

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION**

SUBCOMMITTEE ON INSTITUTIONS

Call to Order: By Rep. William Menahan, on February 16, 1989, at 11:00 a.m.

ROLL CALL

Members Present: All

Members Excused: none

Members Absent: none

Staff Present: Taryn Purdy, Associate Fiscal Analyst

Announcements/Discussion: INSTITUTIONS - CLEAN UP

BOARD OF PARDONS: Ms. Purdy stated it was the committee's intent that when the car was added that instate personal car mileage would be reduced and gas and insurance would be increased. The committee did not go back and change it's operating expense motion which included those higher levels of instate prison car mileage. If the intent of the committee is to reduce those expenses with the addition of the car a different motion will be needed.

Ms. Purdy handed out a worksheet (Exhibit 1) which showed the operating expenses are \$32,419 the first year and \$31,751 the second compared to \$34,000 the first year and \$2,000 more the second. This sheet takes out the instate personal car mileage that the Board indicated they would not need if they had a car.

Sen. Bengtson moved to accept the operating expenses as adjusted. Motion carried.

TAPE 1A 40

Ms. Purdy stated that one of the things the committee has acted upon is funding for all the institutions with the understanding that the general fund would be adjusted. However, a motion is needed from the committee to accept the general fund as adjusted for the budgets that they have done individually or as a whole to make sure the general fund has been formally moved by the committee. The funding that has been moved has been all non-general fund with the understanding that the general fund would be adjusted.

Sen. Bengtson moved that the general fund be adjusted as it concerns all the other action that the committee has taken. Motion carried.

Ms. Purdy explained that when the committee took action on several budgets at the beginning, the modified budgets added by the committee included vacancy savings. She has new worksheets that show the vacancy savings added back into the modified budgets and the committee will need to make a motion to accept the adjusted modified budgets. Ms. Purdy stated they would like to have the modifieds consistent with appropriations policy of 0% vacancy savings.

Sen. Bengtson moved to accept all the modifieds that the committee has passed to reflect appropriations committee action of no vacancy savings. This motion would correct all the modifieds. Motion carried.

Ms. Purdy explained another subject to be addressed and that is language in the prison for Industries Training and Industries proper. The committee voted to allow a budget amendment and hopefully the language will be ready very shortly. The actual language will be given to the committee. The motion was to accept language to allow them to budget amend funds if proprietary funds came in. The actual language will be given to go with that.

TAPE 1A 123

Sen. Harding passed out Exhibit 2, Potential Language - House Bill 100. "In the event the Department of Institutions loses its appeal to maintain federal medicaid certification at the Montana Developmental Center and the state no longer receives medicaid reimbursement at that facility, the Departments of Institutions, Social and Rehabilitation Services, and Health and Environmental Sciences shall expeditiously begin to move appropriate residents from the Montana Developmental Center into community facilities. Under the authority granted in Section 53-20-214, MCA, the Governor may transfer funds from the Montana Developmental Center budget to the Department of Social and Rehabilitation Services budget to accomplish the transfer of residents." According to Sen. Harding it is just a safety mechanism and she feels Mr. Chisholm is certain it will not be needed but it would be there just in case the Dept. of Institutions lost its appeal.

The committee discussed the above as did Mr. Chisholm, Director, Dept. of Institutions, with his concern about some of the wording. Sen. Aklestad asked about the medicaid monies that would be lost at Boulder if the facility would be decertified, would they be utilized in the same manner in the group homes. Mr. Chisholm explained there are medicaid monies that if they are not going to Boulder could go out into the community to fund community services at a lesser rate. Rep. Peterson asked Mr. Chisholm if this language was accepted would it affect the outcome of his appeal for re-certification. He did not think it would affect this.

Rep. Grady agreed that there would have to be an alternative if Boulder was lost but opposed the group homes as there were too many unanswered questions. Sen. Harding stated that because of the money involved, the testimony tells them to deinstitutionalize and there have been recommendations from Nebraska regarding the community facilities and they are working.

Sen. Aklestad recommended that they come up with new wording on this so the committee can make a decision.

Sen. Harding moved to accept the language and then withdrew the motion until new wording could be put into the paragraph.

Rep. Peterson stated a resolution went through the house protesting the closure of various medical facilities for veterans. She thought it would be good for this committee, who work on the Veterans' Home budget, to go on record with a letter agreeing with what the resolution says.

