

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION**

#### **SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION**

**Call to Order:** By WM. "RED" MENAHAN, on January 17, 1991, at 8:00 A.M.

#### **ROLL CALL**

##### **Members Present:**

Rep. Wm. "Red" Menahan, Chairman (D)  
Sen. Dick Manning, Vice Chairman (D)  
Sen. Gary Aklestad (R)  
Sen. Tom Beck (R)  
Rep. Dorothy Cody (D)  
Rep. Chuck Swysgood (R)  
Sen. Eleanor Vaughn (D)

**Staff Present:** Sandra Whitney, Senior Fiscal Analyst (LFA)  
MaryLaFond, Budget Analyst (OBPP)  
Mary Lou Schmitz, Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

#### **EXECUTIVE ACTION ON BOARD OF PARDONS**

Tape No. 1 Side A 013

**Hank Burgess, Chairman, Board of Pardons,** presented remarks concerning the Board and said he was satisfied with the LFA budget.

**Ms. Whitney** explained the worksheet and issues and asked the subcommittee to act on each.

**Motion:** SEN. AKLESTAD moved to accept the Executive Budget each year of the biennium 92 and 93. Not voted on.

**REP. CODY** made a substitute motion to accept the LFA budget of \$180,718 FY 92 and \$179,933 FY 93.

##### **Discussion:**

A vehicle requested by the Board was discussed. **REP. MENAHAN** said before any action is taken, the possibility of using a motor pool vehicle should be researched.

**SEN. VAUGHN** asked if the subcommittee approves a budget that will not be enough, will the Board return requesting additional money.

REP. CODY said that is correct and it does happen.

**Vote:** MOTION CARRIED WITH REP. SWYSGOOD AND SEN. AKLESTAD  
VOTING NO.

**EXECUTIVE ACTION ON MODIFIED #2**

**Tape No. 1, Side A 491**

**Motion:** SEN. BECK moved to accept the recommendation for the 1.0 FTE pre-parole programmer Grade 13, Step 2 and operating expenses for increased caseload, \$31,511 FY 92 and \$27,425 FY 93

**Discussion:**

REP. SWYSGOOD asked how the Modifieds would be treated. REP. MENAHAN said the Subcommittee can pass on them but they will all be brought up before the full Appropriation's Committee.

SEN. AKLESTAD asked Ms. LaFond if the executive budget acknowledges any of the additions in relation to the Modifieds. Ms. LaFond said none of them were. REP. SWYSGOOD said the executive budget did allow for the one position Grade 13, Step 2. Ms. LaFond said she misunderstood SEN. AKLESTAD and they did recommend the programmer.

Ms. Whitney said the Modified request was for one additional FTE pre-parole programmer, Grade 13, Step 2 and operating expenses for increased caseload.

**VOTE;** MOTION CARRIED UNANIMOUSLY.

**EXECUTIVE ACTION ON MODIFICATIONS**

**Tape No. 1, Side B 005**

**Motion:** REP. CODY moved to include the modified in the LFA and General Fund budget.

**Discussion:** REP. MENAHAN said they know where it comes from and wondered if the vote was needed because of their last vote. Ms. Whitney said if there were two sources of funding she needs to know how it should be funded.

Ms. Whitney said this final motion to be made is to approve the current level as adjusted and it has to be funded with general funds, so if the Subcommittee would accept the LFA current level and funding as adjusted. This motion is to fund the pre-parole programmer, Grade 13, Step 2 with general funds.

**VOTE;** MOTION CARRIED WITH SEN. AKLESTAD VOTING NO

**COMMUNITY CORRECTIONS**

**Chris Christaens, Director, Great Falls Pre-Release Center**, and a member of the Prison Overcrowding Committee since 1988 said the insurance allocated for the Pre-Release Centers was inadvertently omitted from the budget. He wanted to make sure the \$22,009 for Officers' and Director's liability, general liability and automobile insurance is included in their budget this year. Officers' and Directors' liability, general liability and automobile insurance. **REP. CODY** asked if this is in the base of the budget and **Mr. Christaens** said it has been treated separately. **Ms. Whitney** said the insurance for the Pre-Release Centers is recorded in the same category as insurance for the Department of Administration. In past years it was included in the board and room contract with the Pre-Release Centers. Apparently last session, it was left out due to an oversight.

