

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

February 4, 1987

The fourth meeting of the Senate Finance and Claims Committee met on the above date in room 108 of the State Capitol to hear Senate Bills 128 and 178. The meeting was called to order by Senator Regan and roll call was taken.

ROLL CALL: All members were present except Senator Jacobson who was excused.

CONSIDERATION OF SENATE BILL 178: Senator Beck, Senate District 24, and chief sponsor of Senate Bill 178 said he had several people present to testify on the bill here today. He said there are two parts to this bill, the first being if a prisoner is being detained and it is determined he has the financial ability to take care of his medical expenses, he should do so.

Senator Beck cited examples such as a shooting during a drug bust, a drunk who was hurt in a fist fight and taken to the hospital, etc. He then said the second part of the bill being if a person is deemed eligible for general relief the welfare fund should pick it up. He said in some cases the parents or guardians of the prisoner refused to turn it over to the insurance. They said the person was a ward of the county and they should pay the debts. He said there is a fiscal note with this bill and there are a few places in it that says the long range effects of this legislation could be substantial. I say the opposite. Most generally if somebody gets picked up and if the medical expenses are incurred in the county he is already on general assistance. There is the regular county assistance and there is the state assistance. In the state assumed counties it was felt there could be an impact on the state of Montana, but I don't think there will be because 9 out of 10 of these people were already on this G.A. (general assistance) before they went into the jail and of course got their medical expenses at that time. We are asking that instead of recurring in the general fund and the sheriff's budget under medical assistance, we would keep them in the G.A. fund where it belongs in the first place.

PROPOSERS TO HOUSE BILL 178: Gordon Morris, Montana Association of Counties (MACO), Executive Director said this is the direct result of a resolution duly brought to the members of MACO and acted on at our annual convention in Red Lodge. I would like to clarify for the record a couple of

things in the bill. In the fiscal note it states the effect on county or other local revenues or expenditures and I would have to take exception to the statement that county expenditures would decrease by an undetermined amount. I think you should be aware of the fact that you have two sets of circumstances in the state of Montana right now both of which have to be viewed in the context of the bill. First and foremost we have 44 counties right now which would be impacted by this bill from the standpoint that if you were to act favorably on it the expenses for indigent medical health care while incarcerated in the county jail would be a direct expense against the county poor fund; currently in those 44 counties they are an expense against the county general fund. What this bill does in those cases is propose to transfer the funding responsibility from the county general fund to the county poor fund or the county welfare program. As Senator Beck pointed out, if you have a prisoner in jail, who on the street, was indigent, there is no reason to think that just because he is in the county jail and is still eligible by way of the determination process to be determined eligible for medical assistance were he outside the jail, there is no reason for the county general fund to be taking out the medical and it should be an automatic expense against the welfare program within the county administered in those 44 cases directly by those counties. The problem then, in the case of the other 12 state assumed counties you would have the potential here for small transfer of additional responsibility to SRS (Social Rehabilitative Services) by virtue of the fact that this bill proposes to acknowledge that if they are indigent that the medical general relief provided for in the bill would be borne by the county medical, and in those 12 state assumed counties then they would be covered under the 12 mills which are being levied by state assumed counties. That is the only impact we have on the state and I would argue that basically it would be relatively insignificant in the scheme of things. More to the point, it would be substantially outweighed by the greater benefit in terms of those other 44 counties who right now, are in the position faced with expanding operational costs which are assumed to be a responsibility of their general fund, include consideration for prisoners medical assistance while in jail and all we're trying to do is get them out of the general fund which in 36 counties right now is at, or within, 1 mill of their maximum and provide a little bit of operational lee-way for the county general fund, and I might say, at the expense of the county welfare fund, and in the case of those state assumed counties, I guess at the expense of state general fund appropriation for SRS.

