

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

March 14, 1979

^{17th}
The ~~sixteenth~~ meeting of the Senate Finance and Claims Committee met on the above date in Room 104 of the State Capitol. Rep. Bardanouve called the meeting to order and said this 7:30 p.m. meeting was following a recess from the morning meeting, and the hearing on the Institutions subcommittee recommendations on House Bill 483 was continued.

Senate roll call is attached: All members present except Senators Thomas, Thiessen, Fasbender and Story.

Rep. Bardanouve said he would revert from the order of business briefly to hear testimony from Claire Ingel who had been promised earlier she could do so at this time.

Claire Ingel, Law Library, used a flip chart and wrote in the figures that affected their budget adversely. She said that two years ago when she came here she found a very beautiful room and some obsolete law books. The committee made a commitment to bring it up to date, that while they could live with most of the budget, she said there was no place in the state to get the continuing education for updating and that a law librarian had to go out of state so that money was needed for travel to that meeting; the change in prices between the time the budget had been drawn up and today would make it even higher; and because of inflation, supplies and paper are up and that she was asking an additional \$6,455. She said they could not live within the present budget and without the extra money they would have to come in for a supplemental.

Rep. Waldron: Who uses the law library the most, the state? Ms. Ingel: It is for the public. We do serve the public, but also the legislature and the agencies.

Rep. Waldron: What this amounts to is that you need money to provide service so that it takes less time to find what they need? Ms. Ingel: State attorneys are getting \$20 an hour or so - we find the book that the law is in and it therefore takes less time.

Senator Himsl: This is not the Judiciary budget - program 403. We are short \$6,455 for the two years.

Jim Jensen, Montana Magistrates Association, said Program 02 under boards and commissions - he said their current budget needs are at \$99,000. The recommendation of the LFA for 1980 is only \$100,000. I would like to see the reinstatement to \$120,000. Of that amount, \$20,000 will be used for training for judges and justices of the peace. The funds are spent on judicial colleges at Reno Nevada for professors to teach the training. The magistrates have embarked on a program to improve and educate the justices of peace.

Senator Himsl: \$100,000? What do you do with \$100,000 to give Bar examinations?

Senator Regan: Don't they charge for taking the bar examination and what happens to those funds? Mike Abley: I can answer that question.

Senator Himsl: How do you break down the charges of \$10,000 in six months for bar exams? Mr. Abley: Salary for people who make up the exams and giving them and then correcting them. It is a very expensive project.

Rep. Hand: Is there no charge for these people taking the exam? Mr. Abley: Very little, but if we take in any money it goes to the general fund.

Rep. Yardley: Is some sort of training for a new J.P. mandatory? Mr. Jensen: Yes.

John Hanson, Commissioner of Campaign Finances and Practices, said he was here at the request of the subcommittee that had considered his appropriation. At the presentation to the subcommittee only two of the 5 members were present. Following the presentation the recommendation was made and the vote was taken. He said the \$93,396 and the 99,310 for '81 - this is basically the transfer for contract service. He said they were badly in need of a full-time FTE and for about 1/4 year had used money saved in contract service to have the use of one individual. He said the one person on board would give them the staff to get their work done properly. He said with the lack of help as it is now, they are failing to implement the Campaign Practices Act. This failure can only breed cynicism and contempt.

Rep. Waldron: How much will you want? Mr. Hanson: The subcommittee recommended a 10% decrease for '80 and a 9.3% decrease for FY '81.

Rep. Kvaalen: I want you to know that this is not antagonism against you - the functions of this office should be directed to the people who spend the money, not the legislature. That is your job. Where are the complaints that you are not enforcing the law coming from? Mr. Hanson: They are complaints about compliance with the campaign laws; lack of disclaimers, etc.

Rep. Kvaalen: You gave me permission to use a sign in 1969 for a car - there was no disclaimer. I have been using the same sign ever since.

Mr. Hanson: This is mostly fliers, etc. They have no disclaimer on them.

Rep. Kvaalen: In Richland County, there is no disclaimer on a lot of things that are used. Mr. Hanson: The purpose of this act is not to say any of this is wrong.

Rep. Kvaalen: I had an opportunity to make a claim on the act. My opponent did many wrong things. I didn't do it.

