

House Appropriations Committee
Second Special Session of
The 47th Legislature
June 24, 1982

The meeting of the House Appropriations Committee was called to order at 11:00 a.m. on June 24, 1982, with Vice Chairman Jack Moore presiding. The purpose of this meeting was to hold a hearing on HB 11.

HOUSE BILL 11

REPRESENTATIVE BOBBY SPILKER, sponsor of HB 11, introduced the bill to the committee. HB 11 is an act creating a special select committee to prepare recommendations and a plan of action to deal with Montana's correctional problems for the consideration of the 48th legislature. A copy of the testimony presented by Representative Spilker is attached and is EXHIBIT 1 of these minutes. Representative Spilker said that many good things have been brought out in this special session, however, people are not sure just what the cause of the problems are or what the solutions are. This bill would put together a fact finding committee that would zero in on all of the the information brought out in this special session plus do anything else they think might help us in the 1983 session. Another reason for this committee, she stated, is to give the public a chance to participate in the hearings. The lack of participation from the public has bothered me. When this committee brings the information to the 1983 legislature the public will have the opportunity to participate in the hearings at that time. EXHIBIT 1 was prepared by Mr. Pearson of the legislative council.

There were no other proponents to HB 11.

OPPONENTS

DAN RUSSELL, Administrator of the Division of Corrections, stated that he would like to continue with the opposition that Mr. South stated in the State Administration Committee yesterday. As you are all aware the executive branch of government has submitted a proposal which we have studied for a long period of time. We feel that by utilizing a fact finding committee that we would be seeing a duplication of what we have already done. The legislature had an interim committee on corrections for two years and they studied the same kind of things. There is now a prison alternatives committee that has been meeting for about three months and will continue to meet with the very same goal in mind. We think that our proposal is a sound one and ought to be dealt with.

HB 11 Cont.

QUESTIONS BY THE COMMITTEE:

Waldron: I am concerned about the language on page 6, line 15, where it says the legislative auditor shall provide staffing and assistance to the task force. I do not have a problem with them providing assistance but this bill seems to say that the task force will have first say over both of those staffs. I am on the audit committee and we usually make the decisions on the staff assignments for the legislative auditor. I don't think you should be giving two bosses to either of these staffs.

Spilker: This is simply an effort to indicate that we want our legislative staff to cooperate so that we are not duplicating any services. I do not see any problem here.

Waldron: This does not ask for cooperation, it says they shall provide assistance as required.

Bardanouve: In the past the fiscal analyst (Mrs. Rippingale) has had to pull her analyst off an assignment to prepare information for the special session in November and again she has had to do this for this special session. This has put them way behind. The biggest work load for the fiscal analyst office comes in the last months of the year before the session begins. It might be better to hire someone for the task force.

Moore: On the exhibit it says there is a possibility of hiring consultants.

Lory: Rather than shall could we use may provide as requested?

Spilker: Yes, if you want to.

Moore: On page 6, line 25 the termination date is January 1, 1983. Because of the possibility of lag time in billing etc. I would suggest that the date be changed to March 1, 1983.

The hearing on HB 11 was closed.

EXECUTIVE SESSION HB 11:

Representative Stobie made a motion to change the date from January to March and also change shall to may.

Waldron: The attorney general has required in the law that may requires some action. I have dealt with the subject of may in other cases. There may be better amendments than to change shall to may. You should use your discretion as chairman to separate the motion.

Moore: With no objection, Mr. Stobie, we will separate the motion.

Conroy: I don't see any point in belaboring the issue. I move that we vote on the whole issue as stated in the original motion.

Waldron: As a substitute motion I will move that on page 6, line 25, we strike January and insert March. On page 6, line 14, following "council", insert "in cooperation with the" following "and" insert "the" on line 16 strike "as the task force requires". It would then read as follows: "The legislative council in cooperation with the legislative fiscal analyst and the legislative auditor shall provide staffing and assistance to the task force." That does not require any particular level of assistance and provides some flexibility for the staff assistance based on their workload.

