

HB

461

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 25, 1998

FURTHER REFERRALS:

Date of Committee Action: 3/5/98

The FINANCE Committee considered:

HB 461

HOUSE BILL NO. 461

APPROP: SUPPLEMENTAL APPROPRIATIONS

"An Act making supplemental and special appropriations; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 461 (FIN) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____ fiscal note(s) _____

 zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Tom Thernault</i>	Thernault			X	
<i>Mark Hanley</i>	Hanley	X			
<i>Edon Mulder</i>	Mulder	X			
<i>Terry Martin</i>	Martin	X			
<i>Vic Kohney</i>	Kohney		X		
<i>J. Davis</i>	J. Davis	X			
<i>Ben Grussinduf</i>	Grussinduf	X			
<i>Ken Moses</i>	Moses	X			
<i>John Kelly</i>	J. Davis	X			
<i>John Kelly</i>	Kelly	X			✓
<i>Bob Foster</i>	Foster	X			

CO CHAIR'S SIGNATURE *Tom Thernault* *Mark Hanley*

3-5-98

FY 98 COSTS TO BE IN COMPLIANCE WITH *CLEARY* ORDER AS OF MAY 1, 1998 (Through June 30, 1998)

72 Community Residential Center (halfway house) beds:	\$40,000 GF \$25,700 Fed	as well as authorization to spend \$25,700 appropriated federal funds, needed to supplement existing funds to pay for 3.5 months (March 15 to June 30).
256 out-of-state contract beds:	\$1,136,250 GF	\$454,500 per month for 2.5 months needed for contractual costs (at a rate of \$55.50 per day per prisoner under existing contract, which is in place through June 30, 1998), state staff needed to process grievances and perform probation/parole functions, and required inmate wages.
Alternative housing for 125 inmates:	\$405,000 GF	\$175,000 per month for two months for staffing and recurring inmate expenses plus \$55,000 one-time set up costs.
Total funds:	\$1,606,950	(\$1,581,250 GF and \$25,700 federal receipts)

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

MICHAEL CLEARY, et. al,)
)
 Plaintiffs,)
 vs.)
)
 ROBERT SMITH, et.al)
)
 Defendants.)

Case No. JAN-81-5274 Civil

ORDER

(Re: Department of Corrections submission of December 19, 1997)

INTRODUCTION

In 1990, after nine (9) years of litigation, the State of Alaska through the Department of Corrections entered into a Final Settlement Agreement ["FSA"] with the plaintiffs. The parties' settlement was approved by the court on September 21, 1990. A significant provision in the parties' agreement was that the court would be responsible for monitoring both parties' compliance with the FSA. The parties agreed that the court would accomplish the required monitoring by appointing a compliance monitor and by setting forth the specific provisions of the agreement which required monitoring. In the ensuing additional eight (8) years since the parties' agreement, the court has endeavored to close as many compliance issues as possible in order to achieve the ultimate goal which is to end altogether court monitoring of the parties'

CLEARY v. SMITH, JAN-81-5274

ORDER (RE: DOC Submission of Dec. 19, 1997)

page 1 of 8

compliance.

Many compliance issues have been resolved through the sincere and continued efforts of all parties and their counsel. Consequently, during the past eight (8) years, the court has been able to limit the scope of active monitoring in areas when final closure has not yet been achieved. Especially noteworthy have been the efforts by the administration of the Department of Corrections. Too frequently, these efforts had to be achieved in the face of a public perception that State of Alaska was merely "coddling" prisoners instead of public understanding that an efficient, well-run prison system is important not only in deciding necessary state appropriation levels, but that efficient, well-run prisons are absolutely required for the health and safety of staff, the prisoners, and the public. The health and safety of the staff, prisoners, and public have always been the primary goal of the parties and the court in this litigation.

Underlying every court order setting forth the nature and scope of the compliance monitoring has been the court's determination to end judicial oversight over the Department of Corrections as soon as possible. However, compliance monitoring continues to be required because -- although it is undisputed by any party or by any of the many case experts -- Alaska prisons are housing more people than the prisons were designed, built, or modified to hold. In other words, there are too many people in too little space. No reasonable person can deny that overcrowding is

CLEARY v. SMITH, JAN-81-5274

ORDER (RE: DOC Submission of Dec. 19, 1997)

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dangerous. It is dangerous to the correctional officers, medical, mental health and support staff who work within the prisons, to the prisoners, and to the public. It is also cost-foolish and inefficient.