Senator Aklestad: Who was actually turning in the complaints?

Mr. Hanson: Both candidates and the public at large. We have had a lot of complaints, but have not had the money to follow them up, and the legislature pruned our budget. The more serious complaints are those of the candidates failing to file reports on time.

Senator Aklestad: Who was complaining about that, the candidates, or your office? Mr. Hanson: Candidates, and the press has been putting pressure on us.

Rep. Kvaalen: There would have been a bill introduced which would have approached a direct repeal of the office. The legislature turned it down. Mr. Hanson: What I am saying is that under the current mandate of the statute there is an obligation to provide certain services. There was public demand or the act would not have passed.

Senator Boylan: It seems to me there is too much concern with little stuff. I did not even send a thank you note to my voters because I would have had to fill out and get the form notarized to send to your office. If you'd get after the biggies and leave the rest of us alone I think it would be better. Mr. Hanson: Unless you file a report how could we know whether you are big or not?

Rep. Lund: What is the amount you are talking about? Mr. Hanson: The executive budget was \$93,386 for FY '80, the analyst was \$83,294 - he suggested we wait until April, 1980 to put another person on - the executive recommended we put it on this year. (\$99,310 for both)

Prison: Rep. Hand: Apparently the old prison will soon be shut down. Are there adequate facilities in the new one to take up the slack? Rep. Yardley: No.

Rep. Kvaalen: Then why shut down the old prison? Rep. Yardley: With the opening of the new security wings completed we are to move out of the old one and shut it down. This was in the original budget. The intent was to shut it down before now. There are major problems in the old prison. Health problems, everything is coming apart inside. Then there is the problem that the federal government or someone else will come in with an inhumane treatment charge and you will be out of business. With enough prisoners sent to the other areas, this could be done.

Rep. Marks: This morning you gave some figures on estimated population figures from the division of Corrections.

Rep. Yardley: The prediction is that the population will continue to rise until 1983, then after that begin to go back down. Basically, this may have something to do with less children born during certain years that will just begin to catch up.

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Rep. Marks: On closing down the old prison by October this year, are you going to moth ball it or what? Rep. Yardley: We tried to give it to Deer Lodge once.

Rep. Lund: The old prison, as it turned out, was a territorial prison, and it took an act of Congress to get rid of it. Rep. Yardley: There was a bill 4 years ago to do this.

Rep. Kvaalen: I did not understand that 2 years ago we had phased out the old prison. Now we are going to double up in the new one. I know we are under the threat of a lawsuit, but shouldn't we hold out as long as we can?

Bob Rhay, Administrator, Corrections Division, said before October '79 there will be an excess of 56 prisoners. They are trying to work this out.

Rep. Bardanouve: What is your opinion of the condition of the old prison? Mr. Rhay: We have A & E people here tonight. It is unlivable. They have done studies of the condition of that prison and can give you answers.

Rep. Ward to Repl Yardley: One of the things you can do is to contract them out to other prisons. There is an Indian prison in South Dakota - we have only 8 Montana prisoners there now.

Mr. Rhay: You are referring to the Slithberg project in South Dakota. They will not take any further prisoners, and we have no prisoners there now.

Rep. Bardanouve: The prisons are filling up in all the other states too. They are having the same problem, and many of them are building more prisons.

Rep. Marks: I have some concerns about the prison farm. The staffing of that ranch is certainly far overboard. They have 25 people running the ranch. You could run the whole county on that. Rep. Yardley: This is a 4500 acre ranch, and there is a proposal to put in an irrigation system. We did not consider it since we are not yet sure of keeping the prison farm. The money on the oil lease would apparently make the payments.

Rep. Marks: Does the Department have desires to put the system in?

Rep. Bardanouve: Not until we authorize it, no. We have put \$11,000 for an accountant to find out how the budget is affected by it. The ranch operation costs show up in other budgets of the prison. They are hiring an accounting firm to put it on the system so that we can see whether it is or can pay for itself.

Senator Stimatz: There is an item here that I would like to have explained. "The department shall immediately deposit all moneys received from oil, gas and timber sales in the general fund."

Rep. Bardanouve: They have some land leased to an oil company. They want to use this money to make the payments on an irrigation system.

