

MINUTES

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

SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By WM. "RED" MENAHAN, on January 23, 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)
Mary LaFond, Budget Analyst (OBPP)
Mary Lou Schmitz, Secretary

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

MONTANA STATE PRISON

Ms. Whitney reviewed the budget worksheet Personal Services 1. (Exhibit 1, minutes 1-21-91). Inmate Pay is included in current level, but not in Executive budget. **Ms. LaFond** explained there was a misunderstanding. She thought it was in current level but the department pulled it out to look at separately so the \$198,548 should be in the budget.

Ms. Whitney said under Operating Expenses the issue is the extra amount LFA put in current level for increases in average daily population.

REP. ANGELA RUSSELL, spoke on the lack of a spiritual counselor coordinator for Native Americans at the prison. She is requesting a Modification for this position as there are about 370 Native Americans in the prison. Many Indian inmates do not feel they are a part of the system so as a result never go before the Parole Board. It is necessary to move people out of the system and be rehabilitated.

REP. CODY asked **Jack MacCormick**, Warden, what programs are available for Native Americans. **Mr. MacCormick** said there are two major programs, a Chemical Dependency program called The Circle of Talk which is inmate led, and Adult Children of

Alcoholics. There is a belief among the inmates that without a Native American spiritual advisor, they do not have someone who speaks or acts for them.

SEN. BECK asked what the spiritual advisor's role is. **REP. RUSSELL** said it is a very encompassing role for all tribes. The person, a Native American, has gone through special training and is aware of the Indian culture. A volunteer from Great Falls has been going to the Prison on weekends.

EXECUTIVE ACTION ON MONTANA STATE PRISON

Tape No. 1, Side A, 234

Motion/Vote: **SEN. BECK** moved to put \$198,548 of the inmate pay back into the Executive Budget which would make the total funds \$14,465,869. **MOTION CARRIED**

Motion/Vote: **REP. SWYSGOOD** moved to accept the LFA budget for personal services, operating expenses and equipment with the funding sources. **MOTION CARRIED**

Discussion: **REP. CODY** asked if the \$198,548 figure is put back into the budget does it become part of the base or does it have to be addressed separately every Biennium. **Ms. LaFond** said it would be in the base.

ISSUES

Motion/Vote: **SEN. BECK** moved to accept LFA budget for Issue #1. Contracted Psychologist Services - Contract increases of \$8,170 FY 92 and \$11,143 FY 93. Executive and Current Level budgets both used actual costs for fiscal 1992 and 1993. **MOTION CARRIED WITH SEN. AKLESTAD AND REP. SWYSGOOD VOTING NO**

Discussion: **SEN. BECK** asked **Mr. MacCormick** what percentage increase this is from last year's contract. **Mr. MacCormick** said a 5% increase.

No motion taken on Issue #2; Montana Defender Project Contract Increases.

MODIFIED REQUESTS

Discussion: **REP. CODY** asked if the total FTE for the first Modified request, staffing for additional capacity, is 21.6 the first year increased to 32.2 the second year. **Mr. Russell** said yes. The Department proposes an additional 156 inmates in FY 92 and 249 inmates in FY 93 over the capacity level. There will be a shortfall of meeting all needs for 44 more inmates in the second year of the Biennium. The Department proposes to deal with this problem through a Bill introduced by **SEN. BECK** to put a cap on prison population. It reads "when the prison exceeds the emergency capacity the Department will contract with jails for placement of inmates."

SEN. AKLESTAD asked how many prisoners and staff personnel will be moved from the Women's Correctional Center and when will it happen. **Mr. Russell** said they will be moving into the new Unit D the end of January and first of February, 1991. There are 15.4 staff in the Unit. They will be assimilated into openings now but not continue to be funded as separate staff in the second half of this Biennium. Thirty inmates will be moved from Montana State Hospital expansion unit which will essentially eliminate the staff.

Ms. Whitney said in FY 92 the cost for FTEs is \$502,744 and \$739,113 for FY 93. The operating expense in FY 92 \$55,629 and in FY 93 \$61,678. The equipment in FY 92 is \$12,505.

EXECUTIVE ACTION ON MODIFIED REQUESTS

Tape No.2, Side A, 369

Motion: **SEN. BECK** moved to accept Modified Request #1, 21.6 FTE in FY 92 and 32.2 in FY 93 to staff for the additional capacity.

