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MINUTES OF THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
INSTITUTIONS  
February 15, 1983

Side 66 The meeting was called to order at 8:10 a.m. in Room 108 of the Capitol Building.

Members present were Sen. Mark Etchart, Sen. Bill Thomas, Rep. Bob Thoft, Sen. Donald Ochsner, Rep. Steve Waldron, and Rep. Glenn Roush.

Also present were Norm Rostocki of the Legislative Fiscal Analyst's Office (LFA), Bill Gosnell of the Governor's Office of Budget and Program Planning (OBPP), Carroll South, director of the Department of Institutions, Dan Russell, administrator of the Corrections Division, and Jerry Hoover, administrator of the Mental Health and Residential Services Division.

HOUSE BILL 778

(014) The committee discussed House Bill 778, a bill to require inmates to reimburse the state for the cost of their imprisonment. Rep. Thoft had a concern that this bill would take all of a prisoner's money but Chairman Waldron assured him that fees would be generated based on the prisoner's ability to pay.

The committee felt this law should only apply to the adult corrections and not to the juvenile facilities. It was suggested that the title be change to read "adult" prisoners.

ALCOHOL AND DRUG ABUSE DIVISION

(072) Mr. Rostocki presented the committee with tentative language for alcohol funding (see Attachment 1). This language would ensure that the counties were funded to maintain their alcohol programs in case alcohol money does not come through. This would allow the Department to keep those programs at current level.

Mr. Rostocki made sure the committee was aware that this action would create a base that would eventually use up all of the block grant money and, in the biennium after this, the fund could be broke. Unless liquor taxes were raised or General Fund supplants the block grant funds, there would not be sufficient funds to maintain the current level programs. The committee discussed this funding language in detail.

The committee accepted the proposed language.

LA

Institutions Subcommittee  
February 15, 1983  
Page 2

#### CORRECTIONS DIVISION

(223) The committee discussed the start up costs for the pre-release centers (see Attachment 2). These costs do not include the building or the rate per day. The Department would like to line item this expenditure in case the centers do not start up by June 30.

SEN. THOMAS moved that, it is the intent of the subcommittee to allow the Department of Institutions to expend \$75,547 per pre-release center for start up costs in FY'83.

The motion was passed UNANIMOUSLY.

REP. ROUSH moved to reappropriate the start up funds for the next fiscal year if the pre-release centers are not started by July 1, 1983.

The motion was passed UNANIMOUSLY.

#### Contracted Services (404)

REP. ROUSH moved to accept the OBPP recommendation for Contracted Services.

The motion was passed UNANIMOUSLY.

The committee discussed transferring funds from this Contracted Services account to the Prison until the pre-release centers are started.

#### Personal Services (484)

SEN. ETCHART moved to accept the LFA recommendation for Personal Services.

The motion was passed UNANIMOUSLY.

SEN. THOMAS moved to continue language from the special session appropriations bill allowing the Department to move funds from Contracted Services for the pre-release centers to be utilized in housing prisoners at Montana State Prison if the pre-release centers are not developed.

The motion was passed UNANIMOUSLY.

#### Supplies and Materials (530)

SEN. ETCHART moved to accept the LFA recommendation for Supplies and Materials.

The motion was passed UNANIMOUSLY.

Communications (546)

REP. ROUSH moved to accept the LFA recommendation for Communications.

The motion was passed UNANIMOUSLY.

Travel (574)

SEN. OCHSNER moved to accept the LFA recommendation for Travel.

The motion was passed UNANIMOUSLY.

Rent (579)

SEN. ETCHART moved to accept the OBPP recommendation for Rent.

The motion was passed UNANIMOUSLY.

Utilities (592)

SEN. OCHSNER moved to accept the OBPP recommendation for Utilities.

The motion was passed UNANIMOUSLY.

Repairs and Maintenance (603)

The major difference in this area is that the Department expects to get used vehicles from the closure of the Department of Highways Motor Pool.

SEN. OCHSNER moved to accept the LFA recommendation for Repairs and Maintenance.

The motion failed a voice vote.

REP. ROUSH moved to accept the OBPP recommendation for Repairs and Maintenance.

The committee decided to vote on Equipment before deciding on Repairs and Maintenance. Rep. Roush withdrew his motion.