Committee recessed until 5:00 p.m.

TAPE 1B 41

Upon reconvening, Ms. Purdy stated the Dept. of Institutions has three major issues they would like to address, the Eastmont Human Services Center, the Women's Correctional Center and OBRA. Mr. Chisholm passed out Exhibit 3 and explained the first issue, Eastmont Human Services Center. The Dept. of Health and Environmental Sciences, in its recent survey of EHSC cited resident engagement deficiencies in Cottage 3. To address these deficiencies, and maintain certification, the Department is requesting an additional 5.6 FTE Habilitation Aide II positions. Sen. Bengtson moved to allow for the additional 5.6 FTE for \$106,079 fiscal 1990 and \$106,447 fiscal 1991. Motion carried.

Sen. Bengtson moved that Ms. Purdy draft a letter to the federal government expressing the committee's concerns about federal certification requirements and the legislature's funding problems. Motion carried.

OBRA

Mr. Chisholm explained the OBRA, Omnibus Budget and Reconciliation Act and the request from the Department. OBRA increases the HCFA requirements the Department must meet to continue certification at three of its facilities: The Montana State Hospital, Montana Veteran's Home, and the Center for the Aged. To address these increased HCFA requirements the Department is requesting additional Registered Nurses and Nurse Aides at these three facilities.

Center for the Aged

Sen. Harding moved that the committee adopt the personal services for the Center for the Aged as recommended by the budget office. This motion approves 9.76 FTE for \$172,556 FY 1990 and 8.33 FTE for \$150,557 fiscal 1991. Motion carried.

Rep. Grady moved to accept the operating expenses for contracted services for Center for the Aged totaling \$4,478 in fiscal 1990 and \$38,849 in fiscal 1991. Motion carried.

TAPE 1A 644

Montana Veterans' Home

Rep. Grady moved to accept the personal services for Montana Veterans' Home for 2.0 FTE in fiscal 1990 for \$41,384 and 1.49 FTE in fiscal 1991 for \$33,047. He also moved to accept the operating expenses of \$2,364 in fiscal 1990 and \$12,154 in fiscal 1991. Motion carried.

TAPE 1B 17

Montana State Hospital

Rep. Grady moved to accept the personal services for Montana State Hospital for 3.05 FTE in FY 1990 for \$61,046 and 17.01 FTEs in FY 1991 for \$317,316. Also moved in this motion was to accept operating expenses of \$2,364 in fiscal 1990 and \$6,042 in fiscal 1991. Motion carried.

Proposed Womens Correctional Facility Expansion

Sen. Bengtson moved to accept the recommendation for the total program expansion for personal services in Unit 57 for 11.85 FTEs for \$308,766.39 in fiscal year 1990 and \$293,067.22 in fiscal year 1991. Motion carried.

TAPE 2A 118

Mr. Chisholm stated the next two issues were language they would like. Attachment #4 of Exhibit 3 is proposed language they would like to see in the appropriations bill if they had 100% funding for personal services and no vacancy savings. Discussion followed concerning the department's proposed language and language proposed by the fiscal analyst office. Sen. Bengtson moved to accept the proposed personal services language as agreed upon by the department and the LFA. Motion carried.

The next issue is potential language for House Bill 100 allowing the Department of Institutions to transfer funds between budgets in excess of the 5% limit. Sen. Bengtson moved to allow for transfer of over 5% of the total appropriation between corrections and institutions budgets. Motion carried.

Mr. Chisholm stated they are not going to recommend to fund additional money to implement the resident care workers

series. They could get into problems from State Personnel and from employees based upon appeals. They are going to try to work this out. Various employees could challenge because of the levels employees could be starting at. If this committee, and the legislature as a whole takes no vacancy savings, they may be able to cover it. If this can't be done, he would like to recommend the committee either exempt the state hospital and the developmental center from vacancy savings or be extremely conservative with whatever they may apply as a vacancy savings factor.

The Department of Institutions handed out a sheet pertaining to proposed language for insertion into HB100 for prison industries and industries training. (Exhibit 7) Sen. Bengtson moved this language be inserted in HB100. Motion carried.

Sen. Bengtson moved the addition of \$68,509 in federal funds in fiscal 1990 for the Community Youth Activity Program Block Grant. She also moved that the department be allowed to budget amendment authority in fiscal 1991. Motion carried.

