

MINUTES OF THE MEETING OF THE JOINT APPROPRIATIONS SUBCOMMITTEE
ON INSTITUTIONS MONTANA STATE PRISON SUPPLEMENTAL
January 17, 1981

JACK K. MOORE, CHAIRMAN called the meeting for the Montana State Prison supplemental funding to order at 2:05 p.m.

Committee members present were:

Rep. Conroy
Rep. Ernst
Sen. Etchart
Sen. Thomas
Sen. Johnson

Testimony was given by Carroll South, Director of the Department of Institutions; Dan Russell, Director of Corrections Division; Bobbie Dixon, Fiscal Analyst for Corrections Division; Gene Huntington, Office of Budget and Program Planning; Jim Haubein, Department of Institutions; Jim Blodgett, Acting Warden at Montana State Prison; Bill McCrea, Business Manager, Montana State Prison and Curt Chisolm, Deputy Director, Department of Institutions.

MR. SOUTH stated the biggest problem in the supplemental funding is in the Personal Services area. This is due to the fact that 27 employees were hired without legislative authorization. The Budget Office gave the Prison authorization to hire the extra staff in October of fiscal '80 through fiscal year '81. He explained Exhibit 19, Page 2 relating to Vacancy Savings. He further explained that he recently visited the Prison and determined what positions were absolutely essential. He noted that he came up with 150.87 security Full Time Employees (FTE's). After that figure was arrived at, then the other FTE's were determined. He explained the main difference between the Legislative Fiscal Analyst (LFA) FTE figures and the Executive Budget figures is that the LFA is recommending the infirmary be closed. He stated that he recommends that it stay open and an additional 4.65 FTE would be required to man this position.

He explained that the LFA recommended the prisoners be taken to Galen and treated by the doctors there. He stated it was the contention of the Warden, that the infirmary not be closed, even if some patients go over to Galen. He noted the infirmary has a nine-bed capacity.

He further explained that within his proposal he had FTE's allocated to the Powell County Hospital, and the LFA does not. He stated his total FTE count of 261.79 includes what he feels is necessary, minus the ranch FTE's. The reason this figure is minus the ranch FTE's is because the LFA's figure also works without the ranch figures.

THE CHAIRMAN asked what the total authorized FTE's were.

MR. SOUTH stated the total FTE's are 289 minus the 21 FTE's for the ranch and the 2 FTE's for the license plate factory. He noted that he is further recommending a change in FTE's in some of the patrol areas. He felt the perimeter patrol was very important at this time until the new razor wire is ordered.

CHAIRMAN MOORE asked what portion of the budget the razor wire is listed under.

MR. SOUTH stated it is under Long Range Building Program.

MR. HAUBEIN stated that their estimate in the Long Range Building Program was for \$125,000, however with installation the cost may be \$135,000 or up.

SEN. JOHNSON asked if the razor wire is really that effective during the escapes.

MR. SOUTH feels that if it is placed strategically, it would be effective. He stated the most critical placement of this wire would be the top portion of the fence, and the coils need to be placed closer together. The new type of wire requested is more sophisticated than what is there presently.

REP. CONROY asked how the 21 FTE's were arrived at for the ranch area.

MR. SOUTH stated there are 21 FTE's authorized, but 19 FTE's are filled.

CHAIRMAN MOORE asked that Contracted Services deficit be discussed.

MR. HAUBEIN explained Contracted Services and the five main areas this includes. The first area is professional services, and the projected amount to be spent is \$59,731; the medical services have a projected amount of \$320,755; the dental contract plus other costs incurred in the dental area is projected to \$46,331; in the private and legal contract the projected expense is \$67,841 and the last area is the Contracted Security, when an inmate is moved to another area.

MR. SOUTH asked for the Committee to decide if there is going to be a straight line item for medical expenses that may occur during the year.

MR. HAUBEIN explained the Prison has taken two phones out recently to off-set the \$1,171 increase in the Communications deficit.