The parties' agreement is very clear: the Department of Corrections has the responsibility to develop a plan for coping with the prison overcrowding situation that existed nine years ago and which continues to exist more dangerously today in every prison facility in the state. The major impediment to ending judicial oversight required by the FSA has been, and continues to be, the failure of the Department of Corrections to develop a plan that will solve this dangerous problem.

II.

FACILITY POPULATION CAPACITIES

The parties agree that each prison facility has a limited number of inmates that it can safely house. The parties also agree that each individual prison facility really has two population capacity levels: (1) a population level that each facility should strive to stay at or below because it is what the facility can house and be healthy and safe for staff, prisoners, and the public; and (2) a second population level that the facility could handle on an emergency basis. This second number is called the "emergency cap." These emergency population levels were originally intended to be utilized for short term emergencies only. These caps represent the highest number of inmates that Department of

Corrections officials and experts believe can be safely housed in each prison and still have the prison able to provide basic safety, separation and classification, food, medical care, sanitation, shelter, and clothing -- the essential, basic human services. The emergency caps are also those population limits above which staff safety and public security is jeopardized.

These population levels were determined for each facility not by the court, but by the parties who in turn sought and relied upon assistance from national experts in prison management. Further, these population levels have been affirmed by experts brought into the case after settlement. The population levels have also been periodically re-affirmed by the people who know the institutions best -- the facility administrators who have the day-to-day responsibility for running them. Further, although it has been suggested, the court has not changed or interfered with the individual facility population limits set by the parties despite the growing increase in the number of prisoners who require high security levels and despite the chronic staffing shortfalls found by the last two Court Appointed Compliance Monitors ["CACM"].

III.

THE SANCTION ORDER OF SEPTEMBER 9, 1994

Due to a number of factors, the prison population began regularly to exceed even the emergency caps at almost every prison in the state. However, the Department of Corrections did not develop and present to the court a plan to cope with population

increases when they exceed the emergency caps.

After waiting four years for a plan to be presented, plaintiffs, as they are permitted to do by the parties' agreement, sought sanctions in 1994 in order to get the Department of Corrections to fulfill its population control obligation under the FSA. The motion was granted on September 9, 1994 by the court imposing monetary contempt sanctions for Department of Corrections' pattern and practice in failing to develop and present a plan which provides for the reduction of the prison population below the emergency caps agreed to by the parties [FSA Section VIII.E.6 and FSA Section VIII.E.7].

The Court is acutely aware that the prison population is subject to a variety of fluctuations and factors outside Department of Corrections' control such as increased number of offenders, increased mandatory sentences, limitations on parole and probation, and increases in the number of police officers, etc. Consequently, the monetary sanctions were not imposed because of the population increases, they were imposed, and continue to accrue, because Department of Corrections officials have failed to develop and implement a plan which addresses the overcrowding. Thus, while the amount of the sanction is calculated by the number of inmates over the emergency capacity of the prison, the reason for the sanction continues to be not the population level per se, but the failure by Department of Corrections officials to develop and execute a plan to control overcrowding.

IV.

THE "PLAN" ORDER OF AUGUST 15, 1997

On August 15, 1997 the court made yet another attempt to motivate the Department of Corrections officials to develop a plan which would lead to the end of court imposed sanctions. After review of the Court Appointed Compliance Monitor's 1997 Compliance Report, after review of the comments and objections to the Report filed by both parties, and after a hearing on this matter, the Court issued the following order:

4. Defendants shall work in good faith with the CACM to develop a model which can be used to determine the sources of, and potential solutions for, overcrowding within the DOC. The DOC model shall be filed with the Court no later than Monday, November 10, 1997. The CACM shall file and serve a status report advising the court of any extensions recommended.

5. Defendants shall work in good faith with the CACM to develop a plan to reduce the DOC's population to the systemic emergency caps established by the Court. The DOC plan shall be filed with the Court by Monday, November 10, 1997. The CaCM shall file and serve a status report advising the court of any extensions recommended.