Senator Smith: We heard about this 2 sessions ago. Every time we have turned them down. Specifically, because of the way the rest of the prison is being operated. I don't know how long it takes

to get an accounting system - but they can't seem to get the job done. Did you check out the difference in meat prices?

Rep. Ellis: They were selling boxed beef at \$1.57 per pound, from one end of the critter to the other. If they wanted more roasts they got more roasts than hamburger, at the same price and were selling all they could handle. As to whether it is profitable, they have never had sufficient figures.

Rep. Hand: Do we have adequate facilities to carry us through 1981?
Mr. Rhay: No.

Rep. Yardley: Swan River would be a possible pre-release center and would handle about 40.

Senator Aklestad: What about the \$2 million above LFA in the general fund? Rep. Yardley: The LFA recommended doing away with the ranch. Most of the \$2 million will show up in those figures. The executive budget was for keeping the ranch.

Rep. Yardley: Our recommendations have been worked on another set of figures - only last Thursday or Friday was the new figure brought in.

Swan River Youth Forest Camp: Senator Aklestad: The Attorney General said that Swan River does not qualify for rehabilitation funds. Why not?

Senator Himsl: I don't know about the vo-tech bit, but do they qualify for special education? Rep. Lund: There is no special education under any of the institutions.

Senator Himsl: They have it in the community but not in the institution? Rep. Bardanouve: It is actually money taken out of one pocket and put in another.

Rep. Marks: Are there any juveniles left in there? Rep. Yardley: At the time we reviewed the budget there was about 6 or 8. There is a law that says you cannot mix them, so they may be gone by now. Mr. Chisholm: I believe 6 or 8 might still be there, they will be gone by the beginning of the fiscal year.

Rep. Hand: If you divide the amount of prisoners (36) into the funding, it comes out pretty high doesn't it?

Rep. Bardanouve: The turnover makes the cost high. Rep. Yardley: We budgeted for 45. They have 50 now.

Rep. Hand: You are looking at \$20,000 per person there? Rep. Bardanouve: More.

Boulder: None

Vet Home: There have been very few complaints - none since the last session.

Warm Springs: Rep. Menahan: How will you work in the area of restrictions when you put 22 adolescents in the children's area? How are you going to stop the court orders from putting them there? There is a limit on 22. The judges overrule most things, but not the legislature?

Mr. Chisholm: In total space for emotionally disturbed children - we will have more room than before.

Rep. Menahan: If you take \$67,000 to establish the place at Yellowstone Boy's Ranch, would you suggest coming in with a supplemental if they have more in there?

Dr. Blouke: We are proposing a Warm Springs Geriatric unit. There is a limit of 22 on the facility now and we are requesting the legislature to put in \$15,617. Of the funds the \$63,000 is match. Part of that will go to SRS as management funds to pay for 8 children going to Yellowstone Boy's Ranch. Part would be placed in the division that would be used for developing a community intensive care unit that will be appropriated for Warm Springs.

Rep. Menahan: The deletion of supplies, etc. - are they being line itemed? Rep. Yardley: You mean food, etc? We did not line item any particular things. We took into consideration the inventories and the current level of costs for making our decision.

Rep. Menahan: When you move the patient to Galen there will be a lag in time to get the move over and the patient installed, will the money stay with the patient, or will it go out on a particular day? Construction still has to be finished before moving them. Mr. Phil Hauck, Department of Administration, said that he has been assured that by late summer we could have the first floor of Galen ready for occupancy.

John LaFaver: October 1 is the time set.

Rep. Bardanouve asked Mr. Hauck if he thought he could have it ready by then, and Mr. Hauck said, yes - they just have to hire the architect and do the work.

Senator Regan: On the 8 at Yellowstone Boy's Ranch - how much money goes to SRS on this? Gene Huntington, Tom O'Connell, State Administration, answered that their recommendation was not use general fund money, but to use medicare money for which the boy's ranch has been certified. The funds involved here are FY '80 - 48,093 and FY '81 - 68,582.

Senator Regan: Aren't they overdrawn on medical funds? Aren't you talking about general fund money? Mr. O'Connell: We are talking about general fund for additional medical funds. The rate that we have been given is FY '80 - 1,870; FY '81 - 2,000. They will receive intensive evaluation, etc.

