

February 2, 1979

Chairman Brand called the hearing to order at approximately 9:00 a.m., roll call was taken showing all members present.

HB 343-Sponsored by Rep. Tropila -- This is to transfer the powers over parolees and probationers from the Department of Institutions to the Board of Pardons. A few years ago this was taken from the Board and put into Institutions -- and it has provoked unnecessary paperwork.

SEN. PATRICK RYAN-Parole Officer, State of Montana -- I see the powers that be are all here -- my bosses. I feel this was an experiment that failed; because for efficiency and accountability the field staff that provides the counselling should be employees of the judges and others that have to do with getting the person there. I also don't know who is in charge. I can't change any rules of the probation or parole unless I go back to the judge. I have to do this many times during a parole or probation because the client has changed or improved and I feel he should get a reward. To my knowledge, I have no standard operating procedure. I have no rules -- the people who make what rules there are aren't out there dealing with the people. In the last few years, the demeaning of Parole Officers has been incredible. The people in Helena aren't there, they don't see these people -- they are simply paperwork. At one point we were prohibited from calling the prison without going through Helena. There is no career ladder for Parole Officers -- we can never attain control over what it is we do. I feel I am under a threat without going through Helena; and this is an unnecessary step that deters the man in the field from making necessary decisions. I have been told: before the Legislature meets, keep the case loads up and I think that removes the decision from me that I'm entitled to make. I am the person who dangles the carrot in front of him, I take care of him, but I have no essential control. I don't know who is in charge -- I have never met my boss but I have been threatened with firing and I told them to go ahead. 95 - 98% of the people incarcerated in Deer Lodge will be walking the streets again. Other states have tried this and have found that it doesn't work. The people in the field are the ones who should have control over this.

OPPONENTS

LARRY ZANTO-Director, Department of Institutions -- Relative to the intent, I have view it as a step backward -- in '75, you agreed with those who were attempting to put together a unified corrections system. The Montana Justice Project looked at probation and parole and ultimately decided that this should be in the Department (of Institutions). We have tried to put together a unified system and this effort has had its problems. We have had some problems with leadership and have changed it recently. Despite those problems, I think we are putting together what has been recommended by the Justice Project. In addition to the state recommendation, there are two national recommendations -- the National Advisory Commission on Corrections' Standards and Goals feel parole boards should be autonomous. I think the trend is going exactly the way we have gone -- separating parole boards from field services and most states operate in this manner now. The only one we could readily think of that doesn't is North Dakota.

TROPILA-With your approval, this would be returned to the parole people -- we are eliminating the middle man. Zanto says that they have had problems and I think four years is long enough to iron out your problems. I ask your serious consideration,

(Tropila continued)--and that you pass this bill.

PISTORIA--Do you feel you have been in closer touch than the parole board would be? ZANIO--In my mind, that isn't really an issue. As a man comes up for parole, the Board gets to know him. PORTER--What's the logic of the separation -- why is this wise? ZANIO--The concept is that it allows an autonomy that has nothing to do emotionally with the individual. The field workers are emotionally involved, and the Board sits as a separate body. Secondly, I think there's a savings -- I can't buy the extra layer of bureaucracy -- we have no accountants, bookkeepers, etc for this and they would have to be hired by the Board. We did it in order to set aside a separate decision-making Board, separate from the people doing the work. The "why" is in order to afford the Board that autonomy. TROPILA--He just mentioned that they didn't start new bureaucracy, and they have started a whole new area. PORTER--Why? RYAN--The logic was that parole officers were polled and asked if they wanted to do this and the overwhelming volume was in favor, but I can't find any that agreed. I was never given a choice. TROPILA--Page 2, section 2 was left with either the Board or the Department because the Department has record-keeping facilities. KROPP--How often are you in contact with the Board? RYAN--The Executive Secretary on a daily basis. DONALDSON--Is there a philosophical reason for the autonomy of the Board? RYAN--Regardless of where we put the Board, I have to take direction from them. They put down conditions that I must enforce for them. To change those conditions I must either go back to the Board or to the District Judge. MARGINE--Does he (Ryan) receive any instruction from you? ZANIO--We oversee directly the officers as employees, but it would be supervisory and whatever rule-making. BRAND--I thought you said that your department doesn't know the problems of the personnel, so that you could maintain autonomy? ZANIO--I think I said the Board was autonomous. Once the Board determines the eligibility, we are responsible for overseeing his activities. This is also true with a probationer. BRAND--If you are taking their advice and they set the rules for the service personnel, when they receive threats from someone are these coming from the Department or the Board? ZANIO--I heard there was a problem with the Board, but that the individual is now gone. I haven't heard anything about threats. These officers have the same mechanism as any state employee if he is threatened -- if his supervisor is bad he always has the option of going over his head. BRAND--You took this over in '75, how many were employed at that time and how many now? ZANIO--The Legislature approved 5 (FTE's) last time and 5 additional this time for parole officers. JACK LYNCH--(Executive Secretary of the State Parole Board)--There were 78 people in '75, now there are 3. Relative to problems in the logistics of the change, we only deal him in the penitentiary, then the Board deals with him -- when they leave, these responsibilities are transferred to the parole officer. Only one secretary was transferred because of this. TROPILA--The Parole Board and judges set down the conditions for the parole officer and at the moment these guys have to go through Helena, and I see it as unnecessary.