Equipment (036)

The committee discussed the Equipment request (see Attachment 3). The major difference was that the LFA included funds for the purchase of new cars and the OBPP did not. That would account for the difference in car maintenance under Repairs and Maintenance.

SEN. ETCHART moved to accept the OBPP recommendation for Equipment.

The motion was passed UNANIMOUSLY.

Repairs and Maintenance (080)

SEN. ETCHART moved to accept the OBPP recommendation for Repairs and Maintenance.

The motion was passed UNANIMOUSLY.

Other Expenses (083)

REP. ROUSH moved to accept the LFA recommendation for Other Expenses.

The motion was passed UNANIMOUSLY.

District Youth Guidance Homes (105)

REP. THOFT moved to accept the OBPP recommendation for District Youth Guidance Homes.

The motion was passed UNANIMOUSLY.

Interest and Income (137)

SEN. ETCHART moved to accept the OBPP recommendation for Interest and Income funding.

The motion was passed UNANIMOUSLY.

Alpha House Renovation (190)

SEN. THOMAS moved to authorize \$15,000 for renovation of the Alpha House.

The motion was passed UNANIMOUSLY.

YOUTH TREATMENT CENTER

(222) The Department had some requests in the FY'84 budget that will be spent in the FY'85 budget but would not be requested in the FY'85 budget. The FY'84 budget was deleted because the facility will not be open until FY'85 and there were some requests in that deleted budget that the Department needs to purchase in FY'85.

Equipment (352)

There is \$83,000 for equipment that won't come out of contingency funds. There was some discussion about whether the equipment should come out of this committee or from the Long Range Building Committee.

The committee decided to try to fund some of the equipment request through the Long Range Building Committee.

Executive Action (463)

The committee worked off of a revised budget which would delete the FY'84 budget (see Attachment 4).

Equipment (465)

SEN. ETCHART moved to accept the LFA recommendation for Equipment of \$57,024 for FY'85.

The motion was passed UNANIMOUSLY. .

This expenditure will come out of the Operating Expenses for that year because the center won't start up until after July 1, 1985.

Psychiatrist (491)

REP. THOFT moved to authorize 1 additional FTE for a psychiatrist at \$71,000 per year and delete \$64,008 in Contracted Services.

The motion was passed UNANIMOUSLY.

SEN. ETCHART moved to accept the LFA recommendation for the Youth Treatment Center budget with the adjustments made in previous motions and the inclusion of reversion language if the center is not operational at the beginning of FY'85.

The motion was passed UNANIMOUSLY.

LA

Institutions Subcommittee  
February 15, 1983  
Page 6

Chairman Waldron stated that it is the understanding of the subcommittee that the Department will have to make some necessary one time expenditures as part of the start up costs and that will be reflected in a lower level of reversion.

#### CORRECTIONS DIVISION

##### Modified Budget (590)

This request was for an additional 5 FTEs Probation and Parole Officers and 1 FTE clerical support.

Side 68

SEN. ETCHART moved to authorize the funding of 2 additional FTEs for Probation and Parole Officers recognizing the increased workload from Region IV.

The motion was passed UNANIMOUSLY.

#### HOUSE BILL 759

(066) The chairman of the House Appropriations Committee assigned House Bill 759 to this subcommittee for its recommendation. The bill would be to appropriate money to the Department of Institutions for an increase of 25 in the average daily population of Warm Springs State Hospital; providing for a reversion of funding on a pro rata basis (see Attachment 5).

SEN. ETCHART recommended that House Bill 759 DO NOT PASS.

The recommendation was passed UNANIMOUSLY.

#### CORRECTIONS DIVISION

##### Drug Testing (171)

The Department of Justice has implemented a fee system for drug testing at the Forensic Science Lab in Missoula. The Department would like to cut down some of these costs by purchasing an Emit System which would pre-test urine samples so only the positive tests would need to be sent to the Crime Lab. This Emit System would cost a one time expense of \$16,750 for equipment for the three existing pre-release centers and the two new pre-release centers. There would be an ongoing expense of \$27,000 per year for the testing (see Attachment 6).