Department of Corrections staff responded in a very positive manner. Under the direction of Allen Cooper, a Population Management Team was formed; a list of possible population reduction "options" was developed, ranked by priority and impact; the options were presented to Department of Corrections officials. This phase of the Department of Corrections' efforts was completed in a timely manner and in good faith.

However, the Department of Corrections' filing on December

22, 1997 entitled "The Alaska Department of Corrections Court-Ordered Population Model and Plan To Reduce Prison Overcrowding" is not an adequate plan. It is a plan for a future plan. It does not provide, as required by the FSA and the Court's August 10, 1997 Order, an adequate and complete plan to reduce the prison population to the emergency capacities. The Court has met with the CACM, Commissioner Margaret Pugh, Deputy Commissioner Bill Parker, Director of Institutions Allan Cooper and counsel for the parties in chambers to emphasize that the department must comply with its accepted obligation to develop a plan to manage prison population at a safe level.

THEREFORE, IT IS HEREBY ORDERED:

1. On or before March 9, 1998, Department of Corrections shall file with the court, and serve upon all counsel and the CACM, a plan which sets forth how the Department of Corrections, no later than May 1, 1998, will provide legal and appropriate housing for prisoners in order to achieve and maintain prison population at no greater than the emergency capacity that each facility can house; and

2. Upon receipt of an adequate plan from the Department of Corrections, the court will welcome a motion by the Department to stay the existing sanction order while the plan is being implemented. If the plan successfully maintains the population at no greater than emergency levels the stay will be continued; and further

CLEARY v. SMITH, JAN-81-5274

ORDER (RE: DOC Submission of Dec. 19, 1997)

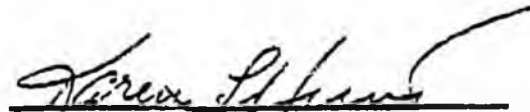
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3. Upon receipt of an adequate plan, the court will welcome a motion by the Department to release the accumulated, non-encumbered sanction funds for use in executing the plan; and

4. The CACM shall file his semi-annual compliance report concerning the monitoring orders of August 15, 1997 on or before March 1, 1998; and

5. The Order of August 15, 1997, paragraph one (1) is modified with a supplemental sentence to read as follows: "The CACM shall meet and confer with the Court as necessary."

DATED at Anchorage, Alaska, this 5th day of February, 1998.



Karen L. Hunt
Superior Court Judge

I certify that on 2.6.98
a copy of the above was mailed to each
of the parties at their addresses of
record: Taylor/Bodick/Staik
WIK/Zeuss/Hook JC
Secretary/Deputy Clerk

House Bill No. 461

Time-Sensitive Appropriations from Governor's FY98 Supplemental Bill (HB 397, SB 292)

Sec	SubSec	Purpose
1	(a)	Dept of Revenue, AHFC - Bank of America O&M costs: Immediate funding is needed to prevent cash-flow problems. DOA has been paying maintenance costs out of their leasing budget as a stop-gap measure, however that budget is already experiencing cash flow problems - see subsection (k) below.
1	(b)	Dept of Community & Regional Affairs - Bristol Bay economic disaster - federal disaster funds and match: Federal funds are available for distribution during the first week in March.
1	(c)	Dept of Corrections - Community Residential Center (CRC) costs: Some CRC contracts will expire March 31, 1998. The department cannot implement contracts to continue these beds if funding is not made available by that time.
1	(d)	Dept of Health & Social Services - Maternal child care clinics: Clinics are scheduled beginning in late March and may need to be cancelled if a supplemental appropriation allowing use of the program receipts from clinic fees is not approved.
1	(e)	Dept of Military & Veteran's Affairs - Federal receipts for Poker Flats Research Range: DMVA will transfer funding to the University of Alaska to allow construction to begin this spring, as scheduled.
1	(f)	Dept of Transportation - Glennallen to Tok highway: Due to the worsening condition of the road over the past year, this project has become a priority for safety concerns. Early approval will allow the project to be advertised in April with completion estimated by August.
1	(g)	Dept of Fish and Game - Subsistence harvest research projects: Early approval of these federal receipts will allow the timely completion of projects.
1	(h)	Dept of Labor - Establish the Alaska Disaster Assistance Program (ADAP): Early approval will allow the earliest possible relief of those persons already suffering from the loss of their primary income due to the poor salmon fishing season in Bristol Bay.
1	(i)	University of Alaska - Poker Flats funding from DMVA - subsection (e) above: Will allow construction to begin this spring, as scheduled.
1	(j)	Dept of Military & Veteran's Affairs - Youth Corps ChalleNGe program: Early approval is needed to begin the next scheduled class on March 18.
1	(k)	Dept of Administration - Leasing: Funds are needed for monthly payments between now and May.