MR. SOUTH explained part of the deficit in the Repairs and Maintenance area was due to the repair of a roof last year. A severe hail storm destroyed the roof.

SEN. THOMAS asked if the State's insurance would take care of that.

MR. MC CREA stated they tried to get it paid by insurance, but it was refused.

MR. SOUTH noted that part of the expense was due to repair of a pump and casings on the well.

REP. CONROY asked how the Utility amount turned out to be a surplus.

MR. HAUBEIN explained the old Prison was open for a portion of the 1980 fiscal year. The cost for lights and gas were budgeted for the old Prison, and this amount inflated the fiscal '80 base.

CHAIRMAN MOORE asked if there were any comments on Equipment. He noted there was a \$10,000 figure for dental equipment that wasn't authorized.

MR. RUSSELL explained that expenditure has not been made yet. He stated the equipment there presently is so antique, that the present dentist under contract stated he will terminate his contract if the equipment is not replaced. The Prison did get a second opinion from Dr. Tiddy and he concurred that the equipment was not only antique but also hazardous.

SEN. JOHNSON asked what we pay the dentist at the Prison.

MR. RUSSELL stated the contract for the dentist is \$36,000 a year. The dentist works on 630 inmates. His contract is for two days a week. The \$36,000 amount also includes dental and lab services. The lab services are done elsewhere.

REP. CONROY asked if the dentist contract is done on a bid basis. Mr. McCrea stated this was a bid basis and this was the low bid.

CHAIRMAN MOORE asked how often the doctors at Galen help treat the prisoners.

MR. SOUTH stated they have refused to come over and if they were forced to serve at the Prison, they would quit.

MR. MC CREA stated the Galen doctors did come down to the prison from July, 1979 through April, 1980. Then they refused to come down, so it was necessary to go on a contract basis.

CHAIRMAN MOORE asked Mr. South if he assumed the Galen facility would not be used very often.

MR. SOUTH stated his proposal is not using the Galen Hospital at least until the next biennium. His proposal does include additional FTE's for staffing on a contract service at the local hospital and the Prison infirmary.

SEN. JOHNSON asked how many days a week the doctors from Helena come to the Prison.

MR. MC CREA stated that 3 doctors from Helena came down for the period from April to July. At this time there are two doctors under contract. They are Dr. Sabattini and Dr. Bertoglio and they have three days coverage. They are paid approximately \$200 - \$250 a day for their coverage.

SEN. JOHNSON asked if the Prison covered Dr. Sabattini's malpractice insurance.

MR. MC CREA stated that the malpractice insurance paid by the state while he is at Warm Springs does not cover him while he is under contract at the Prison. He felt the Doctor pays his own malpractice while practicing at the Prison. He knew that Dr. Bertoglio does pay his own malpractice insurance.

SEN. JOHNSON asked what the Prison pays for a doctor to come on call. Mr. Russell stated they pay a straight fee regardless of the medical care required. The Prison does not pay for an on-call visit. If there is an emergency, the prisoner is taken to the hospital in town.

SEN. JOHNSON asked how long the contract was for the two doctors currently employed. Mr. McCrea stated it was for the remainder of the fiscal year.

MR. CHISOLM stated the contract for the doctors presently there was negotiated at the beginning of this fiscal year due to the fact that the three physicians who were on contract before that did not want to continue.

SEN. JOHNSON asked of the nine beds in the infirmary, how many are occupied.

MR. RUSSELL stated the infirmary has never been full for any long period of time. Two prisoners have been there for over a year.

REP. CONROY stated he would like to see how many patients the dentist works on per week. He felt the fee was quite high for a two-day a week job.

MR. RUSSELL stated the last figures received from the dentist were that 30 to 40 patients per day were being served. He felt it should be brought out that the inmates in the Prison have a large amount of cavities and must be seen on a regular basis.

SEN. JOHNSON asked what the amount was for hospital guard services.

MR. HAUBEIN stated to date \$19,381 has been spent, and projected amount including outstanding bills is \$20,053.