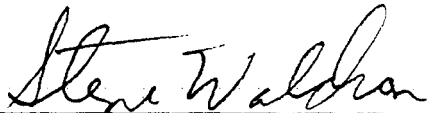
Institutions Subcommittee  
February 15, 1983  
Page 7

Mr. South submitted a letter from the Attorney General requiring these fees (see Attachment 7). The committee discussed how these fees might affect the General Fund portion of the Department of Justice budget. The LFA would research this matter further.

The Emit System tests are not admissable in court which is why there would still be a need to send tests to the Crime Lab.

The meeting was adjourned at 10:45 a.m.

Respectfully submitted:

  
\_\_\_\_\_  
Steve Waldron, Chairman  
Approved

SW/lt

Proposed Language for Alcohol Funding

The Department of Institutions is authorized to maintain an aggregate funding level of \$2,281,470 during fiscal 1984 and \$2,512,552 during fiscal 1985 for those substance abuse programs which during fiscal 1983 were partially or totally funded under the provisions of 53-24-202, MCA.

The Department is authorized to augment the actual funding available under 53-24-206, MCA by utilizing available Alcohol Federal Block Grant funding to attain the aggregate funding levels specified above except that 25 percent of each federal fiscal year's block grant shall be retained for the following state fiscal year.

Expenditures of revenues available under 53-24-204, MCA when combined with the discretionary distribution of the Alcohol Federal Block Grant <sup>may</sup> not exceed the aggregate funding totals specified above.



## PROJECTED START-UP COSTS FOR ONE PRE-RELEASE CENTER

Personal Services

Director (2 months prior to opening)	\$ 3,833
Staff (3 weeks prior to opening)	11,000
Benefits	<u>2,500</u>
Total Personal Services	\$ 17,333

Other

Training (Prior to opening)	\$ 800
Professional Insurance	1,700
Liability Bonds	400
Printing	25
Communications (hook-up, etc, prior to opening)	1,200
Travel	150
Utilities (Prior to opening)	314
Rent	2,538
Vehicle Insurance	666
Vehicle Licenses	212
Supplies (Office, laundry, etc.)	<u>468</u>
Total Other	\$ 8,473

<u>Equipment (New)</u> 14,000	\$ 35,741
Additional \$10,000 for purchase of Van	<u>14,000</u>

Total Equipment	\$ 49,741
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TOTAL START-UP FUNDS	\$ 75,547
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	1984		1985		
	LFA	Eng	LFA	Eng	
Boat Office Case					1
FY84-9 @ 7528					2
FY85-4 @ 8055					3
					4
					5
					6
					7
					8
Freezer 31X	525	954			9
Refrigerator 50" x 60"	572	1208			10
Sleep Camp Cleaner		1897			11
Washer	355	376			12
Dryer	370	381			13
Microwave		371			14
Food Processor		371			15
Deep Fat Fryer		371			16
2- Fire Rod Eile Glend		539			17
2- Chairs		318			18
					19
Aluminum Camp House					20
					21
2- Runk Beds -		565	200		22
2- Stoves		900			23
2- Dishwashers		778			24
3- Woodstove Cords		398			25
1- Vacuum Cleaner		571			26
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12- Two-Way Radio		1387			32
4- Dictating Machines		2220			33
1- Typewriter		988			34
2- Typewriter Stands		551			35
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YEP					38
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1- Color TV		219			40
1- Vacuum Cleaner		371			41
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		1994		1995	
		LFA	Exec	LFA	Exec
Task Shell Training 1-1100 Tape Drive/Route 1- Slide Projector	1				
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REPORT EBSR100  
DATE: 01/08/83  
TIME: 16/43/41