NO ACTION TAKEN

Discussion: **SEN. AKLESTAD** said this motion adds 32.2 FTE over the Biennium and the monetary amount shown does not cover all the costs of the total number of potential inmates to be incarcerated on the county level. They are not covered in this budget so the Department might have to come back at a later date and request additional funds.

Motion/Vote: **SEN. AKLESTAD** made a substitute motion to budget FY 92 separately from FY 93. **MOTION FAILED WITH REPS. CODY AND MENAHAN AND SEN. VAUGHN VOTING NO.**

Discussion: **REP. CODY** asked for an explanation. **SEN. AKLESTAD** said his motion is to accept the 21.6 FTE and then there would be a separate motion for FY 93.

Motion: **REP. SWYSGOOD** made a substitute motion for 31.2 FTE instead of 32.2 FTE as stated in the original motion and this would eliminate one Counselor, Grade 13, Step 2. **MOTION CARRIED 6 to 1 WITH REP. MENAHAN VOTING NO.**

Tape No. 2, Side A, 637

EXECUTIVE ACTION ON SWAN RIVER FOREST CAMP

Motion/Vote: **REP. SWYSGOOD** moved to accept the LFA budget, excluding personal services 1., \$7679 for each year of the Biennium for a total of \$1,101,028. **MOTION CARRIED UNANIMOUSLY**

Motion/Vote: **REP. CODY** moved to accept Modified Request #1, \$38,610 for FY 92 and \$38,541 FY 93. Operating expenses for additional FTE \$510 each year. **MOTION CARRIED WITH REP. SWYSGOOD VOTING NO.**

Motion/Vote: REP. CODY moved to accept \$5526 out of earmarked alcohol revenue funds for FY 92 and FY 93 for contracted psychologist service. MOTION FAILED WITH SENS. BECK AND AKLESTAD AND REP. SWYSGOOD VOTING NO.

Discussion: REP. SWYSGOOD asked if every modified request was approved by the Executive in the total budget. Ms. LaFond said yes.

EXECUTIVE ACTION ON WCC

Tape No. 2, Side B, 355

Motion: REP. SWYSGOOD moved to accept the LFA budget, \$940,130 FY 92, \$946,347 FY 93. MOTION CARRIED.

Discussion: Dan Russell handed out Exhibit 1, showing WCC overtime figures requested by REP. CODY.

Ms. Whitney referred to the modified requests and gave the breakdown for personal services as follows: FY 92 \$54,750, FY 93 \$54,630. Operating expenses are FY 92 \$23,403 and FY 93. \$45,677.

SEN. BECK asked the Department's plan for expansion. Mr. Russell said the population projections are exceeding the conservative approach. There will have to be more double bunking either in the nurses dorm or an expansion unit.

SEN. AKLESTAD said he had to leave but would go along with the budgets on Modified Request #1, 2 additional FTE, as long as they are into correctional officers. If the motion is to go along with what is projected; his vote is no.

Motion/Vote: SEN. BECK moved to accept Modification #1, Female Correction population increase in its entirety. MOTION CARRIED WITH SEN. AKLESTAD VOTING NO.

Motion/Vote: REP. SWYSGOOD moved to add 3 FTE, Grade 10, Step 2 correctional officers and necessary operating expenses and benefits. These officers replace the three who were elevated to supervisory positions and to alleviate the situation at the Women's Correctional Center. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON PRISON MODIFIED REQUESTS

Tape No.3, Side A, 212

Motion: REP. CODY moved to accept Modified #2 of the Montana State Prison Budget; operating cost increases for \$80,858 each year of the Biennium. MOTION CARRIED UNANIMOUSLY.

Discussion: REP. CODY asked for a breakdown of #3, Targeted Case Managers. Ms. Whitney said personal services \$51,616 for FY 92

and \$51,498 for FY 93. Operating expenses are \$3,660 for FY 92 and \$4,332 for FY 93. The vehicle is \$10,595 for 1992 only. REP. CODY asked how many targeted Case Managers are employed now. Mr. MacCormick, Warden, said they have hired two temporary managers and will be asking for funding in a Supplemental. The Case Manager's job is to transport paroled inmates to various employment interviews or nursing homes. They work continuously to get inmates out.

Motion: SEN. BECK moved to accept Modified #3, 2.0 FTE Grade 13, Step 2 Targeted Case Managers and include the automobile.