A letter to Governor Stephens (Exhibit 5) recommended by this committee that they go on record supporting the resolution of the 51st Montana Legislature imploring the Congress to pass legislation endorsing veteran's benefits including medical, nursing homes, and domiciliary.

Sen. Harding moved that the committee adopt the language in Exhibit 6, a revised copy of Exhibit 2 concerning the Montana Developmental Center in the event certification is lost. The committee was concerned about Eastmont and wanted it added to this language and be placed in HB100. Sen. Harding and Sen. Bengtson voted aye and Rep. Grady, Rep. Peterson and Rep. Menahan voted no. Motion failed.

ADJOURNMENT

Adjournment At: 7:15 p.m.


REP. WILLIAM MENAHAN, Chairman

WM/ms

4024.min

MINUTES

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Sen. Bengtson moved that the general fund be adjusted as it concerns all the other action that the committee has taken. Motion carried.

3-21-89

Exhibit 1

WORKSHEET L1

6413 01 00000		09:29 AM		04-Feb-89	
AGENCY: BOARD OF PARDONS		PROGRAM: BOARD SERVICES			
LEGISLATIVE ACTION					
BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Subcommittee	FY 88-90 % Change
FTE	4.00	4.00	4.00	4.00	0.00%
Personal Services	\$126,466	\$126,506	\$126,506	\$129,056	2.05%
Operating Expenses	33,355	33,648	31,223	31,751	-2.81%
Equipment	0	2,400	0	0	0.00%
Non-Operating	441	1,056	1,056	1,056	139.46%
TOTAL EXPENSES	\$160,262	\$163,610	\$158,785	\$161,863	10.13%
FUNDING					
General Fund	\$160,262	\$163,610	\$158,785	\$161,863	10.13%
TOTAL FUNDING	\$160,262	\$163,610	\$158,785	\$161,863	10.13%

Exhibit 2

Potential Language - House Bill 100

"In the event the Department of Institutions loses its appeal, to maintain federal medicaid certification at the Montana Developmental Center and the state no longer receives medicaid reimbursement at that facility, the Departments of Institutions, Social and Rehabilitation Services, and Health and Environmental Sciences shall expeditiously begin to move appropriate residents from the Montana Developmental Center into community facilities. Under the authority granted in Section 53-20-214, MCA, the Governor may transfer funds from the Montana Developmental Center budget to the Department of Social and Rehabilitation Services budget to accomplish the transfer of residents."

Exhibit 3

DEPARTMENT OF INSTITUTIONS
REMAINING ISSUES

Eastmont Human Services Center:

✓ The Department of Health and Environmental Sciences, in its recent survey of EHSC cited resident engagement deficiencies in Cottage 3. To address these deficiencies, and maintain certification, the Department is requesting an additional 5.6 FTE Habilitation Aide II positions. See attachment #1.

OMNIBUS BUDGET AND RECONCILIATION ACT:

✓ OBRA increases the HCFA requirements the Department must meet to continue certification at three of its facilities; the Montana State Hospital, Montana Veteran's Home, and the Center for the Aged. To address these increased HCFA requirements the Department is requesting additional Registered Nurses and Nurse Aides at these three facilities. See attachment #2.

WOMEN'S CORRECTIONAL CENTER EXPANSION:

✓ As a result of the growing population at WCC, it will be necessary to expand the facility to the old forensics facility on the Montana State Hospital's Warm Springs Campus. To facilitate this expansion, the Department must request an additional 11.85 FTE and associated operating expenses. The Long Range Building Committee is considering the necessary remodeling of the old forensics building to make it suitable as a correctional facility. See attachment #3

REQUIRED LANGUAGE IF PERSONAL SERVICES IS BOILER PLATED:

✓ The Appropriations Committee has taken the position that there will be no vacancy savings applied to agency budgets, but that Personal Services will be line itemed to prevent agencies from transferring funds from that budget category to any other. The boiler plating of personal services would be very troublesome for the Department because it would eliminate the flexibility to contract for those required services needed due to the inability to recruit and hire professional positions. Also it would make it very difficult for the Department to address any unforeseen circumstances which arise in operating institutions. The Department is therefore proposing the language contained in attachment #4 if Personal Services is boiler plated.