HB 436--Sponsored by Rep. Ramirez -- The purpose of this is to try to get some control on the type and cost of printing being done by state agencies. When I got into the Legislature, I began to receive all sorts of publications that I couldn't see a reason for. I began to realize what a tremendous amount of printing was being done. I felt this was a place to save some money for the taxpayer. He showed the committee examples of all sorts of state publications printed in varying stages of extravagance, i.e. slick papers, multiple color lettering, color photographs, cut-out covers -- and went on to ask why most of these things were put out in the first place. He also showed some that he deemed justified because they all

(Ramirez continued)--promoted the state. In drafting this we used some legislation from other states. We have to be cost conscious, so we tried to design this bill to have the least cost in administering. It defines public documents and is mainly designed to go after these extraneous publications. We recommend some standards - in other states they have set further specific standards, but the department here felt that would be too consuming and difficult to administer -- but the department can make recommendations. The statement of need in Section 4 -- this is discretionary with the department - we do say that you must take the lowest unit cost compatible with the need, purpose and statutory authority. Then we list some things they should take into consideration. Section 6 - Public Disclosure - is the real heart -- you must put specific information on each document relating to preparation, printing, distribution, who printed, the agency having it printed, statement of purpose, and what authority there was for publishing. They ought to know how much it is costing, this should be something they know before they begin printing at all. This doesn't prohibit them from doing anything they want to, it just has to be justified. Section 8 can be stricken, this was out of one of the model bills. The final section dealing with the penalty could also be stricken. It should be limited to violations of Section 6 of the bill only. We aren't prohibiting anything we just want cost information and want them to think about what they are doing.

OPPONENTS

JOHN FITZPATRICK-Budget Office -- I'm not technically an opponent, but I do have amendments. I applaud this intent to save money. Also for the broadness and flexibility he is allowing; but I think there are some questions. Legislatively mandated publications -- most of the books he showed don't have any mandate but some do. There are few documents printed that do not have some informational or instructional purpose and I think if you are interested in curatiling this you should address the state's role in providing information to the public. Every session we have a number of bills to make the state government more open. I might also point out that there are a number of different funding sources in the publications Rep. Ramirez showed you. I don't suggest that publications with federal or revolving funding should be given an open invitation to print, but this additional funding should be taken into consideration. There may be some provisions that could have an opposite effect than what is intended. When you begin computing cost per copy, you may be inviting a publishing agency to decrease their cost by increasing the run. This bill seems specifically pointed toward the executive agencies and we feel there's an inappropriate exclusion of the legislative branch -- they are susceptible to the same pressures as the executive branch. Section 6, in terms of what is included in the cost -- staff and staff time will show some of the expensive documents -- John LaFaver's analysis could be as much as \$250 per copy. I would like to suggest that if you pass this you include a provision to exempt those publications required by state law or requested by the legislature.

STAN BURGARD-Color World Printing, Bozeman -- If this bill passes and there isn't a workable plan, all we will receive is alot of padded estimates. The state law says I can't bill the job until delivery because so many things take the price up or down, so the price couldn't be accurate on the inside cover. If the plan isn't workable, the staff time will be increased.

Jim BEYK-Department of Highways -- He spoke in general opposition.

IRVING DAYTON-Deputy Commissioner of Higher Education -- Some of the things Ramirez showed you are examples of bad judgement or bad taste -- we think the bill doesn't control printing, but publicises and embarrasses the offenders. We would like to request a fiscal note -- I think rather than saving money, it will cause tremendous expenditures. You might rename the bill the accountant's relief bill. What this bill would lay on us is a tremendously expensive process. This could be 10 times as expensive as CIBUS. Printing cost data is not available until after the document is printed. As far as the statement of need -- we would need a warehouse to store it and I presume someone will want to audit these things, so you would therefore need to increase the Auditor's Office to do so. So, what would this bill accomplish? For sure, paying attention to cost is valid but I think you can do that without a statute, so I strongly urge defeat. Mr. Dayton submitted his outline, see Attachment #1A.