Senator Lockrem: There is a school district that is only the Yellowstone Boy's Ranch. It qualifies them for education funds and for special education, etc. If you ship the 8 over won't they

come back into A & D and jeopardize the foundation program: Mr. O'Connell: The education fund has to be figured separately.

Harlan Dalluge, Yellowstone Boy's Ranch can take either boys or girls, a building will be erected which can handle 20 kids. It will be a maximum security building. We should be able to handle any kind of kids they send to us. The building is designed to be warm and attractive, as well as the atmosphere. It has a long lasting finish which is designed for low maintenance.

Senator Hims1: You operate Boy's Ranch as an institution? Mr. Dalluge: It is recognized as a psychological opportunity for the occupants. Some of the students are referred to us, and we have good results with those we choose. We could get the courts to recommend them to us by suggesting it to them.

Senator Hims1: Does the court assign to you? Answer: Only if we agree they will be benefited.

Senator Hims1: Is the school program funded by special education funds: Answer: Yes, we are qualified to get them.

Senator Aklestad: Why are you going away from the behaviorial type institutions? Do you expect to get medicaid? Answer: A significant amount of kids have been misplaced. They are in an institution or a foster home when they shouldn't be there. These kids really need special care.

Sen-tor Aklestad: What is the cost of a person in Yellowstone compared with the same person in Warm Springs? Answer: The cost in Warm Springs is \$74 per day. At Boy's Ranch, it is \$53.30 plus education. Warm Springs does not have an education program that would rank with ours.

Senator Lockrem: \$384,000 would be matched by federal money. You are subject to and receive special education funds plus the school foundation money. Under these conditions, would you be willing to subject the entire operation to have an audit by the legislative auditor done? Answer: Yes - no problem.

Rep. Menahan: You would be able to accept some of the students that have been sent up to the children's center?

Mr. Dalluge: The facilities that are there were never designed to have maximum security built into them. The first building will have 20 beds in it and they will all be maximum security beds. High security is being built into it.

Board of Pardons: Rep. Hand: I am not familiar with this program. What do they do? Mr. Rhay: They are responsible for fixing the sentences of convicted felons in the State of Montana. They meet 2 days a week, and review the inmates, their records, recommendations, and then have the authority to parole or not parole, etc.

Rep. Marks: I would like to go back to the Institutions and ask a question of the subcommittee chairman. On the staffing pattern at

Boulder, after the reductions were made - do you have it? Rep. Yardley: We treated Boulder with direct care. 1 patient to 1 staff, 30 patients to Glendive, and 44 to group homes. We have the staffing pattern off Eastmont; the committee developed the staffing pattern at Boulder. Rep. Ellis: We accepted Doug Booker's staffing pattern. There was a reduction of staff in accordance with the reduction of patients.

Rep. Marks: What did you do with the administration: Doug Booker: It was reduced accordingly.

Rep. Marks: Is there any possibility of renovating some of the cottages relative to using them? Phil Hauck: I am not sure why the decisions were made in regard to cottages 6, 7 and 8. The occupancy was changed from residential to staff and training type facilities. That decision was made by Boulder and we had nothing to do with it.

Rep. Marks: Were you asked to give an estimate of the cost of renovating this to meet certification? Mr. Hauck: I don't believe so, not specifically. At times we have looked at all the buildings at Boulder.

Rep. Marks: Why didn't you look into this situation instead of moving them to Eastmont? Mr. Chisholm: I had thought we had done this at one time. We would be facing stringent remodeling to bring them into a condition to be certifiable. Generally the cost is higher for this type of remodeling than to build a new building.

Rep. Marks: Was A & E brought in on this? Answer: It deals with the use of the Eastmont facilities, and that decision was in effect one way or another in regard to renovation of cottages 6, 7 and 8 at Boulder.

Rep. Marks: That is not my question - my question was why did they not use these cottages - they are not old, they are one story, and why was no effort made of a comparative cost before going to the more expensive move?

Mr. Chisholm: We had some other alternatives and because the general experience is that when we take an old building and start to renovate it the cost is prohibitive. Mr. Hauck: I would agree it would be very costly to bring 6 and 7 up to standard. Number 8 was better built, and I would have to check on this to see if it would have been feasible.