Linda Stoll Anderson, Lewis and Clark County Commissioner and on the board of the Montana Association of Counties, said she would like to give a little bit of perspective from the urban counties, probably the ones that may end up

costing the state money if this law is passed. Prior to having a state assumed county, and the existing law notwithstanding, we did pay for our indigent medical costs for our prisoners out of our poor fund. There were a number of different kind of expenses that the county ended up bearing as a result of state assumption that were no longer covered by our poor fund, and that's one of them. I would also like to make a point that there are certain basic medical services that are given to prisoners that we do through our health fund money hire some. To give you an idea of some of the expenses--in 1964 we spent \$6400 on prisoner medical expenses; in '84-'85 that number jumped to \$10,228 and in 1985 and '86 that number jumped to \$27,000. This year looks a little bit better. These last 6 months we have spent a little over \$6,000. One of the largest portions of these costs are going to be claims of the protective custody bill. Most county jails are not equipped to take care of people who are a threat to themselves and other members of society. It is probably one of our larger medical costs.

Ann Mary Dussault, second vice president of MACO and a Missoula County Commissioner. I understand you have received a letter from the Missoula City Attorney and I don't know the contents of it, but if you end up having any questions about it, he practices in Missoula County.

Bob Mullen, Richland County Commissioner, past president of MACO, and there is not much more to add at this time. I would like to say that I represent one of the non-assumed counties, one of the 44 counties Gordon spoke of, and in so much as we budget for indigent medical expense in our county poor fund it only makes good sense for me to pay medical expenses associated with the jail out of that fund.

Alec Hansen, League of Cities and Towns, referred to the letter mentioned by Ann Mary Dussault that you may have received from the city attorney at Missoula. We've got two conflicting attorney general's opinions regarding how prisoners--people arrested by the city and taken to the county jails--how their medical expenses should be handled. There seems to be a disagreement as to who is responsible. I am not sure if this is the appropriate vehicle or not, but we would like the committee to consider a possible amendment to this bill that would clarify this point. The clarification would be that if a prisoner is taken to county jail from a local government within the county, the county would be responsible for the medical bills for the simple reason that the city residents within the county pay into the general fund of the county and the poor fund of the county. In effect if the cities are required to pay the medical bills then the people who live in the cities are paying twice. I would ask the committee to consider this possible amendment and also say that we will support the bill.

There were no further proponents for Senate Bill 178 and Senator Regan asked if there were opponents.

OPPONENTS TO HOUSE BILL 178: Lee Tickle, SRS, Administrator of the Administrative Assistance Division said he did not rise so much in opposition as to clarify a couple of points the SRS has in terms of this bill. We have some concern where you have a state administered county which currently does not pay for those medical expenses. I think under the Attorney General's opinion that we're offering under whoever the incarcerating authority is, bears that bill. If it is the FBI they would, if it's the Fish and Game, they would, or whatever the incarcerating authority is. In terms of that, we are concerned with specifically who determines the eligibility for that payment. Is it the County Attorney or would it be the eligibility workers that are in those state administered counties. I guess the second thing to point out is that it is a concern, and although we were unable to arrive at a magnitude of what the costs are, and I don't want to take issue with how big it would be, I just want to point out that there can be some very big bills, and for those of you who serve on the Human Service subcommittee you are aware of one bill for \$116,000 that occurred with a transient. I know there is a specific case in Butte where a person was, I believe, shot in the process of a drug bust, and that person was comatose for, I think, a very long period of time, so although the routine expenses may not be big in comparison to the SRS budget, there is a risk of this happening if in the state administered counties the cost is shifted from the counties fund to the state general fund for the state administered counties.

Mr. Tickle said perhaps the language on page 2, line 17 should be clarified in terms of what "funds available" really means.

There were no further opponents and Senator Regan asked if there were questions from the Committee.

