

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON INSTITUTIONS

Call to Order: By Vice Chairman Aklestad, on February 1, 1989, at 8:00 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Taryn Purdy, Associate Fiscal Analyst

Announcements/Discussion: Executive Action: Corrections

Taryn Purdy stated the subcommittee had not heard the presentation on corrections - medical and referred them to page D-22 of the LFA current level.

Curt Chisholm, Director, Dept. of Institutions, gave an overview of the corrections medical program. It is an agency level consolidated appropriation out of which they pay the medical bills of all incarcerated inmates in the system. They allocate the amount of money to the various institutions based on experience.

Dan Russell, Administrator, Corrections Div., stated that years ago they had medical budgets appropriated to each of the institutions, and they were finding they would have shortages in one area and overages in another. As a result they would ask for supplemental funding when they could have covered it within the program. They can shift that money around now. This year they had shortages everywhere but instead of asking for supplementals to complicate matters further they are making one request. It is easier to finance this way. Mr. Chisholm explained the way medical funds were paid was out of the general fund appropriation of each institution and there was a concern for everyone to define exactly what they were spending.

Rep. Menahan asked why the younger population at

Montana State Prison has such a high pharmacy budget. Mr. Chisholm explained that these people are not screened medically before they enter the prison but they come as a medically deficient population who have not taken responsibility for their lives. They enter with all sorts of medical problems such as tooth decay etc.

Rep. Menahan stated something should be done about the medication passed out and Mr. Russell stated they are on medication and don't allow them to keep medications in their cells. Sen. Aklestad expressed a concern about the people coming into the prison and what type of mandate they are really restricted to. Mr. Chisholm stated there is a responsibility on the part of the state to provide necessary levels of medical care for the incarcerated inmate population and anything short of that leaves the state open for litigation. The cases that have been coming down throughout the country support that. You have to attend to the medical needs of that population. These medical needs are reviewed and decisions are made by licensed physicians who have no vested interest in escalating the cost of the medical budgets for those institutions. There is a medical review panel and procedure and/or medical agendas are approved only when they feel it is clinically and medically indicated.

Tape 1A 187

Sen. Aklestad stated there used to be an electives procedure in some areas and wondered when that stopped. Mr. Chisholm said it hasn't stopped. There are three physicians on the medical review panel. Rep. Menahan asked if they could find the last doctor an inmate consulted before coming to the prison and how often he went to that doctor and what medications he was taking, and give the inmate nothing more than he received prior to prison. He believes that some of the medications given in the prison are not necessary.

Mr. Russell stated there are contraband problems and if the medication is passed out they eliminate that.

Rep. Peterson asked if the individual in prison is eligible for any medicaid or medicare while incarcerated. Mr. Chisholm stated they are not eligible for any of the federal entitlement programs because they are considered residents of a public institution.

Rep. Menahan asked how they can be denied when they have all the rights under the constitution. Mr. Chisholm stated he was not in a position to change this. A public institution is not eligible for outside care. Mr. Russell stated they are also not eligible for social security once they are incarcerated. When an inmate gets a major medical problem they immediately look at parole and look at every other outside source. They manage the appropriated money judiciously.

Tape 1A 300

Ms. Purdy discussed the LFA budget as described on Page D-20 under Corrections Division, and then compared the LFA current level with the executive budget. Current level maintains funding at the fiscal 1988 actual level.

Tape 2A 300

Sen. Bengtson asked why the executive did not include transportation of inmates under Women's Corrections. Mary LaFond, OBPP, stated that in the last two bienniums funding for the jails was not needed.

Mr. Chisholm discussed the current level and the demands of the system. The committee discussed the expansion and services. The committee asked about the daily cost per inmate at each of the institutions. The fiscal 1988 executive budget shows \$35.77 per day at the Montana State Prison. In the LFA current level budget now the Butte pre-release center is budgeted at \$35.97 per day based on cost in fiscal 1988, Great Falls pre-release center costs \$40.93 per day, and Alpha House in Billings costs \$38.30 per day per individual. The Missoula pre-release center cost is \$37.03 per day. The cost for intensive supervision is \$7.57 per day per individual, according to Mr. Russell.