Senator Etchart: Two years ago we were projecting the Boulder population to go down to 125.

Discussion was continued on the possibility of having had Boise Cascade homes used to get certification, recommendations made to LRB last year on this, and that the nursing home facility at Glendive being changed into something other than what the Legislature had told them to do.

Mr. Hauck explained that after the Department had made an assessment on the needs and found there was not that much need for nursing care,

they had requested a flexibility be built in so that it could be used for other purposes if this proved necessary. It would give them a lot more flexibility. This gave the opportunity for immediate care for the mentally retarded or for geriatric care.

Rep. Bardanouve: Last session, the facility at Eastmont had already been let. It was evident the population was not proving it was needed and I tried to get them to cancel the contract and take a penalty. It was already realized that you needed the flexibility to move around where you might get federal money.

Mr. Zanto: The change was made following the adjournment of the last session when we got some firm figures on the need for geriatric beds. There was no need to do the Billings facility; we built in the flexibility in the Glendive facility, and certainly could have been criticized for not doing this after we knew what we did then.

Mr. William Shoquist said there are some 16-year employees at Boulder River. These cottages we have talked about are not that old. Building #8 was built in 1965, the other two in the 50's. Some consideration should be given to renovating. Sometimes the dollar sign gets in too much consideration instead of the people's welfare.

Larry Zanto: With all due respect, I would like to remind the committee that we had here a building that was already built at Eastmont just sitting there. It could very well serve that situation and there was really no reason we should go out and look at the buildings at Boulder to renovate when this was already built.

Shirley Frisch, self-employed D.D. consultant, said that during the past 2 years she has worked with D.D. in nursing homes. She said there are up to 400 people in nursing homes in small communities that could be better served in a facility such as Glendive. We could take people out of nursing homes which are expensive to the SRS and put them in a facility in Glendive. I am concerned with the taking of people out of the cottages 3 and 5 - this is not appropriate - they do not need nursing home environment.

Rep. Marks: Ever since 1975 or before, the Department, the legislature, and a lot of people from different areas say the way to go is to deinstitutionalize. Now it seems to me the strong advocates are now for reinstitutionalization. You are putting them back into institutions.

Mr. Zanto: We are trying to find the most appropriate place for them. I don't think we can be accused of reinstitutionalizing people. While it may not be the best possible environment, it is better than what we are operating now. I don't see a change on the part of the administration.

Mr. Zanto said he would like to thank the subcommittee and the Chairman, Rep. Yardley, for the many long hours they put in on behalf of the budget and for the job they did. I think we have just a few things we would like to discuss with the committee. I will ask Mr. Chisholm to explain these.

Mr. Chisholm: There may be some adjustments - our staff had only 5 or 6 hours since the report came out to try to analyze it.

1. The issues we have itemized are serious, but small. If we could just have a little of your time we have a short shopping list of budget deficiencies which I would like to bring to your attention.

2. The second list is issues we are to bring to you for classification purposes only. It has to do with Mental Health and transferring various amounts of money around. We are about ready to turn in our analysis if the detailed expenditure actually has been done. If it has not been done, we might have some problems. John LaFaver: It is my understanding that it has been done. Mr. Chisholm: We will work with the fiscal analyst on this. There are some problems in the alcohol and drug division, we are working with two sets of recommendations; we are 98,000 over the revenue projections we are working with. I would like to point this out. There is \$400,000 in the center for operating the old prison. It was to be transferred back to the prison. We don't think it happened. There is \$56,000 in one year and \$57,000 in another against inmate pay.

Mr. Chisholm continued by saying if in fact it is the legislative intent that we have patients in Eastmont, this will impact operations in the start up costs yet in this biennium. If it does not make any difference, we could begin phasing the patients in after July. It will cause us problems either way, and we would like to work out the details.

Rep. Bardanouve said this could be done with the legislative fiscal analyst.