QUESTIONS FROM THE COMMITTEE: Senator Gage asked if we had covered the situation where state prisoners may be housed in county facilities in the future. People who are building new jails and whatever would be able to contract with the state to bring those people into those county jails. I am assuming that the language on lines 18 through 21 on page 2 covers that. Senator Beck said the intent of the bill most generally was state, federal or whatever incarcerated prisoners in a jail, they usually assume expenses, and maybe Gordon Morris could address this further, but this is strictly for those that are on county burden that wind up the counties medical expenses. These are the people we are trying to identify, but I am sure state and federal prisoners already reimburse the counties. Gordon Morris

said I think if a county agreed with the state to house prisoners in their county jail then the medical costs would be part of the contract for arrangements with the state and I would have to go on record as saying those costs would be assumed by the state in any contract entered into by the county.

Senator Keating said he would like to follow up on the questions and asked Mr. Morris, if according to paragraph 3 the prisoner is financially able to pay, couldn't the state require that he pay, or under this bill are they negated from collecting from the person who is financially able to pay. Mr. Morris said he felt the answer could be found on page 5 of the bill, section 8, line 8. I would like to point out that this is current language in the law and this is the problem that we are trying to address in terms of county facilities. The current language reads "a person who is committed or sentence by legal process to a state institution or secure facility" and it is assumed that county jails are secure facilities, "or who is incarcerated in a secure facility pending resolution of legal process is not eligible for general relief". So, in response to your question then, being in a secure facility or state institution makes you ineligible for the type of relief that we are seeking with this particular bill, so if what you're suggesting is that state prisoners in Deer Lodge ought to be likewise be eligible for medical assistance, then you would have to amend that section on page 5, and take out operated by the state, and maybe delete that whole section. You're going to pay it one way or another.

Senator Himsel asked a question he felt might clear this up. He said, in this deal we are dealing with the 44 counties that are not state assumed. In that case you are asking for a transfer from general fund to the welfare program which is still within that county. Then that raises the question on line 17 too. On this "funds available" why don't you spell that out to be welfare then? If that's what we're trying to do is to transfer the obligation from general fund in the counties to the welfare program in the counties, then why isn't that put in there. Mr. Morris answered that he felt the point is, first of all--we did not approach this from the standpoint of assuming to do something for the 44 non-assumed counties.

Senator Himsel requested that these be kept separate. He said, we have been working those budgets and they are driving them crazy. The 44's is one ball game and the 12 is a different ball game. Now this is dealing with 44's? Gordon Morris answered that this was his point, he said we are not assuming to have a bill before you that deals specifically with those 44. It deals instead, with all 56. It just happens that in the case of the 12, there is a potential burden that would fall upon SRS under the

provision of the state assumption. The funding would be state general fund through SRS. The other 44 the appropriate funding would be the welfare program.

Senator Himsl asked, then why don't we just say transferring from the general fund obligation to the county welfare fund. Couldn't you just say from the funds available? Mr. Morris answered, if that would not alter what I said in deference to the 12 state assumed and the 44 then I would have no problem with that and I would simply point out that that was the way the bill was drafted. I worked with the drafter on it and this was what we felt was the right language.

Senator Regan said she would like to address a question to Lee Tickle since she felt this was the heart of the bill. If an amendment were offered to make it abundantly clear that they're eligible for general relief from the county poor funds for those unassumed counties, and further if we drafted another amendment that said that state assumed counties, those prisoners would not be eligible to come to the state, but rather they had to pay from their county general funds, would your objection still remain, or have we taken you off the hook. Lee Tickle answered that he felt sure that would not meet the intent of what the bill was intended to do. It would prevent the cost shifting to the state general fund.

Senator Stimatz said, we don't seem to be addressing the case of where the prisoner has got very good medical coverage. Are we precluded now from collecting--say from Blue Shield or Etna, or someone? Gordon Morris answered that he believed we are addressing that. In fact, he said, if anything, the bill you have before you puts a little more "tooth" to the law currently. If you look at the section that says the county attorney is authorized to pursue cost of--on line 11. The point of the bill is if they have applicable medical insurance, if they are a youth being detained and their family has applicable medical insurance, we are putting teeth in the law in the ability of the county attorneys to go after them. They would have the force of law by virtue of the changes that we find on page 5.