Tape 2A 547

After more discussion from the committee, Mr. Chisholm and Mr. Russell, Sen. Bengtson made the following motions:

CORRECTIONS DIVISION ADMINISTRATION

Sen. Bengtson moved to accept the executive amount of \$1,937,104 under personal services for fiscal 1990 and

\$1,931,780 for fiscal 1991. Motion carried.

Sen. Bengtson moved to accept the recommendation of the LFA current level for operating expenses which will be \$1,710,929 for fiscal 1990 and \$1,716,429 for fiscal 1991. Motion carried.

Sen. Bengtson moved to accept the recommendation of the executive equipment budget of \$12,672 in fiscal 1990 and \$13,020 in fiscal 1991, which includes the purchase of one car per year. Motion carried.

Sen. Bengtson moved to accept the executive budget of \$896 for non operating expenses for the lease/purchase of copy machines in the Kalispell probation and parole office and in the Missoula pre-release center. Motion carried.

Sen. Bengtson moved to accept the executive recommendation of donations of \$1000 for fiscal 1990 and 1991. Motion carried.

Sen. Bengtson moved to accept the executive modified budget recommendation for a 2 percent increase in pre-release Center contracts. The contracted services and general fund amount is \$23,995 for fiscal 1990 and \$48,470 for fiscal 1991. Motion carried.

Sen. Bengtson moved to accept the recommendations of the executive budget for 5.0 FTE in fiscal 1990 and 1991 for intensive supervision expansion. The amount for personal services is \$108,971 for fiscal 1990 and \$117,159 for fiscal 1991. Operating expenses for fiscal 1990 are \$45,948 and in fiscal 1991 are \$53,348. Equipment for fiscal 1990 is \$100,450. Motion carried.

WOMEN'S CORRECTIONS

Sen. Bengtson moved to accept the executive recommendation for personal services of \$552,139 for fiscal 1990 and \$554,063 for fiscal 1991. The added benefits to executive budget is \$4,250 in fiscal 1990 and \$4,448 in fiscal 1991. Motion carried.

Sen. Bengtson moved to accept the executive on operating expenses of \$195,464 for fiscal 1990 and \$199,336

for fiscal 1991. Motion carried.

Sen. Bengtson moved to accept the LFA current level for equipment. Rep. Grady made a substitute motion to accept the executive budget recommendation of \$6,373 for fiscal 1990 and \$2,190 for fiscal 1991. Motion carried.

CORRECTIONS MEDICAL

Sen. Bengtson moved to accept the LFA current level for operating expenses of \$765,106 for fiscal 1990 and fiscal 1991. Motion carried.

ADJOURNMENT

Adjournment At: 10:00 a.m.



REP. WILLIAM MENAHAN, Chairman

WM/ms

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Feb. 1, 1989

DEPARTMENT OF INSTITUTIONS
CORRECTIONS DIVISION ADMINISTRATION

<u>PERSONAL SERVICES</u>	<u>1990</u>	<u>1991</u>
Executive FTE	75.5	75.5
LFA Current Level FTE	<u>75.5</u>	<u>75.5</u>
Difference	-0-	-0-
Executive	\$1,937,104	\$1,941,780
LFA Current Level	<u>1,937,104</u>	<u>1,941,780</u>
Difference	\$ -0-	\$ -0-

- - - - - Personal Services Issues - - - - -

1. Appropriations Committee Policy

Positions Deleted: None

Vacancy Savings Added:	<u>1990</u>	<u>1991</u>
Executive	\$38,594	\$38,676
LFA Current Level	\$76,358	\$76,429

Subcommittee Policy - HPI Drug Contract

Not Applicable

Executive Benefits

Added to Executive Benefits	\$1,305	\$1,408
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2. Committee Issues

Committee Action

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<u>OPERATING EXPENSES</u>	<u>1990</u>	<u>1991</u>
Executive	\$1,699,985	\$1,705,393
LFA Current Level	<u>1,710,929</u>	<u>1,716,429</u>
Difference	\$ (10,944)	\$ (11,036)

- - - - -Operating Expenses Issues - - - - -

1. Subcommittee Policy - HPI Drug Contract

Not Applicable

2. The difference between the LFA current level and the executive budget, which totals .6 percent of the total operating expense budget, is due to several factors throughout the budget.

LFA current level funds three requested increases to the budget not funded by the executive: 1) additional maintenance contracts on computer equipment totaling \$3,779 each year, 2) training fees of \$2,012 each year, and \$999 for rent of probation and parole and pre-release offices. Rent totals \$139,751 in the executive budget and \$140,750 in LFA current level.