Mr. Chisholm continued into his third list - he said this was concerning the correctional division, in relation to after care and parole. On the detention shelter care program, they were not sure they would ever get the federal funds. He said they may wind up with federal authority but no federal money, and could get caught in the middle. In the analysis of supplies - we have considerable difference in the need and what the subcommittee considered. The subcommittee thought the figures were high enough to work with - our analysis says they aren't. He said the figures involved \$362,000 in one year and \$426,000 in another year, and were broken down roughly as follows: Montana State Prison, 60,000; Warm Springs, 90,000; Galen, 80,000; Boulder River, 80,000; Swan River Youth Camp, 7,000; Mountain View, \$3,000; Pine Hills, 6,800; and Eastmont 60,000. This was for the fiscal year '80. This is usable inventory. They are suffering from inventory - it is a mess, and they would like to get it cleared up before July. There is so much they can't use.

Rep. Hand: I couldn't find anything to do with Twin Bridges. Rep. Yardley: There is a cost of \$100,000 to keep it.

Rep. Bardanouve: What does Twin Bridges look like? I understand we could get the results of the appraisal that we requested from the land board. I understand the appraisal came up with \$4-500,000. I think this seems ridiculous. I don't see how we can dispose of the type of property for that type of money. The groups that I am aware

of that expressed serious interest are the veterans, a religious group, and a senior citizens' home. They have not specifically made any offer. Now the assumption would be that the land board will put the building up for bid.

Mr. Zanto: We made it known that the status of the Twin Bridges was that it was for sale. Frankly, there has been very little response. When they got the response, they went about the procedure of putting it up for bid, and that involved going to the land board and getting an appraisal.

Mr. Zanto: In regard to our requests - we don't have this presentation in a nice kind of report form with handouts, etc. It has been prepared pretty hastily and we would like a little chance to refine it.

Mr. Chisholm: We are proposing: We have a resource capability in planning. There is no continuation of FTE, it is federally funded. We have been doing research. The population projection showed as many as 5 pre-release centers holding a capacity of 20 for 100 beds. When reviewed by the budget office they thought our projections were shaky. They thought only 2 would be needed, and additional ones to be brought in at future legislatures. It would cost \$251,000 to bring on line 2 pre-release centers, with 25 beds each for a total of 50 beds. The population requirements that are indicated leave us facing 930 inmates by the end of the biennium. This would be 208 beds short.

Mr. Chisholm went on to say that with double bunking of 192 cells to give a capacity of 284 beds, the total cells in the Montana State Prison is 672; with 50 beds at Swan River it would bring the total to 722 which was still far short of the estimated 930. He said there would either have to be more pre-release centers, opening the old prison for an additional 1 1/2 years, for the time it would take to build additional security unit. This construction would cost \$3.58 million. The present old prison is under the threat of a lawsuit for keeping prisoners in it in the shape it is in. It is very expensive to heat, and completely inadequate. He suggested bringing three pre-release centers on line at different intervals as needed might be a solution, or another might be to open a 75 bed work area in the Stillwater Forest. He said these were options, but one option was not open and that was to sit back and wait.

Mr. Larry Zanto said the committee had expressed some substantial concerns about how we got to this point. He said it is very difficult to project prison population and said the predictions made in the past substantiated his point. First predictions for a lower population seemed correct and then started to go the other way. They are building in the other states too, this is not just Montana. Two years ago the decision was made to build the extra housing units at Deer Lodge. The predictions now are that the growth will peak at 850 by 1985. He said their population figures do not preclude the sentencing on the bills that are in the legislature now which could have a definite effect on the population.

Senator Himsl: On these units - I didn't realize how you operate if not permanent. Answer: We would lease them. Senator Himsl: Why 40 bed units if you just lease the building? Would you lease the management service too? They claim about 60 beds for someone to operate them on a contract basis to be financially sound.

Mr. Zanto: We are proposing to run them. We have to consider that the majority there is after a roof over their head and food on their plate. They also have to have something to do. Many of the problems in prisons are from having too many people in too small a space.

Senator Himsl: Could this also be instead of pre-release centers? Sort of a pre-release commitment? Like in Iowa, where they are put and are never sent to the "big house". This looks like you put them into the big house and then into these.

Mr. Chisholm: Our population projects sentenced people which means they must go to prison for evaluation.

Rep. Waldron: If this were pre-commitment you would probably wind up putting them into pre-commitment instead of suspended sentences. The judges would probably sentence them to a pre-commitment center instead of suspension and you would wind up with the same people you would have had plus the alternative of that.