SEN. JOHNSON asked how this amount was arrived at. Mr. McCrea stated the contract varies from county to county. They work mainly with off-duty officers for anywhere from \$6 to \$8 an hour. The patients who go to Deer Lodge are covered by the Prison's own staff.

SEN. JOHNSON asked what has been spent so far this year on Optometry.

MR. HAUBEIN stated to date \$4,097 has been spent. The local optometrist is contracted with for this service and he mainly comes to the Prison.

CHAIRMAN MOORE then asked that Personal Services be discussed.

SEN. ETCHART asked why weren't the 27 positions terminated according to plan.

MR. SOUTH stated the 27 positions were to be terminated when the move was made from the old Prison to the new. Once the move was made, it was decided there was not adequate staff to maintain the new prison as originally planned. Due to his recent tour of the prison, he has proposed to delete 5 FTE's out of the original 27 maintained this fiscal year.

CHAIRMAN MOORE noted that of the 27 FTE's, only 22 were correctional staff, two were social workers, two were LPN's and one was a recreational specialist.

MR. SOUTH noted the recreational specialist was also a security officer.

SEN. JOHNSON asked how much was overtime in the Personal Services area. Mr. South asked her to turn to Page 3 for the breakdown.

SEN. JOHNSON asked what Routine Overtime entails.

MR. BLODGETT stated the Routine Overtime pertains only to security officers. He explained the necessity for manning each post each day. He noted there were problems involved once the staffing was unbalanced on any particular shift. He stated in regard to their bargaining union contract, they may not transfer staff from one shift to another.

SEN. JOHNSON asked the Personal Services amount be broken down by administration and other areas.

MR. SOUTH explained there were 60.76 FTE's for administration, 36.5 for treatment area, 19.0 for ranch and dairy, and 150.87 for security and 12.66 for clerical. He noted, with the addition of 1 LPN, the total should be 261.79 FTE's.

SEN. JOHNSON asked how many security people were needed for each shift.

MR. RUSSELL stated before any action was taken on the staff, there were 131 correctional officers, 16 correctional sergeants, and 5 correctional lieutenants involved in the 6 housing units. He explained they have odd shifts operated on a five-day basis, 8 hours per day. He noted that during a day, approximately 65 to 70 security people are on guard. The remaining of the 131 figure are utilized either for night or relief duty. He explained the relief factor in regard to the three shifts and the problems that vacancies can cause in these shifts. He explained the turn-over rate for the last year has averaged 55 to 57%. While waiting to fill some of these positions, overtime is required.

SEN. JOHNSON asked why they do not contract for security in Deer Lodge.

MR. BLODGETT stated that Powell County Sheriff's Office consists of only 3 people. He felt the Prison would prefer to have their own staff handle the hospital stays by inmates. He noted they have had as high as 8 inmates in the hospital at one time.

MR. HAUBEIN stated that in the supplemental request, Page 12, is the \$44,386 cost for the Idaho inmates. He wanted it noted that a net return to the General Fund would be for \$117,923. He stated in the Personal Services area the amount of \$6,977 was included, and with the Operations, the amount of \$37,409 is included. He explained in order to have a record of expenditures, the amount has to be reverted back to the General Fund rather than go into the supplemental request.

There being no further discussion, the meeting adjourned at 3:25 p.m.

Jack K. Moore, Chairman

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MONTANA STATE PRISON

Montana State Prison is requesting \$1,277,627 in supplemental funding for the FY '81 biennium. The principle factors necessitating this supplemental request are unbudgeted personal services costs and contracted services. The \$1,277,627 supplemental request is based on deficits in the following categories:

1. Personal Services	(\$1,096,767)
2. Contracted Services	(375,969)
3. Communications	(1,171)
4. Travel	(8,712)
5. Repairs	(7,575)
Less Net Surplus in Other Budget Categories	<u>212,567</u>
Net Supplemental Request	(\$1,277,627)
1. <u>Personal Services deficit</u>	(1,096,767)
A. Additional FTE's - Prior to the last legislative session Montana State Prison was operating both the old and new Institutions. From the time that construction began to mid-completion, the population of the old prison increased to the point where it was evident that both new close units had to be increased in capacity. This fact, along with future population projections, prompted the Institution to increase each unit's capacity to 192 by adding bunks obtained from the old prison cell house.	