TRANSFER AUTHORITY:

✓ House Bill 2, of the 1987 Legislature, contained language which allowed transfers in excess of 5% of the total appropriation authority within the Corrections area and the Mental Health area, on approval of the Governor or his designee. This language is vital in giving the Director the necessary flexibility to manage the Department's budget. The Department is again requesting similar language be included in House Bill 100. See attachment #5.

During the hearing on the Board of Pardons, the sub-committee decided to include the necessary funding to purchase an automobile, however, did not vote on it during Executive Session. The Boards budget will have to be re-opened to allow the vote to take place.

EASTMONT HUMAN SERVICES

ATTACHMENT I

2/15/89

	<u>FY 90</u>	<u>FY 91</u>
HABILITATION AIDE IIs		
5.60 FTE G8/2 @6.516/hr.		
x 2080 hours	\$ 75,898	\$ 75,898
HOLIDAY WORKED		
10 Holidays FY90. 3.5 Hab.Aide IIs	2,737	3,010
11 Holidays FY91. 3.5 Hab.Aide IIs		
Sub Total	<u>\$ 78,635</u>	<u>\$ 78,908</u>
BENEFITS		
FY89 Current rate 34.9%		
(Position Control 1-27-89)	\$ 27,444	\$ 27,539
TOTAL	<u><u>\$106,079</u></u>	<u><u>\$106,447</u></u>

NOTE:

Posts 3.5 x 1.6 relief factor = 5.6 FTE
See attached deficiency analysis

Assume 3.5 Habilitation Aide IIs work each holiday
at 1.5 times hourly wage = \$9.774 hr x 8 hrs = \$78.19 x 3.5
Habilitation Aides IIs = 273.67 x 10 holidays = \$2,736.70
x 11 holidays = \$3,010.37

EHSC

Deficiency W195 cites observations that residents were idle "most of the day", and that other leisure oriented activities are not targeted to address individual needs. The following staffing increase is recommended for the recreation and leisure rooms to address this need. Residents go to these rooms when formal programs are not being run. Additional staffing is needed to assist them in activities which are designed to achieve identified objectives.

	A.M. Shift	P.M. Shift
9:00-11:00 (2hrs X 2 rooms)	4 Hrs.	
2:00-4:00		4 Hrs.

Deficiency W195 (1) states that nothing is scheduled for residents after 4:30 p.m. and in the evening. They were observed to be "idle and unengaged with only sporadic training program for a few individual clients." To provide additional training and recreation for the residents it is recommended that a Recreation Aide position be filled and that a Hab Aide be assigned to assist with activities between 5:00 and 9:00 p.m. seven days a week.

5:00-9:00	4 Hrs.
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Additional staffing at the Nurses station is needed to address deficiencies W274, W193, W212, W214 dealing with maladaptive behavior of residents. Increasing staff from one to two will improve interactions with residents, and allow for more staff time to administer reinforcements to residents and handle toileting (and soiling) of residents. It is also expected to permit more staff training in appropriate staff intervention to maladaptive behaviors.

Nurses Station	8 Hrs.	8 Hrs.
=====		
TOTAL HOURS	12 Hrs.	16 Hrs.
POSTS	1.5	2.0
RELIEF @ .6	.9	1.2
F.T.E.	2.4	3.2

CURRENT POSITIONS

RECOMMENDED

Cottage III - A.M. Shift	13	2.4	15.4
P.M. Shift	12	3.2	15.2
Nite Shift	5		5.0
Cottage II - A.M. Shift	4		4.0
P.M. Shift	4		4.0
Nite Shift	2		2.0
Total	40		45.6

DEPARTMENT OF INSTITUTIONS - OBRA

ATTACHMENT # 2 page 1

	GR/STP	FTE	FY90	FTE	FY91
<u>CENTER FOR THE AGED</u>					
<u>PERSONAL SERVICES:</u>					
NA I					
(\$12,665*7)	7/2	7.00	88,655	7.00	88,655
RN	13/2	1.00	19,549	1.00	19,549
NA aggregate(hrly 6.089)					
FY90-49fte*75hrs=3675/2080	7/2	1.76	22,377	0.33	4,110
FY91-9fte*75hrs=675/2080					
BENEFITS(.2369/FY90 .2422/FY91)			30,935		27,202
INSURANCE (FY90-\$1380*8)					
(FY91-\$1380*8)			11,040		11,040
		9.76	172,556	8.33	150,557
<i>Sen. Harding</i>					
<u>OPERATING:</u>					
Contracted Services					
(Quality assurance review, med. director, psych/pharmacy review infection control, patient assessment)					36,160
Supplies & Materials					
(training manuals & quality assurance costs)			4,478		2,689
TOTAL		9.76	177,034	8.33	189,406