CS FOR HOUSE BILL NO. 461(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act making supplemental and special appropriations and amending
2 appropriations; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. (a) The sum of \$804,000 is appropriated to the Department of Corrections,
5 division of institutions, for additional costs of community residential centers for the fiscal year
6 ending June 30, 1998, from the following sources:

7	General fund	\$ 154,000
8	General fund/program receipts	650,000

9 (b) Section 73, ch. 100, SLA 1997, page 38, lines 5 - 8, is amended to read:

10	APPROPRIATION	GENERAL
11	ITEMS	FUND
12	Existing Community	<u>187,000</u> <u>187,000</u>
13	Residential Centers	[169,000] [169,000]
14	New Community	<u>13,000</u> <u>13,000</u>

1 Residential Centers [31,000] [31,000]

2 (c) The sum of \$100,000 is appropriated from federal receipts to the Department of
3 Health and Social Services for maternal child care health specialty clinics for the fiscal year
4 ending June 30, 1998.

5 (d) The sum of \$20,000,000 is appropriated from federal receipts to the Department
6 of Military and Veterans' Affairs for transfer to the University of Alaska for an appropriation
7 under (e) of this section to upgrade and modernize the Poker Flats Research Range.

8 (e) The sum of \$20,000,000 is appropriated from university receipts, created by the
9 transfer under (d) of this section, to the University of Alaska to upgrade and modernize the
10 Poker Flats Research Range.

11 (f) The sum of \$8,500,000 is appropriated from federal receipts to the Department of
12 Transportation and Public Facilities for resurfacing, rehabilitation, and restoration of the
13 Glennallen to Tok Interstate Highway.

14 (g) The sum of \$120,600 is appropriated from federal receipts to the Department of
15 Fish and Game, subsistence division, for subsistence harvest data collection for the fiscal year
16 ending June 30, 1998.

17 (h) The sum of \$608,000 is appropriated from the general fund to the Department of
18 Military and Veterans' Affairs to cover a shortfall in federal receipts for the Alaska National
19 Guard youth corps challenge program for the fiscal year ending June 30, 1998.

20 (i) The sum of \$1,029,400 is appropriated from the general fund to the Department
21 of Administration for additional costs of the leasing program for the fiscal year ending
22 June 30, 1998.

23 (j) The sum of \$1,303,600 is appropriated to the Department of Revenue, child support
24 enforcement agency, for child support enforcement purposes from the following sources:

25	General fund match	\$ 65,200
26	Federal receipts	1,238,400

27 (k) The sum of \$1,786,400 is appropriated from corporate receipts of the Alaska
28 Housing Finance Corporation to the Department of Revenue, Alaska Housing Finance
29 Corporation, for costs relating to operation and maintenance of the Bank of America building
30 for the fiscal year ending June 30, 1998.

31 * Sec. 2. LAPSE PROVISIONS. (a) The appropriations made by sec. 1(d) - (f) of this

1 Act are for capital projects and lapse under AS 37.25.020.

2 (b) The appropriation made by sec. 1(j) of this Act lapses into the funds from which
3 appropriated on June 30, 2001.

4 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

0-LS1638E
Cramer
3/4/98

*Adopted
3/7/98*

CS FOR HOUSE BILL NO. 461(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE FINANCE COMMITTEE

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15 Fish and Game, subsistence division, for subsistence harvest data collection for the fiscal year
16 ending June 30, 1998.

17 (h) The sum of \$608,000 is appropriated from the general fund to the Department of
18 Military and Veterans' Affairs to cover a shortfall in federal receipts for the Alaska National
19 Guard youth corps challenge program for the fiscal year ending June 30, 1998.