With this increase the institution realized that a comparable increase in security and support staff was needed to meet the need. MSP requested 50 additional FTE from the 46th Legislature. Of these, 25 were approved (21 Correctional Officer I, 2 Correctional Sergeants and 3 Cooks). This approval provided one (1) seven day security post in each of the 192 man close security units, plus two correctional sergeants to be available as supervisors for the units on an eight (8) hour five day week basis. Each of these units were subsequently reviewed and determined to require a minimum of three (3) seven day security officer posts in each unit as well as a seven day correctional sergeant on two of the three daily shifts.

The review of this need was conveyed in September 1979, to the Division of Corrections along with added support requirements needed. On September 28, 1979, the prison was notified that the O.B.P.P. had concurred with the prion's request to add staff positions and authorized the Institution to add modified positons not to exceed 27 FTE.

The 27 FTE's were retained from existing staff that were scheduled for lay-off when the old prison closed. The 27 FTE were used as follows:

<u>CLASSIFICATION: TITLE</u>	FTE
Correctional Officer 1	19
Correctional Sergeant	3
Social Worker	2
L.P.N. II	2
Recreation Specialist II	<u>1</u>
Total	27

These 27 FTE have been retained from that date to present. These positions were added to our authorized FTE and created a deficit situation within our personal services budget.

B. Vacancy Savings

The Personal Services deficit from HB 483 and HB 891 for FY 80-81 is detailed below:

FY 80 Vacancy Savings	FY 81 Vacancy Savings
HB 483 \$44,431	HB 483 \$257,973
HB 891 \$27,278	HB 891 \$ 60,835
Total \$71,709	*Total \$318,808

* 1981 Operational Plan show \$569,333 vacancy savings. This will be corrected in January accounting.

C. Overtime

	<u>FY 80</u>	<u>FY 81</u>
(1) Powell County Hospital	95,978	28,963
(2) Move from Old Prison	12,101	
(3) Idaho Inmates		4,211
(4) Escapes		6,614
(5) Routine	150,069	66,340
(6) Holiday	54,438	64,269
(7) Remaining Institutional	<u>28,131</u>	<u>26,012</u>
TOTALS	340,717	196,409

a. Powell County Hospital

The Prison Infirmary does not handle acute care or surgery patients. These cases must be transferred to the local hospital. A security officer(s) is required to both transport and provide on-site security for the patient. During FY 80 most all shifts at the hospital required overtime payment. During FY 81 adjustments in shift scheduling has been made to cut overtime costs. This necessitated closing security posts termed as essential but not critical.

b. Move from Old Prison

In September of 1979 the Old Prison was closed. All inmates were moved to the new site. Extra staff was required to provide transportation, shakedown and escort.

c. Idaho Inmates

On July 25, 1980, 40 prisoners from Idaho were moved to the Prison. During their five month stay these inmates created several major and minor incidents which required extra staff to assist. The institution has tracked all related costs and billed the State of Idaho. It is anticipated that all costs will be reimbursed.

d. Escapes

The overtime costs in FY 80 for escapes was not tracked. To date in FY 81 each overtime cost associated with such incident has been accounted for.

e. Routine

Overtime in this category is created by various reasons, including:

- (1) Institutional emergencies - principally inmate disturbances.
- (2) Imbalance in security FTE caused by:
 - excess of employees on any single shift absent due to sick leave, workman's comp., military leave, etc.
 - any position vacancies
- (3) Bargaining unit contract conditions which restrict the Prison's ability to compensate for FTE imbalance.

f. Holidays

The budget appropriation for overtime did not include any allowance for costs associated with holidays granted to employees throughout FY 80-81.

g. Remaining Institutional

This category includes all staff overtime other than security. It is necessary during maintenance emergencies such as loss of utilities. It is also accumulated in Departments such as medical and food service during excess staff absence and position vacancies.