Senator Himsl: This seems to have been a successful program in Iowa. Rep. Waldron: How long are they committed for? Mr. Chisholm: 6 months prior to parole eligibility - 6 to 9 months, actually.

Senator Aklestad: How many people on the average in this category of 6 to 9 months? Answer: 91 at the present time.

Senator Aklestad: What is the shortest sentence you take into Deer Lodge? Mr. Chisholm: The people go in for any sentence of over one year, but because of the special conditions of their sentence, they often spend a lot less time. The classification we have at the prison would show which ones would be sent to a pre-release facility.

Senator Aklestad: On the 6 to 9 month pre-release or sentence, couldn't the county jails around the state take care of these?

Mr. Chisholm: The county jails around the state have had to hold back prisoners during the past few weeks, and some of the jails are pretty awful. The counties might get into trouble if prisoners were kept there very long.

Rep. Bardanouve: You put this very gently. I heard they checked them out. Seriously, we have a very serious problem here. I can't believe we can come up with a solution in time for a transmittal bill to the Senate. I might suggest you put the question to the LRB. This has been dropped on us at the last minute. It will take some time to work it out. Possibly we can do something in cooperation with the Senate. I can't see how we are going to put this together and get it over to the Senate and do a reasonably

good job of it.

Rep. Yardley: I think we will need some time on this.

Mr. Zanto: I understand your dilemma. I don't feel too comfortable with these projections. They change on us so fast it is hard to accept the predictions. They are changing every month or so - they just go wild.

Rep. Bardanouve: Do you feel any community in Montana would accept a minimum unit center in their city? The life skill unit in Missoula was not easy to sell. These men - were they in prison or committed from court? Mr. Chisholm: Both.

Senator Smith: I am sure you must have know this was coming - why wait until the last minute? Mr. Zanto: We didn't really know. The business of the population projection has gotten to the point where no one is smart enough to do it.

Rep. Menahan: Is this type of explosion happening in other big institutions in the United States? Mr. Zanto: Yes. Some of the states have had to build or add on - some of the figures are: Wyoming, \$18 million; Minnesota, \$40 million. It runs this way all across the country. We have people call us all the time asking if we can take prisoners.

Rep. Manning: What would the cost of the prison we just built be if we were building it now? Mr. Zanto: Along with the additions, it would be considerably higher. We have about \$9 million in it now. Phil Hauck: We have 10 1/2 million in it now.

Rep. Manning: Assuming we are to build or enlarge, do you envision the environmental air act will prevent us from doing it in the area? Answer: Yes. We have reached the maximum amount without adding remendous cost. The American building standards now say no institutions to be built for over 500. We had already built, or we would be in trouble now.

Rep. Bardanouve: We had to put in wells for the new addition. It was very expensive and they were very dry. They finally found water. If we were to add on at the same site, the only alternative to drilling more of those expensive wells is to pipe the water up to the prison, at a distance of 2 or 3 miles.

Rep. Gesek: I was joking when I mentioned the Twin Bridges Children's Center - but if it is only worth \$500,000 on the market and we already own it, perhaps it is a possibility that it be used?

Rep. Bardanouve: We would have another problem in that there is nothing for them to do there.

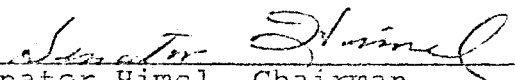
Senator Regan: Many jails are signing out prisoners for a day work release. Would that not be cheaper? Mr. Chisholm: Most of the county jails are not on a physical structure to allow that kind of program to go on. They have to have extra guards to check them, and the kind of cells where this can be handled to let them out to go to

Mr. Fitzpatrick: I would like to express to Rep. Yardley and the committee our thanks for the hard work they have done. I would like to thank the Department of Institutions, the executive branch, and the committee here for working on the complex problems that they have had.

Rep. Bardanouve: We will try to begin the process needed on this whenever the subcommittee has any time to function. I would like a hard look at any recommendations, not nebulous recommendations. Pull out your crew, Mr. Zanto, and put something together. I am not being critical, this is just a reality.