Senator Stimatz asked, do current private insurers like Blue Shield have an escape clause that says if they are in jail the provisions of this policy do not apply? Gordon Morris answered that he was not aware of any health care policies that were written with an express provision exempting medical costs that might arise while being incarcerated. He said they have run into situations where family members refused to have their insurers billed.

Senator Bengtson asked, Gordon, have you done any calculations on what counties actually--unassumed counties--what sort of financial situation they are in so

far as their poor fund is concerned. What sort of an impact would you have on their fund. Obviously from what I have heard they are all in trouble, especially on general assistance in a number of counties. What does that do to the welfare programs in those counties with those additional expenses? He answered that he did not have the county budget book with him so he could not answer accurately. Of the 44 unassumed counties, there is probably only one county currently that would be nearing a point at which time they should seriously begin thinking of opting for state funding. That county is Yellowstone County. Other than Yellowstone County, and I think you could add Beaverhead to that category where they likewise are getting very close, we have most of those 44 counties managing their welfare poor fund very well and it is well below the 13 1/2 mills that they are authorized by law and well below the 12 mills that would be the threshold point for state assumption.

Senator Himsl addressed a question to Mr. Tickle. He asked, if the person incarcerated is from one of the 12 assumed counties and his medical expense, then is paid for by the county or the state? Mr. Tickle answered that currently it is paid for by the county and generally out of the jail fund. Senator Himsl then asked, so even though the state assumes the other, general assistance does not assume the medical. Mr. Tickle said, yes, that is correct and this is the Attorney General's opinion we are relying on.

Senator Beck said he thought the state does assume the medical costs if he is not incarcerated in the jail. If he is incarcerated in the jail, then yes, the sheriff's budget does pay it. If he is not incarcerated in that jail then the state picks up the medical expenses.

Senator Regan said, before you close, I think this is a very important point. I think the committee really has to understand whether they do or do not, so I would like this settled before you close.

Senator Keating said, what he is saying, is before he goes to jail the state pays his medical expenses if he is carried by them, but then if the guy goes to jail for some reason or other all of a sudden the state is relieved of his medical expense if he incurs some at that point, and the county then picks up the medical expense and what they are saying is the county is saying--this guy is a trouble maker and he is on your roles to begin with, just because we incarcerated him doesn't mean we have to take on his medical expenses.

Senator Regan asked Mr. Tickle to please address the question. Mr. Tickle said he would try to categorize who I think is on county medical. Generally if you've got somebody out committing a crime or whatever, they are able bodied and probably not receiving medical assistance.

Generally if the medical assistance is necessary it is the result of getting shot while hi-jacking a plane, if you recall that incidence, or a drug bust where a person gets shot, generally the incidence of where people are on state medical generally does not coincide with those that are on general relief. The need for hospitalization in many cases, or at least to pay the bills, are many times the result of the attempt to incarcerate them--a car wreck or something. Those are the kind of things where the medical expenses would be transferred from the county funds to the state general funds. One other impact that potentially has--keep in mind there still is the grant aid provision at 13 1/2 mills for non assumed counties, so if there is a truly big bill I would guess it could get a county in serious trouble.

Senator Beck said in closing that he would urge the committee support for this bill and the amendments that were proposed, if at all possible he would like to sit down and go over them.