2. Contracted Services

- A. Laundry - An agreement was reached whereby Warm Springs State Hospital would do the inmate laundry for the Prison. All laundry budget items were then deleted from the FY 80-81 prison budget request, including the funding for dry cleaning officers uniforms. Since the Union contract for the correctional officers requires that the prison provide and clean uniforms, no choice existed but to contract with the local dry cleaners to provide this service.
- B. Medical Services - An agreement was reached whereby Galen State Hospital would provide medical doctor coverage for the Prison Infirmary. For this reason no funding request for medical doctors was included in the FY 80-81 prison budget request. This service was provided by the Galen doctors at no cost to the prison, until April of 1980. The agreement was then dissolved at the request of Galen State Hospital. The Department of Institutions negotiated a contract with three doctors from Helena to provide the service through June of 1980. In July of 1980, new contracts were negotiated with a doctor from Warm Springs and a doctor from Deer Lodge, to provide the service. During FY 1980, 307 individual inmates received medical attention outside of the institution. Of these 307 inmates, 37 received treatment amounting to \$2,000 or more each.
- C. Hospital Guard Services - Whenever an inmate requires services from an out of town hospital, the police department of that town provides an off-duty officer as a guard for the inmates in lieu of the prison sending a guard out of town, which has proven in the past to be more expensive.
- D. Optometry - Current optometric services, are being provided on a fee for service basis. The costs fluctuate with changes in the prison population and needs of the population.
- E. Legal Fees - The majority of this deficit was created by two legal contracts. The U of M Law School and the Powell-Deer Lodge County Public Defender. Additional costs for legal fees have been paid throughout FY 80-81 for costs of defense and prosecution for inmates charged with felonies committed in the Institution.

3. Travel

Travel is a very uncontrollable category because of the number of in-state and out-of-state trips the Prison is requested to make. The Prison is required to make trips to any and every part of the nation to pick up and return parole violators. Inmates are transported to court appearances and doctor appointments on a routine basis.

4. Repairs and Maintenance

Deficit spending in repairs and maintenance can be attributed to the following major areas:

Buildings and Grounds - A \$5,000 expenditure was required to repair the roof on one of the warehouses that was leaking to the extent that serious damage was being done to the food-item inventory contained inside. The main water well system at the new institution experienced serious damage to the pump system and well casing due to excessive mineral deterioration. Repairs of pump and casing were required in the amount of \$5,113. Additional minor repairs were required to other building roofs in order to prevent further damages and costs. Other small individual costs were experienced in maintaining emergency projects in various areas such as food service, security control center, towers, etc.

ACTION TAKEN TO REDUCE EXPENSES

1. Personal Services

On February 1, 1980, a Utility Pool Concept was adopted for security posts. Posts were designated critical and essential with the essential posts being utilized for a pool of men to compensate for shift imbalance and the accumulation of excess overtime.

Termination pay was absorbed whenever possible by leaving positions vacant. Every attempt was made to leave positions vacant as long as practical and economical.

Five positions were left vacant for all or part of the year to generate savings. Four of these positions remain vacant and will continue through the fiscal year.

2. Supplies & Materials

Inventories were depleted rather than purchasing new materials. Future ordering has been placed on an emergency basis only. Each request will be justified and thoroughly reviewed.

3. Communications

A review of all telephone charges was made and the unnecessary of non-functional units were deleted.

4. Travel

The prison receives \$4 per day over and above the established per diem rate for safe keeping Federal Inmates. Whenever possible any administrative travel is charged to this account rather than the General Fund.

5. Rent

The rental agreement on the xerox machine was converted from an out right lease to a lease purchase arrangement.

Movies being rented for showing to the inmate population were discontinued.

6. Utilities

Thermostates are set at 65 degrees for heating and 78 degrees for cooling in buildings which are not living quarters or a hospital. Spaces not occupied are set at 55 degrees.

