. of Pardons

PAROLE BOARD DATA 1976 - 1984

Column	1	2	3	4	5	6	7
	Total Cases	Interviewed for Parole	Paroled-%age	First Time Offenders	Average Months Incarcerated	Parole Revocations	Revoked for New Crimes
1976	590	371	274 (73%)	83%	13.8	90 (32.8%)	20 (13.7%)
1977	743	446	322 (72%)	80%	12.5	105 (32.6%)	25 (7.0%)
1978	799	390	253 (65%)	68%	13.9	125 (49.0%)	31 (12.0%)
1979	730	382	279 (73%)	61%	15.5	83 (29.7%)	18 (6.0%)
1980	727	380	267 (70%)	67%	18.2	75 (28.0%)	18 (7.0%)
1981	866	437	336 (76%)	48%	16.9	95 (28.3%)	22 (6.0%)
1982	913	470	329 (69%)	46%	14.4	78 (23.7%)	19 (5.7%)
1983	971	476	333 (70%)	40%	16.8	78 (23.4%)	26 (7.8%)
1984	998	507	271 (53%)	37%	15.8	92 (35.0%)	25 (9.2%)
1985	1048	561	236 (42%)	37%	18.0	96 (40.0%)	27 (11.4%)
1986	1073	547	309 (56%)	34%	18.6	80 (25.8%)	16 (5.0%)
	(89.4 /mo.)	(45.5/mo.)	(25.7/mo.)			(6.6/mo.)	

Burgess