Mr. Zanto: We have been fighting this for at least the two years that I have been in the Department.

There was a motion to adjourn, and the meeting was adjourned at 10:23 p.m.



Senator Himsl, Chairman

ROLL CALL

SENATE FINANCE AND CLAIMS COMMITTEE

46TH LEGISLATIVE SESSION 1979

Date 7-11

8 PM

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HIMSL	✓		
SENATOR STORY		✓	
SENATOR AKLESTAD	✓		
SENATOR LOCKREM	✓		
SENATOR ETCHART	✓		
SENATOR NELSON	✓		
SENATOR SMITH	✓		
SENATOR BOYLAN	✓		
SENATOR REGAN	✓		
SENATOR FASBENDER		✓	
SENATOR THIESSEN		✓	
SENATOR THOMAS		✓	
SENATOR STIMATZ	✓		

DATE 3-14-79 P.M.

COMMITTEE ON

APPROPRIATIONS

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

DATE

3-14-79

P.M.

COMMITTEE ON

APPROPRIATIONS

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppo
Mike Thompson				
William H. Ferguson				
Madison Deane				
Osceola R. Smith	Council #9 AFSCME			
Rand Rattish	U.S.S.H. Independent Union			
Leslie Chas. P.	USSH Independent Union			
Walter H. Hender	USSH			
Fike Murray	Dept. of Social Security			
Mike Abley	Supreme Court			
Claire Engel	St. Louis Lib			
BO Kucay	Dept. of Just.			
Jim Jensen	MT. MAGISTRATES ASSN.			
Jim Henders	Dept of Just. / Map Service			
Shirley Frisch	Self-employed PD consultant			
Randy P.	IT - Stop Act			
Bill Warfield	Southwest Medical Health Center			
Carl Christensen	D of I			
LARRY ZINTO	D of I			
Peter Blouke	D of I			
Jim Henders				
John Fitzpatrick	OBPD			
Mike Yoshida	OBPD			
Jack Lucas	OBPP			
Gene Brown	Mental Health Center			
Robert Dilling	Yellowstone State Prison			
Robert Huntington	OBPP			

John H. H. H.
9 March 1979

Joint Appropriations Committee
Montana State Senate and
House of Representatives
State Capitol Building
Helena, Montana 59601

Dear Committee Members:

I have recently become aware that your Committee will, in the near future, be considering the 1980-81 Biennium appropriation for the Office of the Commissioner of Campaign Finances and Practices.

As Chairman of the Flathead County Republican Central Committee, I have had an opportunity to become involved with the Campaign Practices Act and the Office of the Commissioner. Through my experience with that office, I have come to believe that its function and purpose is important in maintaining the public confidence in the election process, as well as that of those candidates and political committees who participate in it. I have also come to believe that that confidence is being questioned by the fact that the Commissioner has been unable to handle the administrative, investigative, and enforcement mandates placed on him.

I believe those who participate in the election process must feel confident that the law is being observed by all. Certainly the only means to maintain that confidence is to demonstrate that all of those who participate are, in fact, fairly and honestly abiding by the law. We can only accomplish this through complete administration and, when necessary, enforcement of the campaign laws.

I personally feel that the failure to accomplish this end is directly related to the lack of staff and funds made available to the Commission. I respectfully urge that your Committee recommend to the full Legislature an increased appropriation that will provide adequate funding to fully effect the administrative, investigative, and enforcement provisions of the Campaign Practices Act. Such action will not only bolster public confidence in elected officials and government itself, but also, it will encourage citizen participation by promoting an atmosphere in which there is complete, fair, and timely administration of the Campaign Practices Act.

To be specific, I tend to favor the budget recommendation of the Legislative Analyst in fiscal year 1980 and ask that you

Joint Appropriations Committee

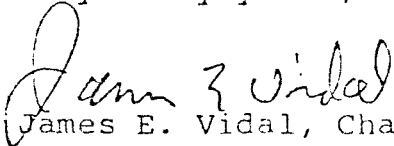
9 March 1979

Page Two.

closely review said recommendation. Let's allow this office to accomplish its goals and renew the public faith in the political process.

Thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James E. Vidal".

James E. Vidal, Chairman

Flathead County Republican Central Committee

JEV/crr