The executive deleted telephone moving expenses of \$777, and reduced natural gas costs by an inflated \$2,394 in fiscal 1990 and \$2,484 in fiscal 1991.

The remainder of the difference is due to minor adjustments throughout the budget.

3. Committee Issues

Committee Action

2-1-88 LFA c
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<u>EQUIPMENT</u>	<u>1990</u>	<u>1991</u>
Executive	\$ 12,672	\$ 13,020
LFA Current Level	<u>43,234</u>	<u>43,234</u>
Difference	\$(30,562)	\$(30,214)

----- -Equipment Issues - -----

1. The executive funds a vehicle, high band radios, and breathalizers. LFA current level funds the average of actual fiscal 1986, 1987, and 1988 expenditures, which would allow the purchase of 9-10 automobiles.

2. Committee Issues

Committee Action

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9-10

NON OPERATING EXPENSES

1990

1991

Executive

\$896

\$896

LFA Current Level

896

896

Difference

-0-

-0-

- - - - - Grants Issues - - - - -

1. Non-operating expenses consist of debt service for the lease/purchase of copy machines in the Kalispell probation and parole office and in the Missoula pre-release center.

2. Committee Issues

Committee Action

FUNDING

1990

1991

Exec

LFA

Exec

LFA

Donations

\$1,000

\$1,000

\$1,000

\$1,000

- - - - - Funding Issues - - - - -

1. Committee Issues

Committee Action

**MODIFIED BUDGET
CORRECTIONS DIVISION**

Pre-Release Center Contracts

This modified budget would increase the contracts with the three contracted pre-release centers by 2 percent in fiscal 1990 and by an additional 2 percent in fiscal 1991.

	<u>1990</u>	<u>1991</u>
Contracted Services and General Fund	\$23,995	\$48,470

Committee Issues

Committee Action

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MODIFIED BUDGET
CORRECTIONS DIVISION

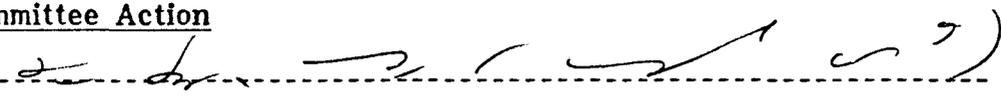
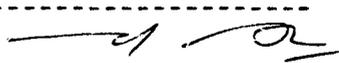
Intensive Supervision Expansion

This modified budget would establish intensive supervision programs in Missoula and Great Falls, and maintain the current program in Billings. Each program would have the capacity to serve 25 offenders. The programs involve electronic monitoring and more intensive supervision by officers than is afforded under regular parole, with a corresponding decrease in the number of probationers per officer. Intensive supervision was one of the recommendations of the Governor's Advisory Council.

	<u>1990</u>	<u>1991</u>
FTE	5.0	5.0
Personal Services	\$108,971	\$117,159
Operating Expenses	45,948	53,348
Equipment	<u>100,450</u>	<u>-0-</u>
Total Expenses and General Fund	\$255,369	\$170,507

Committee Issues

Committee Action

DEPARTMENT OF INSTITUTIONS
WOMEN'S CORRECTIONS

<u>PERSONAL SERVICES</u>	<u>1990</u>	<u>1991</u>
Executive FTE	24.0	24.0
LFA Current Level FTE	<u>24.0</u>	<u>24.0</u>
Difference	-0-	-0-
Executive	\$552,139	\$554,063
LFA Current Level	<u>552,139</u>	<u>554,063</u>
Difference	-0-	-0-

----- Personal Services Issues -----

1. Appropriations Committee Policy

Positions Deleted: None

Vacancy Savings Added:	<u>1990</u>	<u>1991</u>
Executive	\$10,560	\$10,579
LFA Current Level	\$21,164	\$21,187

Subcommittee Policy - HPI Drug Contract

Not Applicable - Women's Correctional Center HPI contract costs are part of Montana State Hospital's budget.