Motion/Vote: REP. SWYSGOOD made a substitute motion for 1.0 FTE Targeted Case Manager and include the automobile and expenses.
MOTION CARRIED - REP. MENAHAN VOTED NO

EXECUTIVE ACTION ON CANTEEN

Tape No. 3, side 2, 120

Motion/Vote: REP. SWYSGOOD moved to accept the Executive budget \$1,159,246 for FY 92 and \$1,159,248 for FY 93. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON RANCH AND DAIRY

Tape No. 3, Side 2, 156

Motion/Vote: REP. SWYSGOOD moved to accept the Executive budget \$1,590,081 for FY 92 and \$1,589,989 for FY 93 with an additional \$85,000. MOTION CARRIED UNANIMOUSLY

EXECUTIVE ACTION ON PRISON INDUSTRIES

Tape No.3, Side 2, 205

Motion: REP. CODY moved to accept the Executive Budget \$1,134,428 for FY 92 and \$1,138,063 for FY 93. MOTION CARRIED UNANIMOUSLY.

LANGUAGE

Discussion: Ms. Whitney said the language allows the Department to return for budget amendments if the proprietary funding will allow it to hire additional FTE.

Motion/Vote: SEN. BECK moved to accept the Language. MOTION CARRIED WITH REP. SWYSGOOD VOTING NO.

EXECUTIVE ACTION ON PRISON INDUSTRIES TRAINING BUDGET

Tape No. 3, Side 2, 237

Motion: REP. SWYSGOOD moved to accept the LFA budget \$453,847 for FY 92 and \$454,926 for FY 93. MOTION CARRIED UNANIMOUSLY.

Discussion: Ms. Whitney said the Language items allow the Department to submit budget amendments for extra FTE and to

require they not have more than \$16,000 cash balance in proprietary funds. Anything in excess would reduce General Fund.

Motion/Vote: REP. CODY moved to increase proprietary funds and budgeted FTE by 0.25 horticulturist and to accept Language #1 for the remaining 1.0 FTE, to be paid out of proprietary funds.
MOTION CARRIED WITH REP. SWYSGOOD VOTING NO.

Motion/Vote: REP. SWYSGOOD moved to accept Language #2. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON LICENSE PLATE FACTORY

Tape No.3, Side 2, 347

Motion: REP. SWYSGOOD moved to accept the LFA budget \$447,743 for FY 92 and \$448,105 for FY 93 and add \$17,218 so that the total contingency for maintenance and repair of equipment would be \$30,000.

Motion: REP. CODY made a substitute motion and to accept the differences of the Executive Budget over the LFA budget as stated.

MOTIONS WITHDRAWN

ADJOURNMENT

Adjournment: 11:45 A.M.



WM. "RED" MENAHAN, Chair



MARY/LOU SCHMITZ, Secretary

WM/mls

HOUSE OF REPRESENTATIVES
INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

ROLL CALL

DATE 1-23-91

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

COMMITTEE PROXY

Date: 1-23-91

Mr. Chairman:

Please vote me on bills and
amendments as follows:

Mt State Prison Budget - yes
as modified

Eleanor Douglas
(Name)

COMMITTEE PROXY

Date: 1-23-91

Mr. Chairman:

Please vote me on bills and
amendments as follows:

Ranch - yes

Eleanor Langston
(Name)

5-31 /
1-23-91
HE Instit Subcomm.

MEMORANDUM

TO: Jim Currie

FROM: Terry Lazure

DATE: January 22, 1991

SUBJECT: WCC OVERTIME

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FY 90

DIRECT CARE	\$28,271.22	2,435.8 HOURS
NON-DIRECT CARE	\$371.77	34.3 HOURS

FY 91 THROUGH 12/28

DIRECT CARE	\$19,969.51	1,693.4 HOURS
NON-DIRECT CARE	\$258.64	23.0 HOURS

PROJECTED FY 91 TOTAL

DIRECT CARE	\$36,279	3,030.8 HOURS
NON-DIRECT CARE	\$529	47 HOURS

In addition the latest information from Steve MacAskill is that the following officers will lose the indicated annual leave hours available in calendar year 1990:

James Walsh = 23.4
Carol Krumske = 21.25

VISITOR'S REGISTER

Institutions

SUBCOMMITTEE

AGENCY(S) _____

DATE 1-23-91

DEPARTMENT _____

NAME	REPRESENTING	SUP- PORT	OP- POSE
Steve MacAshie	WCC		
Drew SANDS	Mt. Womers Lobby	+	
Bill Wells	M.S.P	X	

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