The second issue regards an inflation factor which shows an increase in the budget of \$10,570 FY 92 and \$17,821 FY 93. **Mr. Christaens** wants the subcommittee to be aware they need these figures for staff salary increases, postage, gasoline and major medical insurance.

**REP. MENAHAN** asked if the employees received a raise last year. **Mr. Christaens** said they received a 2.5% salary increase, and they do not have medical coverage like the state plan. They contract the best they can get.

**Mr. Christaens** said the other recommendations are concerns of Prison Overcrowding Committee such as a new program for intensive supervision in Great Falls. The expanded 25 pre-release beds are vital to assure they will not have to build more prison bed space. **SEN. MANNING** asked if there would be adequate room for additional beds in the Great Falls Pre-Release Center. **Mr. Christaens** said yes.

**REP. MENAHAN** asked if they could expand the Women's Pre-Release Center without going to a 200 bed facility. **Mr. Christaens** said the Pre-Release Centers are needed as an end component but there are some people who will never fit in Pre-Release Centers.

**Tape No. 1, Side B 235**

**Mr. Chisholm** said a number of National Correctional Authorities had looked at the Department's classification system and they are appropriately classifying inmates. The problem with the Pre-Release Center option to building a Women's Correctional Center is that by law only an inmate within 12 months of parole eligibility can be placed in the Pre-Release Center. The rest are serving court set timed sentences. Those numbers and the time they have to spend in a correctional facility indicate to the Department it will have to build a facility large enough to house the women.

**EXECUTIVE ACTION ON COMMUNITY CORRECTIONS**

**Tape No. 1, Side B, 632**

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**Motion:** SEN. MANNING moved to accept the insurance for Pre-Release Centers at \$22,009 each year.

**Discussion:** Ms. Whitney gave an overview explaining the issues in the worksheet and clarified current level differences. Page 2 #1, 2. Issues #1, executive budget modifications, 1 & 2. Page 3, #1. Page 4, base differences in differential, holidays, overtime & related benefits. Under Funding - Donations #1 there was \$0 in FY 90 so none in current level FY 91 so the LFA did not include it. Under Issues the LFA did not recognize approved 1991 increases for the Centers for the 1993 Biennium. The modified requests are for Pre-Release expansion and House Arrest. The 1.0 FTE considered for Local Jurisdiction Sentencing Options is a .5 FTE, Grade 7, step 2 and a .5 FTE, Grade 13, step 2. The other half of this program is anticipated to be funded with federal funds but they do not have a grant award yet so if they get that they are asking for language to submit a budget amendment. Page 5, Billings Life Skills. Modified requests are for a Great Falls ISP Program, 2 FTE Grade 13, step 2 and a .5 FTE at Grade 8, step 2. Probation and Parole officers are 3.0 FTE in FY 92 and 4.0 in FY 93, and all are Grade 13, step 2.

REP. BECK asked if the total is 7 FTE and Ms. Whitney said it is 3 FTE the first year and one added in the second for a total of 4.

Insurance for Pre-Release Centers not included in either Executive or Current Level budgets, \$22,009 for each year. REP. SWYSGOOD asked if this was a General Fund item and the answer is yes. SEN. BECK asked if this is over and above the LFA budget. Ms. Whitney said the Department of Administration fixes the insurance rates that each agency has to pay. The LFA included all those fixed costs except the Pre-Release insurance, which is reimbursed to the Centers, because it is coded in the same ID. Therefore, the fixed cost only reflects the Department of Administration cost. They did not pick up the additional contracted cost.

**VOTE;** MOTION CARRIED UNANIMOUSLY

EXECUTIVE ACTION ON COMMUNITY CORRECTIONS

Tape No. 2, Side A, 012

**Motion:** SEN. VAUGHN moved to accept the Executive Budget \$1,724,054 FY 92 and \$1,725,195 FY 93.

**Discussion :** Ms. Whitney said the major question in this budget, other than which base the subcommittee will take, is the inflationary amounts.

SEN. AKLESTAD asked what the LFA worked into the personal services inflation. Ms. Whitney said the LFA personal services has the same FTE and the same dollar amounts per FTE as the executive budget. The difference in personal services is that

the executive took 1991 appropriated for differential holidays, overtime and related benefits. The LFA went from the 1991 actual, so the actual costs were slightly different between the two budgets.