CONSIDERATION OF SENATE BILL 128: Senator Gage, Senate district 5 and chief sponsor of Senate Bill 128 explained the bill by saying this bill was requested by the Department of Justice and is a further attempt to fund the irradiation of illegal drugs in the state of Montana. You have before you in addition to the bill, a list of amendments that have been proposed to be included in the bill. Those amendments, make the bill read easier. They are mostly not very substantive except for one amendment, # 7 which adds language to transfer the money or proceeds from property to any local or state law enforcement agency or other government entity to be used for law enforcement purposes and the other being amendment 9 which strikes the last portion of the bill, line 7 through 12 on page 3. There was concern that that would be construed as being somewhat of a statutory appropriation, and that was not the intent of the bill. We passed legislation in 1985 on setting up a fund to be made available to which funding from forfeited properties could be deposited and thereby making a place for depositing any federal funds that we might also obtain from the federal for helping to catch some of these scoundrels. The purpose of this bill would make the use of those funds broader and not so restrictive.

PROPOSERS FOR SENATE BILL 128: Kimberly Kradolfer, Department of Justice, Assistant Attorney General testified in favor of Senate Bill 128. She said she drafted the original bill when it was passed 2 years ago and drafted the amendments. The original bill was very narrow in scope as far as what we could use the funds for because the Federal forfeiture statutes had just been passed, they were getting ready to develop guide lines on what the states could and could not use the funds for and they suggested that number 1, we needed a special law enforcement account and that

money would go to be used only for law enforcement purposes and secondly that we would have fairly tight restrictions until they developed their own guide lines as to what we would be able to use the money for.

Kimberly Kradolfer said the purpose of the amendments would broaden what the money could be used for in regard to the property the state might acquire from the federal government. It would allow them to dispose of property if they could not use it, destroy property if necessary and it would allow them to pass funds through to a local agency. She said one of the primary restrictions of the federal is that only the agency that was involved in the proceeding that led to the forfeiture will be entitled to receive proceeds from the forfeiture, so if you have a multiple agency involved and not a state agency the federal government could not give us the property they had acquired because there was no mechanism for us to pass it through to that particular local agency. Another requirement is they only get proportionately the amount of forfeited property that corresponds to their involvement in that particular investigation. If they did 50% of the work, provided 50% of the manpower and resources they would get 50% of the property and the feds would keep the other 50%. The property can only be used for limited purposes under the federal regulations and I would like to make the committee aware of that. It can only go to that particular agency that was involved. It can be used only for law enforcement purposes and it cannot be used in lieu of regular appropriations.

Gary Carrell, Criminal Investigation Bureau Chief for the Department of Justice, said over the past couple of years he has received a lot of comments from local agencies regarding this bill and although there hasn't been a lot of federally forfeited property or money available for either the local agencies or the state agencies in the last couple of years there was some concern that we would not be able to get that money to those agencies for which it was intended. They thought the law should be clarified and that is what this bill does.

Kevin Olson, police officer for the city of Havre and has been coordinating the drug investigations for the Havre Police Department. This law came into play on a case we worked on back in September of 1985 in which we had the U. S. Attorney's office in Billings seize a pickup from a local drug dealer who was using that pickup for transporting marijuana. He said they had asked for their assistance in seizing this vehicle, which they gave, and as the proceedings went on it came to find out what we were going to do with the vehicle. We intended to sell the vehicle to raise funds to continue the investigation in drugs. When it came time to forfeit this vehicle the question arose as to what we intended to do. We had intended to sell it and

deposit the proceeds into a local account which is the drug forfeiture account in the city of Havre. Under state law that mandates how that money can be spent--specifically for the education and enforcement of dangerous drug crimes. There was a state statute that prohibited us from receiving any federal funds directly as they had to be deposited into a state account and could not then go back to a local agency.

There were no further opponents and Senator Regan asked if there were questions from the committee.

QUESTIONS FROM THE COMMITTEE: Senator Himsl asked what the inventory is at the present time and Gary Carrell answered zero, as he was aware of right now. Senator Himsl said, but this authorizes disposal of confiscated property, doesn't it and was told yes.

Senator Hammond asked who determines how much is done by state, local and county. Mr. Carrell said that is the job for the U. S. Attorney General.