All hot water is set at 105 degrees in all buildings; not Food Services or Industrial/Manufacturing.

Energy saving industrial light bulbs are used on the perimeter lighting.

Tubes have been taken from fixtures where less light is required.

7. Repairs and Maintenance

Eight vehicles have been deadlined rather than repaired. The parts from these vehicles were used on similar vehicles rather than purchase new replacements.

The Preventive Maintenance Printing Program for the buildings was discontinued. Only minimal printing was performed.

8. Equipment

No vehicles were purchased in either fiscal year.

Montana State Prison

	FY 80 Expenditures	FY 81 Budgeted	Projected Expenditures	Surplus (Deficit)
Personal Services	4,240,599	3,241,247	4,338,014	(1,096,767)
Contracted Services	508,997	215,284	591,253	(375,969)
Supplies & Materials	889,217	1,130,266	955,407	174,859
Communications	30,483	30,900	32,071	(1,171)
Travel	6,774	7,346	16,058	(8,712)
Rent	8,070	14,494	2,191	12,303
Utilities	264,623	280,914	276,429	4,485
Repairs	35,989	48,000	55,575	(7,575)
Other	114,724	123,508	111,816	11,692
Equipment	<u>44,675</u>	<u>20,000</u>	<u>10,772</u>	<u>9,228</u>
Totals	6,144,151	5,111,959	6,389,586	(1,277,627)
Prior Year thru Dec. 80	<u>28,612</u>			
Total	6,172,763			

P:	AUTHORIZED	FILLED			DIFFERENCE
		7/1	6/30	AVERAGE	
FY'79	316.40	300.17	295.97	298.07	18.33
FY'80	269.17	244.00	244.25	244.13	25.04
FY'81	262.17	247.08	250.17	248.63	13.54

POPULATION

	BUDGETED	7/1	6/30	AVERAGE	DIFFERENCE
FY'79	550	592	648	615.40	+65.4
FY'80	718	651	626	631.68	-86.32
FY'81	718	624	641.36	634.70	-83.3

MONTANA STATE PRISON
NATURAL GAS

	FY79 ACTUAL	FY80 ACTUAL	FY81 PROJECTED
USAGE	150,278.7	87,707.6	75,582
\$	* 294,221	257,273	258,699
\$/MCF	1.85	2.93	** 3.78

* FY 79 Expenditures include a charge of \$15,539 for a meter malfunction which occurred in October of 1977.

** 17.98% Increase
12/19/79

ELECTRICITY

	FY79 ACTUAL	FY80 ACTUAL	FY81 PROJECTED
USAGE	2,318,561	1,748,906	1,900,042
\$	41,095	32,239	39,901
\$/KWH	.0177	.0184	* .021

* 18.88% Increase
12/19/79

OTHER UTILITIES

TYPE	FY79 ACTUAL	FY80 ACTUAL	FY81 PROJECTED
Heating Fuel	8,139	9,596	8,575
Lab Gas	10	25	-0-
Water & Sewer	2,752	2,798	1,297
Garbage	* 2,059	2,200	179

* Prior Year
Exp. Adj.

Less Ranch Utilities (47,746) (39,508) (59,222)

Net Prison Utilities Cost

208,471

264,623

276,490

Idaho Inmates - July 25, 1980 - January 5, 1981

Revenues:

First billing July 25 - November 30, 1980	136,087
Estimated billings December 1, 1980 - January 5, 1981	<u>26,754</u>

Total Revenue

\$162,841

Expenses:

Personal Services - Additional

Regular	1876
Overtime	4211
Christmas Night Disturbance	<u>890</u>

6,977

Medical Costs	13,088
Supplies & Materials	6,208
Travel	57
Inmate Pay	866
Canteen Items	532
Paper products for feeding in units	788
Damage to unit during disturbance	627
Food costs	<u>15,243</u>

37,409

Payment to inmate canteen

\$44,386
532

Net Return to General Fund

\$117,923