20 (i) The sum of \$1,029,400 is appropriated from the general fund to the Department
21 of Administration for additional costs of the leasing program for the fiscal year ending
22 June 30, 1998.

23 * **Sec. 2. LAPSE PROVISION.** The appropriations made by secs. 1(d) - (f) of this Act are
24 for capital projects and lapse under AS 37.25.020.

25 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

Amendment #3

NO OBJ 3/5/98

Amendment to HB 461 "An Act making supplemental and special appropriations..."

Add a new subsection to read:

() The sum of \$ 1,606,950 is appropriated to the Department of Corrections, division of institutions, for costs associated with state compliance with the orders of the superior court of the State of Alaska in Cleary, et al. V. Smith, et., 3AN-81-5274 Civil, for the fiscal year ending June 30, 1998, from the following sources:

General fund	\$ 1,581,250
Federal receipts	25,700

<u>Timing</u>	<u>Beds</u>	<u>Type</u>	<u>Amount</u>	
March 15	82	CRC	\$40,000 25,700	GF Fed.
April 15	256	Out-of-state	\$1,136,250 (454,500 per month/ x 2.5)	GF
May 1	125	Alternative	\$350,000 (175,000 per month/ x 2.0)	GF
May 1		One-time-items (alternative beds)	\$55,000	GF

3-5-98

Amendment

~~#2~~ #4

NO OBJ

IN THE HOUSE FINANCE COMMITTEE
TO HB 461

by Rep. Grussendorf

Add a new subsection to read:

(1) The sum of \$463,800 is appropriated from receipts of commercial fisheries test fishing operations (AS 37.05.146(b)(4)(U)) to the Department of Fish and Game for costs associated with the Sitka herring roe on kelp fishery for the fiscal year ending June 30, 1998.

Am2 Adopted

1 MEDICAID STATE MATCH.

2 (1) the sum of \$119,300 is appropriated from the general fund to the
3 Department of Health and Social Services, division of family and youth services, to cover an
4 unanticipated reduction in federal Title XX block grant money used for child protection
5 services for the fiscal year ending June 30, 1998;

6 (2) the sum of \$290,000 is appropriated from the general fund to the
7 Department of Health and Social Services, youth facilities services, for additional operating
8 costs relating to overcrowding in youth facilities for the fiscal year ending June 30, 1998;

9 (3) the sum of \$355,600 is appropriated from the general fund to the
10 Department of Health and Social Services for additional operating costs relating to the foster
11 care augmented rate for special needs foster children for the fiscal year ending June 30, 1998;

12 (4) the sum of \$2,000,000 is appropriated from the general fund to the Alaska
13 children's trust (AS 37.14.200(a)) to capitalize the trust;

14 (5) the sum of \$1,467,000 is appropriated to the Department of Military and
15 Veterans' Affairs for the Alaska National Guard youth corps challenge program or similar
16 at-risk youth intervention programs from the following sources:

17 General fund \$ 681,000

18 Federal receipts 786,000

19 (6) the sum of \$100,000 is appropriated from the general fund to the
20 Department of Public Safety, council on domestic violence and sexual assault, to provide
21 training on domestic violence and sexual assault for school, medical, and other personnel;

22 (7) the sum of \$1,303,600 is appropriated to the Department of Revenue, child
23 support enforcement agency, for grants for child support enforcement purposes ~~for the fiscal~~
24 ~~year ending June 30, 1998~~, from the following sources:

25 General fund match \$ 65,200

26 Federal receipts 1,238,400

27 (8) the sum of \$140,000 is appropriated from the general fund to the
28 Department of Revenue, child support enforcement agency, for non-reimbursable costs of
29 collecting support payments for children in state custody and to repay required reimbursements
30 for the fiscal year ending June 30, 1998.

31 (d) CAPITAL APPROPRIATIONS FROM THE REALLOCATION OF MEDICAID

Back section Am to identify

as a capital project

AMENDMENT# 1

Adopted

3/4/98

CS HB 461 (Fin)

* Section 1.

(a) The sum of

\$1,786,400 is appropriated from corporate receipts of the Alaska Housing Finance Corporation to the Department of Revenue, Alaska Housing Finance Corporation, for costs relating to operation and maintenance of the Bank of America building for the fiscal year ending June 30, 1998.