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

AGENCY : 6414 MONTANA YOUTH TREATMENT CENTER  
PROGRAM : 01 TREATMENT SERVICES  
CONTROL : 64141 NEW UNIT


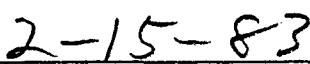
AE/OE	DESCRIPTION	OBPP FY 84	LFA FY 84	DIFF. FY 84	SUB-CMT. FY 84	OBPP FY 85	LFA FY 85	DIFF. FY 85	SUB-CMT. FY 85
0000	FULL TIME EQUIVALENT (FTE)								
1100	SALARIES						108,413	108,413	
1400	EMPLOYEE BENEFITS						1,560,478	1,560,478	
1500	HEALTH INSURANCE						321,500	321,500	
1800							104,093	104,093	
							984	984	
	TOTAL LEVEL						1,987,055	1,987,055	
2100	CONTRACTED SERVICES						149,674	149,674	
2200	SUPPLIES & MATERIALS						138,160	138,160	
2300	COMMUNICATIONS						8,841	8,841	
2400	TRAVEL						1,000	1,000	
2500	RENT						3,685	3,685	
2600	UTILITIES						71,802	71,802	
2700	REPAIR & MAINTENANCE						14,660	14,660	
2800	OTHER EXPENSES						1,870	1,870	
	TOTAL LEVEL						389,692	389,692	
3100	EQUIPMENT								
	TOTAL LEVEL								
	TOTAL PROGRAM						2,376,747	2,376,747	
01100	GENERAL FUND						2,338,736	2,338,736	
03085	D OF I - SCHOOL FOOD REIMB.						38,011	38,011	
	TOTAL PROGRAM						2,376,747	2,376,747	

February 15, 1983

TO: REPRESENTATIVE WALDRON, Chairman of subcommittee on Institutions  
FROM: REPRESENTATIVE BARDANOUVE, Chairman of Appropriations Committee  
SUBJECT: HOUSE BILL 759

Today House Bill 759 is assigned to your subcommittee for review and recommendations. A copy of the bill (printed copy) is attached.

  
FRANCIS BARDANOUVE

  
Received By  
  
Date

FB/jc

1 House BILL NO. 759  
2 INTRODUCED BY Monahan-Kearney-Halley - Schmitt  
3 Andrew Hall, David Brand, Vynnyk

4 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO  
5 THE DEPARTMENT OF INSTITUTIONS FOR AN INCREASE OF 25 IN THE  
6 AVERAGE DAILY POPULATION OF THE WARM SPRINGS STATE HOSPITAL;  
7 PROVIDING FOR A REVERSION OF FUNDING ON A PRO RATA BASIS."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Appropriation. There is appropriated from  
11 the general fund, for the biennium ending June 30, 1985, to  
12 the Department of Institutions \$723,000 for an increase of  
13 25 in the average daily population at the Warm Springs State  
14 Hospital.

15 Section 2. Reversion of funds. If the average daily  
16 population does not increase by the 25 provided for in  
17 section 1 over the number provided for in the general  
18 appropriation bill, a pro rata portion of the funding  
19 provided in section 1 shall revert to the general fund.

-End-

INTRODUCED BILL

11/13/759

Drug TestingEmit Systems

3 Existing Pre release = 10,050

2 New Pre release = 6,700

Total Equip = \$16,750

16,750

Emit Tests

4 - 25 man Centers = 14,400 yr.

1 - 12 woman Center = 1,800 yr.

Total Emit tests 16,200

16,200

Msla Drug Lab Tests4 - 25 man Ctrs. = 9600 yr.  
(20 tests mo)1 - 12 woman Ctr. = 1200 yr.  
(10 tests mo)Total Drug Lab tests 10,800

10,800

Total

\$ 43,750

Emits — 3350 per unit

2 New Pre release — 6700 (2 @ 3350)

3 Existing PreRelease 10,050 (3 @ 3350)

Emit Cost of Testing — 3.00 / test

100 test / mo

— MLSC

— Alpha House

— 2 New pre release

400 tests / mo  $\times 3.00 = 1200$

1200 mo / for emit's tests  $\times 12 = 14,400$  yr.

50 tests / mo

— WLSC - Billings

50 tests / mo  $\times 3.00 = 150$

150 mo  $\times 12 =$

\$1,800 yr



# Drug Lab Testing

4 Pre-release ctrs

- MSLC
- Alpha
- 2 new

$$4 \text{ centers} \times 20 \text{ tests mo} / \times 10.00 \text{ per test} = 800 \text{ mo}$$

$$800 \text{ mo} \times 12 = \underline{9600 \text{ yr.}}$$

1 Pre-release ctr

- WLSC

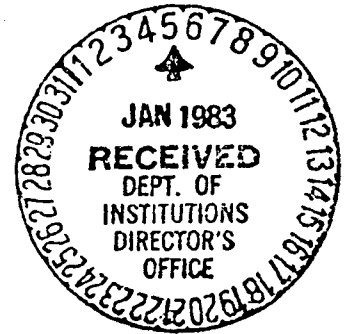
$$1 \text{ ctr} \times 10 \text{ tests mo} \times 10.00 = 100 \text{ mo}$$