Rep. Grady

DEPARTMENT OF INSTITUTIONS - OBRA

ATTACHMENT # 2 page 2

	GR/STP	FTE	FY90	FTE	FY91
	=====			=====	
MONTANA VETERANS' HOME					

PERSONAL SERVICES:					
RN	12/2	1.00	18,113	1.00	18,113
NA I aggregate(NAI hrly 6.089)					
(NA I's FY90-14.08*75=1056/2080)					
(NA I's FY91-13.54*75=1016/2080)	7/2	0.51	6,430	0.49	6,186
NA II aggregate (hrly 6.224)					
(FY90-13.6*75hrs=1020/2080)	7/3	0.49	6,348	0	0
BENEFITS(FY90-.295; FY91-.3032)			9,113		7,367
INSURANCE (for RN only)			1,380		1,380
		2.00	41,384	1.49	33,047
OPERATING:					
Contracted Services					11,112
Supplies & Materials			2,364		1,042
TOTAL		2.00	43,748	1.49	45,201

Ref. Study

DEPARTMENT OF INSTITUTIONS - OBRA

MONTANA STATE HOSPITAL

PERSONAL SERVICES:

NA I (FY91 only, \$12,665*14)	7/2	0.00	0	14.00	177,310
RN	14/2	1.00	21,351	2.00	42,702
NA aggregate(hrly 6.089) (FY90-56.8fte*75hrs=4260/2080) (FY91-28fte*75=2100/2080)	7/2	2.05	25,939	1.01	12,787
BENEFITS(FY90-.2617; FY91-.2682)			12,376		62,437
INSURANCE (FY90-\$1380*1) (FY91-\$1380*16)			1,380		22,080
		3.05	61,046	17.01	317,316
<i>Greg</i>					
OPERATING:					
Contracted Services					5,900
Supplies & Materials			2,364		1,042
TOTAL		3.05	63,410	17.01	324,258

DEPARTMENT OF INSTITUTIONS

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PROPOSED WOMENS CORRECTIONAL FACILITY EXPANSION

ATTACHMENT 3

	FTE	1990	1991
PERSONAL SERVICES:	11.85	\$252,962.00	\$252,962.00
OPERATING:			
2100 CONTRACT SERVICES		\$7,246.34	\$7,246.34
2200 SUPPLIES AND MATERIALS		\$15,746.15	\$15,746.17
2300 RENT		\$451.45	\$451.45
2400 TRAVEL		\$33.20	\$33.20
2600 UTILITIES		\$11,498.98	\$11,498.00
2700 REPAIR AND MAINTENANCE		?	?
2800 OTHER		\$5,130.06	\$5,130.06
TOTAL OPERATING		\$40,106.18	\$40,105.22
EQUIPMENT		\$15,698.21	\$0.00
TOTAL PROGRAM EXPANSION		\$308,766.39	\$293,067.22

DOES NOT INCLUDE MAJOR REPAIR AND MAINTENANCE

Ben. Bengtson
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**FEMALE OFFENDER POPULATION PROJECTIONS, CAPACITIES
AND CAPACITY EXPANSION OPTIONS. FYs 1990-1993, by quarter.**