Senator Keating said, we are expecting a couple hundred thousand from the federal government because of one case now? Mr. Carrell said about \$300,000 and they have been waiting for it for over 2 years now. He said he had just called them a week ago to find out if we were still in line for it and they said yes. He said they did see over \$18,000 in Billings last week and they are going to go federal on that so maybe in a few years they would see that. Senator Keating asked if that went into this account and was told yes, it would.

Senator Regan said she had a couple of questions and as she heard the bill described it was very limited in aim, but as she read the bill they were writing a blank check. On page 3, line 5 you can use the money to match any federal funds that come by for law enforcement purposes. That certainly is far afield from what you were describing to us. She asked if someone would address that. Kim Kradolfer said that is the reason they struck the last section was to make it clear this was not a statutory appropriation. That would be something that would have to be subject to legislative approval once they had money in the funds. She said even though the funds could only go to certain agencies as specified by the federal government the legislature would have the right to veto particular uses.

Senator Regan asked what would prevent them from coming in with a budget amendment saying, we have these funds, they were completely unanticipated, and we want to accept them? Ms. Kradolfer answered, probably nothing, other than the fact that for a budget amendment to pass the legislature would have to review it. Senator Regan said they review it

but have no power, you simply can go on your own way and do as you choose. Ms. Kradolfer said she felt this bill did not give them that authority.

Susan Hanson, Attorney General's office said it was their intention that any money spent out of that account would be subject to appropriation. If the language is unclear, they would certainly work up some amendments to clarify that. It is not the intent of the A.G.'s office to have a statutory appropriation in this.

Senator Regan asked Mrs. Rippingale (Legislative Fiscal Analyst) if she were misreading this bill or would it be possible. Judy Rippingale answered it would be possible for them to come in and get a budget amendment and that is considered to be a legislative appropriation.

Senator Regan asked if they could then use the money because of the way the bill is written and Mrs. Rippingale answered she did not feel it was possible because of the way the bill was written. She felt that was just general financial law.

Senator Regan asked, if the federal grant would require a match we could use this money as their match without an appropriation, could they not? Mrs. Rippingale answered no, they could not. They would still have to get spending authority to get both the federal dollars and these dollars as their match, so if they started in 1988 with zero spending authority, they received federal funds which needed a state match and they happened to have money in the account they would still have to have legislative approval.

Senator Keating said the way he interprets it is that it flows within the categories within the various uses of the money in those funds and--for instance, if the Board of Crime Control is given a million dollars recently and a million dollars a year for the next 3 years part of which is designated for drug law enforcement but it requires a match and for that reason, rather than using general fund money for that match, this bill is amended so that the special law enforcement assistance account could be used as a match for those federal grants--that's the way I read it.

Senator Haffey said he had a question for Mrs. Rippingale. Is there anything unusual or different about what this agency could do with these funds if they received them in terms of using them for a match for other funds between the time the legislature had a chance to look at it and subsequent legislatures -- is there any significant difference in how this agency and any other agency would go about submitting a budget amendment to the budget director and then going through the finance committee--isn't it very

similar, isn't it. Mrs. Rippingale said she sees no difference.

Senator Haffey said he had another question. This money--the federal rules would not make it available for the legislature to use in any other fashion anyway? Mrs. Rippingale said any money that came in that was in this account would have to meet not only the outside restrictions such as the federal government if that was the source of the money, but would also have to meet the restrictions that are in this bill, and that is no different than any other kind of money that is received that has certain types of restrictions on it.

Senator Haffey said, The federal restrictions say that the money can be used only for certain purposes--assume that they are controlling this. This money would not be available for us to appropriate elsewhere. Mrs. Rippingale said that is correct.

Senator Regan asked that the committee look on page 3, lines 5 and 6. It seems to me this bill grants the Attorney General the power to match federal grants for law enforcement, it could be the law enforcement academy, it could be for any other law enforcement, not necessarily drug related, is that correct? Mrs. Rippingale answered that the question is IF the federal funds that came down could be used for the law academy, then I don't see anything that would restrict them from using this money to match that. It would meet the federal restrictions.