DONALD CLARK-Montana State University -- We do feel we have a professional operation at Montana State. They work on 10 - 15 documents at a time so figuring individual cost could be a real problem. We think we are the best people to make the decision of need for any document. A particular item cost on some of our documents could be very deceiving due to the professionals going to put it together. If you think MSU has put out extraneous publications, tell us so but don't mandate us. See Attachment #2 for a list of all MSU publications.

AL MADISON-University of Montana -- I am the Printing Director at the University. (see Attachment #3 for a list of all UofM publications) We have tried very hard in the last year to cut printing costs and we wonder if the bill is really going to do what it is intended to do. We don't know the cost until an article is printed. We would need another 3 full time staff just to compute costs. U of M printing services are a self-sustaining operation -- each department has to pay for its own printing requests. I'm not sure we could do the job we are being asked to do. We have an in-house show and use our runs very sparingly. We save the plates in case we want to increase the run later -- later runs have lower costs due to the plate already being made, and this difference in cost could jeopardize our credibility. Will this really save us money? What does it mean if you see the individual cost -- those figures are public information and I agree that if someone sees an extraneous or elaborate publication you have the right to ask; but we oppose.

STAN THURSTON-Thurber Printing Company, Helena -- The newspaper article about the \$.34 per copy book was totally out of line. I must reiterate -- why pick on the executive branch? The Office of Public Instruction has as many publications as anyone and to me it should be equal. On page 1, line 20 - "the department may prepare" -- I would like to see all of the requirements that he expects to be carried out printed right on the bill. We have already spent more money hearing this bill than could be saved with it. I would like to see you apply the cost procedure to this bill just to show you what you are asking.

NOREN GROSSFIELD-Workmens' Compensation -- We are financed by the insurance companies and are required by law to issue this annual (green, cut-out cover - Workmens' Comp Annual Report for 1978) report, and it goes to 150 insurance home offices, libraries and industrial commissions all over the country. We contacted our printer to see what we could have saved, and the most we could have saved would have been \$300 by using the lowest cost paper, ink, etc. Here he handed a Division publication (see Attachment #4). Virtually everything we do is mandated by statute. Something has

(Grosfield continued)-to be said about trust -- we are appointed and we are regulated through the budgetary system -- when the home office of Travellers' Insurance Co. looks at our report they can at least see that we do a professional job. Our annual report is required.

RAMIREZ-If what Grosfield says is true he has nothing to worry about. One of the purposes of this bill is to determine the need for some publications. (he went through Attachment #2 -- MSU publications, and pointed out what he felt to be some of the extraneous publications) I think a statement of need would help to eliminate some of these publications that the taxpayers are supporting. None of these gentlemen have said any of these things to me before today -- only the Department of Administration has tried to work with me on the problems. I know that there are publications required by statute -- everything the man from the Budget Office said was unnecessary -- their publications are not in jeopardy, we just want people to be more aware of costs. All I want is for the state to get the best deal they can. Generally the cover is run last so the information requested could be dealt with or at least estimated. If the cost is printed on a map (state highway), and the taxpayers think it is too much, they can say so and they have a right to. You know the appropriations process is not able to address problems like this. They can't provide the investigation needed. I'm trying to do something in the best interest of the taxpayer and I don't represent any vested interest and I think this is a bone fide effort to curtail some abuses.

STAIGMILLER-Is the Kaimin printed at taxpayers expense? DAYTON-No, it is a student publication out of advertising and activity fees. That list (Attachments #2 & #3) includes things that are financed by the students, but are printed in the university. BRAND-There was some doubt about page 1, line 21 concerning "may", could you address this? RAMIREZ-I intended it to be discretionary. BRAND-Would you oppose the request for a fiscal note? RAMIREZ-No, I expected there would be one. I don't want to get into a tremendous hassle over section 8, and would just as soon have it out of there. Section 9, I feel the same way about. BRAND-Would you favor the amendment about documents required by law and submitted to the Legislature? RAMIREZ-I think we should look at what we are requiring. I wouldn't object to including the Office of Public Instruction and elected officials. BRAND-We will request a fiscal note and if you have amendments, bring them in. RAMIREZ-Let me clarify, "preparation" should mean the typing, not the other assorted staff time.

BRAND-Since we have gone on until so close to lunch, I would entertain a motion to adjourn, so moved by Staigmiller.

Adjourned: 11:20 a.m.


Joe Brand, Chairman


Nita Sierke, Secretary