**SEN. AKLESTAD** asked about inflation in personal services and if both budgets are using a figure for salary increases and every budget they deal with will be handled accordingly and not separately. **Ms. Whitney** said yes.

**REP. MENAHAN** asked **Mr. Christaens** if all the directors are in communication and agreement with what the subcommittee is doing. **Mr. Christaens** said not entirely because the director from Billings is out of the state so is not aware.

**SEN. AKLESTAD** asked if there is any way they can get more of the alcohol and drug money into these programs to replace General Fund money. **Ms. Whitney** has done an analysis of the alcohol earmarked fund and it appears that without adding anything new the amounts will be very tight. If Corrections Modifieds are added and are funded with earmarked alcohol tax as the executive has proposed the balance will be spent down.

**Ms. Whitney** said a motion is needed to accept one base or the other and the funding accompanying it.

**VOTE: MOTION TO ACCEPT THE EXECUTIVE BUDGET CARRIED UNANIMOUSLY**

**EXECUTIVE ACTION ON COMMUNITY CORRECTIONS**

**Tape No.2, Side A, 107**

**Motion:** **SEN. BECK** moved to accept the executive budget on the modified requests 1. Pre-Release Expansion - General Fund \$486,395 FY 92 and \$508,145 FY 93. 2. House Arrest - General Fund \$45,000 FY 92 and FY 93. 3. Local Jurisdiction Sentencing Options - General and State Funds, 1.0 FTE and operating costs, \$35,048 FY 92 and 35,037 FY 93.

**Discussion:** **Ms. Whitney** said that by accepting the executive budget the subcommittee has accepted the insurance and bonds so she will need permission to make those adjustments between executive and current level so that the Department of Administration insurance stays current.

**REP. SWYSGOOD** asked if the executive budget included all the modifications. **Ms. Whitney** said all three were.

**SEN. BECK** said as Chairman of the Criminal Justice Taskforce he feels they are going have to do something to hold down the cost at Montana State Prison and will have to start funding these programs.

**SEN. AKLESTAD** asked if the motion encompassed the medical. **Ms. LaFond** said they were just voting for the three modifieds.

Ms. Whitney explained the modified requests on Page 5.

**VOTE; MOTION CARRIED UNANIMOUSLY**

**EXECUTIVE ACTION ON LANGUAGE**

**Tape No.2, Side A 260**

**Motion:** SEN. MANNING moved to accept the Language area anticipating federal funds of approximately \$35,000 to match state funds.

**VOTE; MOTION CARRIED UNANIMOUSLY - SEN. AKLESTAD VOTED NO**

REP. SWYSGOOD moved that the Language be limited to a federal match of 50 percent or greater and that state and local money be reverted to the extent that federal funds are less than \$35,000.

**Discussion:** REP. CODY asked the subcommittee to consider a change in "The department may submit budget amendments for the local jurisdiction sentencing option program if federal funding becomes available", from the word "may" to "shall" so they have to receive federal funding to get the money.

Ms. Whitney said the General Fund amount is \$17,528 FY 92 and \$17,537 FY 93. There is a match from Missoula of \$17,500 each year. The budget amendment law says that if federal funds are available for legislative consideration and they don't ask, the Department cannot come back in for federal funding on a budget amendment. They have to have the spending authority.

In answer to SEN. BECK, Keith Wolcott, Deputy Director, said if the subcommittee approves the language and more money is received the Department will not be able to ask for a budget amendment to increase the General Funds. The Budget Amendment Law does not allow anyone to budget amend any general funds.

**Motion:** REP. CODY moved an amended motion to change the word "may" to "shall" in the second paragraph of the Language issue. After further discussion REP. CODY withdrew the motion.

**Motion:** SEN. MANNING moved to accept all the language as amended.

**MOTION CARRIED - SEN. AKLESTAD VOTED NO**

**EXECUTIVE ACTION ON BILLINGS LIFE SKILLS**

**Tape No. 2, Side A, 601**

**Motion:** REP. CODY moved to accept the LFA budget \$219,489 FY 92 and \$220,087 FY 93.

**Recommendation and Vote:** Ms. Whitney said the only base differences are in differential, holidays, overtime and related benefits in personal services. The extra rent - current level,

and base differences throughout the budget are because the executive used FY 91 and LFA used FY 90. There are some inflation differences, primarily supplies and materials. This program is funded with General Fund.