	ACTUAL POPULATION 2/9/89	FY 1990 QUARTER				FY 1991 QUARTER				FY 1992 QUARTER				FY 1993 QUARTER			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Projected Female Inmates	63	64	66	68	70	72	74	77	79	81	84	87	90	93	96	99	103
Existing Program Capacities	46	45	45	45	45	45	45	45	45	45	45	45	45	45	45	45	45
WCC (design 30; emergency 45)	11	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
WLSTC (12)	6	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Other Placements (4)		61	61	61	61	61	61	61	61	61	61	61	61	61	61	61	61
Balance:Existing Capacity- Projected population	(2)	(3)	(5)	(7)	(9)	(11)	(13)	(16)	(18)	(20)	(23)	(26)	(29)	(32)	(35)	(38)	(42)
OPTION I																	
WCC (35-45)	35	35	35	35	36	35	37	40	39	41	44	45	45	45	45	45	45
WLSTC (12)	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
Other Placements (4)	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Expanded ISP (3-9)	3	3	3	3	3	6	6	6	9	9	9	9	9	9	9	9	9
Forensics Unit - MSH (15)	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Total	69	69	69	69	70	72	74	77	79	81	84	85	85	85	85	85	85
Balance:Existing and Expanded Capacity-Projected Population	5	3	1	0	0	0	0	0	0	0	0	(2)	(5)	(8)	(11)	(14)	(18)
OPTION II																	
WCC (35-45)	35	35	35	35	36	35	37	40	40	41	44	45	45	45	45	45	45
WLSTC (12)	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
Other Placements (4)	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Expanded ISP (3-9)	3	3	3	3	3	6	6	6	9	9	9	9	9	9	9	9	9
Out-of-State Prisons (10-15)	10	12	14	15	15	15	15	15	14	15	15	15	15	15	15	15	15
Total	64	66	68	68	70	72	74	77	79	81	84	85	85	85	85	85	85
Balance:Existing and Expanded Capacity-Projected Population	0	0	0	0	0	0	0	0	0	0	0	(2)	(5)	(8)	(11)	(14)	(18)
OPTION III																	
WCC (35-45)	35	37	39	39	41	40	42	45	44	45	45	45	45	45	45	45	45
WLSTC (12)	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
Other Placements (4)	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Expanded ISP (3-9)	3	3	3	3	3	6	6	6	9	9	9	9	9	9	9	9	9
In-State Jails (5-10)	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Total	64	66	68	68	70	72	74	77	79	80	80	80	80	80	80	80	80
Balance:Existing and Expanded Capacity-Projected Population	0	0	0	0	0	0	0	0	0	(1)	(4)	(7)	(10)	(13)	(16)	(19)	(23)
OPTION IV																	
WCC (35-45)	35	35	35	35	36	35	37	40	39	41	44	45	45	45	45	45	45
WLSTC (12)	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
Other Placements (4)	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Expanded ISP (3-9)	3	3	3	3	3	6	6	6	9	9	9	9	9	9	9	9	9
Forensics Unit-MSH (15)	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Out-of-State Prisons	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	69	69	69	69	70	72	74	77	79	81	84	87	90	93	95	95	95
Balance:Existing and Expanded Capacity-Projected Population	5	3	1	0	0	0	0	0	0	0	0	0	0	0	(1)	(4)	(8)

DEPARTMENT OF INSTITUTIONS
PROPOSED PERSONAL SERVICES LANGUAGE

In the event the Department is unable to fill difficult to recruit professional positions, it may transfer up to 100% of the funded cost of the vacant position or the cost of the contract, whichever is the lessor, to operating expenses for the purpose of contracting for services that would have been provided if that position were filled. In addition, should the Department be faced with a catastrophic occurrence which cannot be otherwise rectified, it may transfer, to operating expenses, the necessary amount to correct the situation. No transfers will be made without the approval of the Governor or his designated representative.

ATTACHMENT #4

San Diego

Institutions and Cultural Education Subcommittee

Potential language for House Bill 100 allowing the Department of Institutions to transfer funds from personal services to operating expenses in the event they cannot fill certain positions.

"In the event the department is unable to fill a physician, social worker, psychiatrist, psychologist, physical therapist, occupational therapist, speech pathologist, or dietician position included in personal services, the department may transfer up to 100 percent of the funded cost of the vacant position or the cost of the contract, whichever is the lesser, to operating expenses for the purpose of contracting for services that would have been provided if that position were filled."

DEPARTMENT OF INSTITUTIONS
PROPOSED TRANSFER AUTHORITY LANGUAGE FOR INSERTION IN HB100

Within items 4 and 5 inclusive, transfers may be made between line items in excess of 5% of the total appropriation authority in each line item upon approval of the governor or his designated representative.

Note: Item numbers may have to be adjusted to designated item numbers in HB100.