Executive Benefits

Added to Executive for Benefits	\$4,250	\$4,448
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2. Committee Issues

Committee Action

[Handwritten signatures and notes on lined paper]

<u>OPERATING EXPENSES</u>	<u>1990</u>	<u>1991</u>
Executive	\$195,464	\$199,336
LFA Current Level	<u>199,571</u>	<u>203,197</u>
Difference	\$ (4,107)	\$ (3,861)

- - - - - Operating Expenses Issues - - - - -

1. Subcommittee Policy - HPI Drug Contract

Not Applicable

2. The difference between LFA current level and the executive is due to two factors: a) the executive includes \$9,069 each year in variable costs to add an additional average daily population of 4.77, for a total ADP of 40.0, and b) LFA current level includes \$12,364 to transport and place inmates in local jails if necessary. The remainder of the difference is due to minor adjustments throughout the budget.

3. Committee Issues

Committee Action

[Handwritten signatures and notes on lined paper]

<u>EQUIPMENT</u>	<u>1990</u>	<u>1991</u>
Executive	\$6,373	\$2,190
LFA Current Level	<u>1,323</u>	<u>1,323</u>
Difference	\$5,050	\$ 867

----- -Equipment Issues - -----

1. LFA current level includes equipment at the average of the appropriated fiscal 1988, and the actual fiscal 1987 and fiscal 1986 level. The executive funds a microwave, refrigerator, television, duplicating machine, typewriter, washer, dishwasher, hand held radios, and mattresses.

2. Committee Issues

Committee Action

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The Women's Correctional Program is completely funded with general fund.

DEPARTMENT OF INSTITUTIONS
CORRECTIONS MEDICAL

<u>OPERATING EXPENSES</u>	<u>1990</u>	<u>1991</u>
Executive	\$780,327	\$803,574
LFA Current Level	<u>765,106</u>	<u>765,106</u>
Difference	\$ 15,221	\$ 38,468

----- -Operating Expenses Issues -----

1. The difference between the executive and LFA current level is due to two offsetting factors:

a) the executive deleted \$44,400 in fiscal 1990 and \$44,607 in fiscal 1991 in dentistry expenses, as the executive has funded 1.0 FTE dentist in Montana State Prison, and

b) the executive has added \$59,621 in fiscal 1990 and \$83,075 in fiscal 1991 due to anticipated increases in population at Montana State Prison, the Women's Correctional Center, and Alpha House in Billings.

2. Committee Issues

Committee Action

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The Corrections Medical Program is completely funded with general fund.

Exhibit 2

PRIVATE PRE-RELEASE CONTRACT COMPARISON FOR THE 90-91 BIENNIUM

	FY88 ACTUAL	CURRENT FY89 CONTRACTS	OBPP FY90	DBPP FY91	LFA FY90	LFA FY91
BOARD AND ROOM	\$1,199,756	\$1,222,985	\$1,199,756	\$1,199,756	\$1,199,965	\$1,199,965
2% INCREMENTAL	\$0	\$0	\$23,995	\$48,470	\$0	\$0
UTILITIES	\$31,810	\$34,925	\$35,332	\$37,499	\$37,486	\$50,080
TOTAL	\$1,231,566	\$1,257,910	\$1,259,083	\$1,285,725	\$1,237,451	\$1,250,045
			\$1,173	\$27,815	(\$20,459)	(\$7,865)
		OVER FY89 CONTRACTS	OVER FY89 CONTRACTS	UNDER FY89 CONTRACTS	UNDER FY89 CONTRACTS	

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PRIVATE PRE-RELEASE CONTRACT COMPARISON FOR THE 90-91 BIENNIUM

	FY88 ACTUAL	CURRENT FY89 CONTRACTS	OBPP FY90	OBPP FY91	LFA FY90	LFA FY91
BOARD AND ROOM	\$1,199,756	\$1,222,985	\$1,199,756	\$1,199,756	\$1,199,965	\$1,199,965
2% INCREMENTAL	\$0	\$0	\$23,995	\$48,470	\$0	\$0
UTILITIES	\$31,810	\$34,925	\$35,332	\$37,499	\$37,486	\$50,080
TOTAL	\$1,231,566	\$1,257,910	\$1,259,083	\$1,285,725	\$1,237,451	\$1,250,045
			\$1,173	\$27,815	(\$20,459)	(\$7,865)
a:\cort5			OVER FY89 CONTRACTS	OVER FY89 CONTRACTS	UNDER FY89 CONTRACTS	UNDER FY89 CONTRACTS