Moore: We will split the motion and consider the date first.

A voice vote was taken on the first portion of the amendment. (to change the date) The motion carried unanimously.

A roll call vote was taken on the second portion of the amendment. (to insert the language as stated above) The motion failed with 8 members voting yes and 8 members voting no.

A motion was made to revert to the original motion of Representative Stobie to strike "shall" and insert "may". A roll call vote was taken on the motion and carried with 15 members voting yes and 1 member voting no. See roll call vote sheet.

Waldron: I wanted to ask Mr. Russell what the membership of the prison alternatives committee is?

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EXECUTIVE SESSION Cont. HB 11:

Russell: There are two district judges, a county attorney, a defense attorney, a member of the Supreme Court, the prison warden, the Board of Pardons chairman, two legislators, the county commissioner, the Alpha House director and myself. Senator Van Vaulkenburg is also there as a public defender.

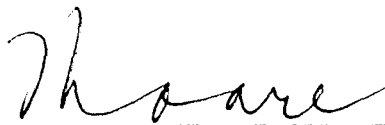
Stobie: How did you arrive at the plan you introduced in HB 2?

Russell: That was the executive branch that arrived at that plan after having looked at a number of different options.

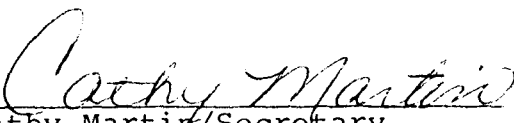
Representative Thoft made a motion that HB 11 DO PASS AS AMENDED. The motion carried with 12 members voting yes and 4 members voting no.

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,



REP. JACK MOORE, VICE CHAIRMAN



Cathy Martin/Secretary

EXHIBIT 1

1. The amount requested to be appropriated is not reflective of a specific budget. That would be left to the Task Force to develop.

2. Legislative committees tend to be very careful of their funds. A few years ago, the committee that developed SB 76 was appropriated \$60,000 and spent \$31,000. The water oversight committee has lived for two interims on the amount left over.

3. The task force is not likely to spend all available, but has no where to go if it runs short.

4. Some ideas as to how money might be spent include:

- a) Member travel and salary (regular meetings) \$14,000
(This would be a very active group, but this amount could cover about ten meetings)
- b) Consultants \$15,000
(Consultants that might be used by the task force include architects to develop independent cost estimates of alternatives.

The task force might wish to ask Mr. Hutto back to delve more deeply into issues.

Persons of national stature such as William Nogel who wrote a paper entitled Prisonia (Helena's Halfway House people distributed it to us Saturday) might be asked to come to Montana to assess our situation and advise us of alternatives that might be more effective at a lower cost.

- c) Many legislatures and legislative organizations have considered similar problems and it might be found to be valuable to bring them to Montana to talk to us. (Remember, in these days of high travel costs that one trip from the east coast could cost \$1000.)
- d) Member travel \$8,000
Many other states have suffered problems such as ours. Some have had problems some may have found solutions. Members may wish to travel to other states to see for themselves programs and facilities. This amount would allow one long trip for each member.
- e) Committee printing and mailing \$2,000

Publicity and reports as well
as coordination must be considered.

- f) Staff support \$3,000
Our existing staffs are taxed quite
heavily, especially the clerical
staff. The task force may wish
to hire a secretary to meet its needs.
Other services may also be required.

5. The items listed in item 4, which are reasonable in each case, total \$42,000. Obviously, the task force won't choose all these things to do. The Water Adjudication Committee I referred to before did have a law professor from out of state come in, had one from in state, did a small amount of out-of-state travel, sponsored an in-stream water rights seminar in Billings, spent \$31,000 and produced a bill that passed the Legislature. The task force can be trusted to be good stewards of \$35,000, which is a reasonable amount of money.