Senator Keating said that doesn't mean they can put it to any purpose they want. Senator Regan said it was her understanding that they can use that money to match any federal monies that have whatever strings unattached, but they need not use it for drugs. They could use it for automobiles that were used in anything that needed enforcing.

Senator Haffey said suppose you made the big hit and you got \$3 million or \$20 million and the federal government was expeditious in getting the money back here and there we were. Could you use it to build a law enforcement academy? Ms. Kradolfer said you couldn't use it in lieu of regular appropriations, whatever that means. Mrs. Rippingale said maybe she was too anxious to address it since she thought she knew the answer. There are other laws on building that the people from the A. G.'s office may not be aware of. You have to follow another set of laws in order to build buildings, so there would be the potential that if the federal government said you could use this money for a law enforcement academy they would still have to comply with a whole set of building laws.

There were no other questions and Senator Gage closed by saying he would answer the question about using the funds for building a law enforcement academy. Part of the federal regulations say the forfeited money or property may not be used in lieu of regular appropriations, so according to the federal regulations we could not use that money on matching federal grants on budget amendments in the state because the federal guidelines say you can't do this.


Senator Regan asked if he would object to striking lines 5 and 6. Senator Gage said yes, he would since that would not allow them to do that when the money was appropriated in a future session.

Senator Gage said in closing he did not see any difference in using that money or having that money available for that as to using it for any of the other things specified here. He said he did not think it could be used for any of these other things until it was appropriated from that fund. Particularly with the guide lines the federal government has.

Senator Gage read some of the federal regulations and finished by saying the fund is established by law in 1985 and line 3 and 4 by these amendments on page 3 have been suggested to be taken out of the bill because the federal guide lines say we cannot use this money on crime victims.

Senator Regan said the hearing would be closed and along with hearing bills next week they would start executive action on the bills. She said she was going to ask Mrs. Rippingale to review both the amendments and the bill.

The meeting was adjourned at 6:10 p.m.



Senator Pat Regan,

ROLL CALL

50th LEGISLATIVE SESSION - - 1987

Date 2-4-87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR REGAN	✓		
SENATOR HIMSL	✓		
SENATOR JACOBSON			
SENATOR BENGTON	✓		
SENATOR STIMATZ	✓		
SENATOR HARDING	✓		
SENATOR HAFHEY	✓		
SENATOR SMITH	✓		
SENATOR KEATING	✓		
SENATOR STORY	✓		
SENATOR BOYLAN	✓		
SENATOR JERGESON	✓		
SENATOR TVEIT	✓		
SENATOR MANNING	✓		
SENATOR HAMMOND	✓		
SENATOR GAGE	✓		

COMMITTEE ON

Finance & Claims

BILL NO. *128*

DATE *(2-4-87*

SB 178
SB 178

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppos
<i>KEVIN OLSON</i>	<i>HAVRE POLICE DEPARTMENT</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Kimi Kradober</i>	<i>Department of Justice</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>GARY CARRELL</i>	<i>Department of Justice</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Donna Morris</i>	<i>M A C O</i> <i>SB 178</i> <i>SB 178</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Paul Mullen</i>	<i>Richland Co. Commissioner</i> <i>SB 178</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Linda Sue Anderson</i>	<i>M A C O - SB 178</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Jim Tubee</i>	<i>SRS-</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Alice Hansson</i>	<i>M L C T</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Please leave prepared statement with Secretary)

(This sheet to be used by those testifying on a bill.)

NAME: GARY CARRELL DATE: 2/4/87

ADDRESS: 303 Roberts Helena

PHONE: 444-3824

REPRESENTING WHOM? MT Dept. of Justice

APPEARING ON WHICH PROPOSAL: SB 128

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: KEVIN OLSON DATE: 2-4-87

ADDRESS: 520 4th ST. HAURE, MT 59501

PHONE: (406) 265-4581

REPRESENTING WHOM? HAURE POLICE DEPT.