$$\# 100 \text{ mo} \times 12 = \underline{1200 \text{ yr.}}$$

STATE  
OF  
MONTANA  
**ATTORNEY GENERAL**  
**MIKE GREELY**

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

4 January 1983



Carroll South, Director  
Montana Department of Institutions  
1539 Eleventh Avenue  
Helena, Montana 59601

Dear Carroll:

As you are aware, the Montana Criminal Investigation Laboratory, Department of Justice, performs drug screens in support of the Department of Institutions' drug treatment program under the auspices of the Corrections Support Bureau. The Laboratory also analyzes samples relating to coroners' cases and DUI cases, all of which must receive high priority. The continuing increase in caseload has reached a level of 40 coroners' cases per month and 300 DUI cases per month, limiting the Laboratory's capacity for analysis of Department of Institutions' drug screens to a maximum of 125 samples per month. Presently, the Laboratory receives more than 200 drug screens per month from the Department of Institutions, far surpassing its capacity in light of limited staff and increasing workload in its other areas of responsibility. The outlook, moreover, is not encouraging: Corrections Support Bureau Chief, Jim Pomroy, has informed the Laboratory that expansion of the drug treatment program will increase the caseload of Institutions drug screens to an estimated 350-400 samples per month. In short, the Toxicology section of the Laboratory--with its 16 FTE--faces an avalanche of drug treatment program cases that it simply cannot handle with the resources presently available.

In searching for a solution to this dilemma I have kept in mind the laudable objectives and mandates of the Department of Institutions' drug treatment program. My intention is to maintain the Department of Justice's support of this program to the maximum extent practicable. I cannot, however, avoid the fact that the costs associated with the Laboratory's role in the program have never been addressed adequately, and that the Laboratory has absorbed those costs to the detriment of its other functions.

The Laboratory presently employs the thin layer chromatography (TLC) method in analyzing drug treatment program samples. The actual analysis cost per sample is:

Labor (based on Grade 12, step 1)	\$ 3.85
Supplies	6.50
Total	<u>\$10.35</u>

In an effort to speed up the analysis of Institutions' drug screens the Laboratory could employ a faster but more expensive method, the emit system testing method. The actual analysis cost per sample with this method is:

Labor (based on Grade 12, step 1)	\$ 2.69
Supplies	9.75
Total	<u>\$12.44</u>

Under the circumstances, the Department of Justice has no alternative but to establish the means of recovering the costs specified above in order to meet the increasing demands placed upon the Laboratory. Accordingly, the Laboratory will begin to charge \$10.35 per drug screen utilizing the TLC method, or, if the Department of Institutions prefers the faster emit system testing method, \$12.44 per drug screen. The charges will take effect on 1 February 1983. The Laboratory will bill for services rendered, and will seek a budget amendment to utilize the proceeds to bolster its supplies and personal services in order to dispose of the current backlog of cases and meet future demand.

In closing, Carroll, I must candidly admit my regret over the necessity to charge for the Laboratory's support of the drug treatment program. Though I plan to make clear the Laboratory's needs to the Legislature during the forthcoming appropriations process, I cannot in good conscience make representations on behalf of the drug treatment program, inasmuch as that program resides outside my purview. A better alternative, from my point of view, is to arrange for recovery of costs relating to the Laboratory's support of the drug treatment program as those costs occur, enabling the Department of Institutions to seek the necessary resources to provide for long-term cost coverage for services such as drug testing. I am certain that you will agree that this responsibility lies with the Department of Institutions and the constituencies it serves. Please don't hesitate to discuss this matter with me further if the need arises.

Carroll South  
Page 3  
4 January 1983

With best personal wishes, I am

Sincerely,



MIKE GREELY  
Attorney General

cc: Ronald Rivers, M.D., Medical Examiner  
Robert Kuchenbrod, CCD  
John Vincent, Majority Leader  
Montana House of Representatives  
Al Goke, HTSD