**MOTION CARRIED - SEN. AKLESTAD AND REP. SWYSGOOD VOTED NO**

**EXECUTIVE ACTION ON EXECUTIVE BUDGET MODIFICATIONS**

**Tape No.2, Side A 38**

**Motion:** REP. CODY moved to approve the modifications for \$3110 FY 92 and FY 93 increase for variable costs of increased average daily population and \$278,119 FY 92 and \$237,043 FY 93 for new 16 bed Women's Pre-Release Center.

**Discussion:** REP. CODY said comparing this budget to others where they are spending just general funds and do not have an opportunity to get matching funds but the need is there.

**Recommendation and Vote:** Ms. Whitney explained the executive modifications: 1. \$3,110 increase average daily population at Billings Life Skills Center and 2. New Women's Pre-Release Center - General Fund \$278,119 FY 92 and \$237,043 FY 93.

**MOTION CARRIED UNANIMOUSLY**

**ADJOURNMENT**

**Adjournment: 10:30 A.M.**

  
WM. "RED" MENAHAN, Chair

  
MARY LOU SCHMITZ, Secretary

WM/mls

HOUSE OF REPRESENTATIVES  
INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

ROLL CALL

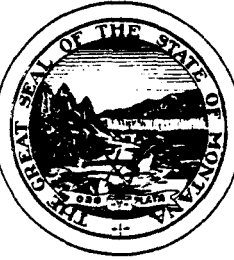
DATE 1-17-91

NAME	PRESENT	ABSENT	EXCUSED
REP. WM. "RED" MENAHAN, CHAIRMAN	✓		
SEN. DICK MANNING, VICE-CHAIRMAN	✓		
REP. DOROTHY CODY	✓		
SEN. ELEANOR VAUGHN	✓		
REP. CHUCK SWYSGOOD	✓		
SEN. GARY AKLESTAD	✓		
SEN. TOM BECK	✓		

HR:1991  
CS10DLRLCALIN&C.MAN



DEPARTMENT OF INSTITUTIONS



STAN STEPHENS, GOVERNOR

STATE OF MONTANA

(406) 444-3930

HELENA, MONTANA 59620-1301

EXHIBIT 1  
1-17-91  
HB Instit Subcom

MEMORANDUM

DATE: January 16, 1991  
TO: DANIEL D. RUSSELL  
FROM: TED CLACK *Ted*  
RE: Request for data on WLSC residents

A total of 48 women were admitted to the WLSC in fiscal years 1989 and 1990. There were 46 releases from the WLSC in the same period, 36 of whom were released to discharge or parole. Parolees accounted for 31 of the 36 "graduates". Of the "graduates", only two have been returned to the WCC to date. Both returns were parole violators; one had committed a new crime.

THC:bt

## COMMUNITY CORRECTIONS

Executive Budget Modification - Local Jurisdiction Sentencing Option

Language approved -

The department shall submit budget amendments for the local jurisdiction sentencing option program if federal funding becomes available. The total general fund and state special fund share of the program shall not exceed 50 percent and shall revert to the respective funds to the extent that federal funding is less than \$35,000.

EXHIBIT 2  
DATE 1-17-91  
ME Instit. Subcomm

# HOUSE OF REPRESENTATIVES

## INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEES

### ROLL CALL VOTE

DATE 1-17-91 BILL NO. \_\_\_\_\_ NUMBER \_\_\_\_\_

MOTION: Sub. motion

Rep. Cody moved to accept the LFA Budget  
LFA

NAME	AYE	NO
REP. WM. "RED" MENAHAN, CHAIRMAN	✓	
SEN. DICK MANNING, VICE-CHAIRMAN	✓	
REP. DOROTHY CODY	✓	
SEN. ELEANOR VAUGHN	✓	
REP. CHUCK SWYSGOOD		✓
SEN. GARY AKLESTAD		✓
SEN. TOM BECK	✓	
TOTAL	5	2

# Institutions

AGENCY (S) \_\_\_\_\_

DATE 1-17-91

DEPARTMENT \_\_\_\_\_

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.  
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.