3008/090

To: Dana O'Connell
Budget Analyst
CC: Laura Perkins, Executive Services
From: Barbara Miklos
Date: 03/02/98
Re: Supplemental Budget Request

Now in FY98 Gov suff.
Sec. 12(c)(7)

I reviewed the House Finance Committee's fast track supplemental and saw that the CSED request for authority to receive federal grants was not included in the supplemental. I am sorry that I did not realize that sooner.

The first year of the federal grants began on 10/1/97 and ends on 9/30/98. The grant awards are for three federal fiscal years, which takes us partially through the State Fiscal Year 2001. The federal share of the project is 1238.4 million and the state funds requested are 65.2.

The federal granting agency was very concerned to learn that we could not begin expending the money immediately. We told them that we had to have authority to receive the federal money and expend state funds. The appropriation of state money would need to be approved by the entire Legislature when they were in session. We told them that we believed we could start in April. This was with the expectation that we would have a fast track supplemental.

Vince Herberholt, the head of child support at Region X, said that he had a great deal of trouble convincing the granting authority in Washington D.C. that they should wait for us to have an opportunity to go to the Legislature for the approval. When we told him today that it was possible that the supplemental could be delayed even longer, he expressed great concern. He said that the granting authority in D.C. would have the right to take back the funds and not fund the grants in the future. The projects were demonstration projects and he feels that the longer we wait the more the grantors would think that someone else should have the money.



March 2, 1998

Not only is there a chance that we will lose a substantial amount of federal funds if the grants are rescinded, we need the resources to help us streamline our operations. The majority of the funding is for a project to help CSED automate our modification of child support orders and reduce the time we take to respond. This is a very important area for the public. Legislators and the Governor's office receive a large number of complaints regarding CSED's modification process. The smaller grant is for a coordination project with Headstart and childcare programs so CSED can work with noncustodial parents, and thus improve relationships.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 24, 1998

SUBJECT: Supplemental and special appropriations (Work Order 0-LS1638)

TO: Representative Mark Hanley, Co-Chair
House Finance Committee
Attn: Tom Maher

FROM: Teresa B. Cramer 
Legislative Counsel

This memorandum follows the appropriation bill you requested, based on section 1 of HB 397, the governor's supplemental appropriation bill. In the time available, I may have overlooked some matters that should be brought to your attention.

Section 1(b). The purpose of the first two sentences is unclear to me, except as an argument to explain and support passage of the appropriation. Is the appropriation from the general fund meant to be limited by the amount of fisheries taxes received under AS 43.75? If so, received over what period of time? Alternatively, can the first two sentences be deleted? In the lapse provisions in section 2 of the bill, the balance lapses into the general fund, rather than into the "funds from which appropriated." Should this be changed?

Subsection (e) and (i). I assume that there is a reason for making the appropriation through the department rather than directly to the university. If not, can the department be removed from the provision? Subsection (e) appears to complete the appropriation of the \$20,000,000 to the department and the transfer to the university. What is the purpose of subsection(i)?

Subsection(g). What "additional project activities"? Is there a more specific description of the purpose of the appropriation that the bill could use?

Subsection (j). Is the "reallocated Medicaid state match" in the general fund or is there an appropriation that should be amended to accomplish this new appropriation? Can the phrase "to cover a shortfall in federal receipts" be deleted?

Subsection (k). Can the phrase "as a result of underfunding the operating budget" be deleted?

TC:jdr
98-109.jdr

COSTS TO COMPLY WITH *CLEARY* ORDER AS OF MAY 1, 1998

FY 98:

72 Community Residential Center
(halfway house) beds:

\$40,000 GF

as well as authorization to spend \$25,700 appropriated federal funds, needed to supplement existing funds to pay for 3.5 months (March 15 to June 30).

256 out-of-state contract beds:

\$1,136,250 GF

\$454,500 per month for 2.5 months needed for contractual costs (assumes a rate of \$55.50 per day per prisoner), new staff, and gratuities.

Temp. housing for 125 inmates:

\$405,000 GF

\$175,000 per month for two months for staff overtime and recurring inmate expenses plus \$55,000 one time costs (i.e., tents, cots, etc.).

Total:

\$1,581,250 GF

and \$25,700 federal receipts = **\$1,606,950**