ATTACHMENT #5

Sen. Bing

Exhibit 4
Page
13307

COMMUNITY YOUTH ACTIVITY PROGRAM (CYAP)
BLOCK GRANT PROGRAM

This Program was recently created by the Anti Drug Abuse Act of 1988, P.L. 106-90 which was enacted on November 18, 1988. The purpose of this block grant program is to enable states to provide financial assistance for community services and partnerships designed to develop community activities targeted at the prevention of drug abuse among youth. Each state will receive \$68,509. In order for each state to receive their allotment they must submit an acceptable application to the Alcohol and Drug Abuse and Mental Health Administration which is under the Department of Health and Human Services. No matching funds are required. All funds must be obligated by September 30, 1989 and expended prior to September 30, 1990.

A state's application should briefly demonstrate the state's need for community services and partnerships to develop community activities targeted at youth drug abuse prevention through education, training and recreational projects. Our intent is to contract this funding out with community based organizations. While community chemical dependency treatment programs would be eligible for this funding, priority for receiving awards would be the community-based substance abuse, prevention/ intervention, education programs staffed with volunteers who provide these activities in the communities. Because of the continued decline of earmarked tax revenue we have never had sufficient funds to set aside money for these community prevention programs. Department prevention and early intervention efforts by the Alcohol and Drug and Mental Health Services Block Grant are only with community treatment programs. We have a requirement that 20% of our ADMS Block Grant funds be used for prevention or early intervention. We ensure compliance by monitoring prevention goals and objectives and expenditures.

While the information we have available does not specifically state that this award for \$68,509 will continue in the letter to Governor Stephens does indicate that states can apply in future years. We have also been informed by the National Association of State Alcohol and Drug Abuse Directors in Washington that recipients of the \$68,509 may be given priority for additional related prevention monies by the Office of Substance Abuse Prevention (OSAP). If, at a future time, we were to receive any additional OSAP money, we would request spending authority through the budget amendment process.

Exhibit 5

February 17, 1989

Governor Stan Stephens
Room 204
State Capitol
Helena, MT 59620

Dear Governor Stephens:

We are the subcommittee of the House of Representatives Appropriation Committee which funds Montana's state veterans' home at Columbia Falls.

Our committee urges the United States Congress to support veteran's benefits including medical, nursing homes, and domiciliary. We strongly support the resolution of the 51st Montana Legislature imploring the Congress of the United States to pass legislation endorsing a supplemental appropriation to fund and staff the Veterans' Administration Medical Centers at Fort Harrison and Miles City to fully utilize all the medical and surgical beds, to reopen the closed ward at the Fort Harrison facility, and to proceed with a plan to construct and staff a 120-bed Veterans' Administration nursing home care unit at Fort Harrison.

Sincerely,

William "Red" Menahan, Chairman
Institutions and Cultural Education
Subcommittee

TPS:rs:vets

c: Secretary of Veterans' Affairs
Montana's Congressional Delegation
Governor of the State of Montana
Senate and House Committee on Veterans' Affairs

Exhibit 69 ✓
✓

and/or The Eastern Center

"In the event that Federal Financial Participation is no longer available to the Montana Developmental Center and has the direct effect of reducing reimbursement revenue to the general fund, the Department of Institutions, in cooperation with the Department of Social and Rehabilitative Services, Department of Family Services, and the Department of Health and Environmental Sciences shall expeditiously develop a plan to minimize and or eliminate the loss of revenue to the general fund without jeopardy to the care and treatment of residents in the Center. Such plan should include consideration of the following: 1) appropriateness of continued certification efforts; and 2) appropriateness of reducing facility population with concurrent efforts to increase appropriate community-based service delivery systems. The Departments shall report their initial plan to the Governor for his review and action within ___ days after loss of Federal Financial Participation."

Exhibit 7

DEPARTMENT OF INSTITUTIONS
PROPOSED LANGUAGE FOR INSERTION INTO HB100

PRISON INDUSTRIES:

Within item 4(d)(iv.), Industry Operations; the Department may submit budget amendments to hire 1.00 FTE Marketing Representative, 2.00 FTE Shop Supervisor's, and 1.00 FTE Prison Industries Procurement Coordinator, if funding is available.

INDUSTRIES TRAINING:

Within item 4(d)(vi), Industries Training Operations; the Department may submit budget amendments to hire a .25 FTE Horticulturist and a 1.00 FTE Vehicle Maintenance Shop Supervisor, if funding is available.

Note: Item numbers may have to be adjusted to designated item number in HB100.