APPEARING ON WHICH PROPOSAL: SB 128

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 1

DATE 2-4-87

BILL NO. SB 128

AMENDMENTS TO SB 128, INTRODUCED COPY

1. Page 2, line 3:
Following: "(2)"
Insert: "After"
Following: "property"
Insert: "Is" *OK?*
2. Page 2, line 4:
Following: "account"
Strike: "may be used by"
Insert: ", "
Following: "general"
Strike: "for"
Insert: "may"
3. Page 2, line 5:
Following: "(a)"
Strike: "the payment of"
Insert: "pay"
4. Page 2, line 11:
Following: "(b)"
Strike: "the payment of"
Insert: "pay"
5. Page 2, line 14:
Following: "(c)"
Strike: "the"
Following: "and"
Strike: "payment of"
Insert: "pay"
6. Page 2, line 16:
Following: "(d)"
Strike: "the payment of"
Insert: "pay"
7. Page 3, line 3:
Following: "(e)"
Strike: remainder of lines 3 and 4
Insert: "transfer the money or proceeds from property to any local or state law enforcement agency or other government entity to be used for law enforcement purposes;"

*SB 128
Page*

8. Page 3, line 5:
Following: "(f)"
Strike: "matching"
Insert: "match the money or proceeds with"
9. Page 3, line 7:
Strike: Remainder of bill.

*Exhibit 1
Alice Hanson*

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 1
DATE 2-4-'87
BILL NO. SB 178

PROPOSED AMENDMENT TO SENATE BILL 178

PG. 2, LINE 15, FOLLOWING PAY:

IF PAYMENT IS NOT AVAILABLE FROM GENERAL RELIEF MEDICAL ASSISTANCE PURSUANT TO 53-3-206, AND IF THE AGENCY OR AUTHORITY AT WHOSE INSTANCE THE PRISONER IS DETAINED IS A LOCAL GOVERNMENT WITHIN THE COUNTY WHEREIN THE PRISONER IS BEING DETAINED, THE COUNTY SHALL PAY THE MEDICAL BILLS. IF THE AGENCY OR AUTHORITY AT WHOSE INSTANCE THE PRISONER IS DETAINED IS NOT A LOCAL GOVERNMENT WITHIN THE COUNTY WHEREIN THE PRISONER IS BEING DETAINED, SUCH AGENCY OR AUTHORITY IS RESPONSIBLE FOR THE PAYMENT OF THE MEDICAL COSTS.

AMENDMENTS TO SENATE BILL 178

1. Title, line 6
Following: "JAIL;"
Insert: "ESTABLISHING THE COUNTY PRISONER MEDICAL CARE FUND;"
2. Page 2, line 15
Following: "pay."
Strike: "If the prisoner is determined eligible for general relief medical assistance pursuant to 53-3-206, then payment must be made from funds available for such assistance."
3. Page 2, line 21
Following: "costs."
Insert: "In all other cases, the county is responsible for payment of prisoner medical care through the county prisoner medical care fund as provided in [section 3]."
4. Page 5, lines 9 and 10
Following: "facility"
Strike: "operated by the state"
5. Page 5, line 11
Following line 10
Strike: "operated by the state"
6. Page 6
Following line 1
Insert: "NEW SECTION. Section 3. County prisoner medical care fund. The governing body of each county shall establish a prisoner medical care fund for the provision of medical care to county prisoners who are unable to pay the cost of medical care provided during their detention in a secure facility operated by the county.

NEW SECTION. Section 4. County to levy taxes, budget and make expenditures for county prisoner medical care. The governing body of each county shall levy as many mills for the county prisoner medical care fund as may be necessary. The governing body of each county shall budget and expend so much of the funds in the county prisoner medical fund as necessary for those county prisoners who are financially unable to pay for medical care.

Renumber: subsequent section.

Submitted by

Department of Social &
Rehabilitation Services