

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON LONG-RANGE PLANNING

Call to Order: By CHAIR MARY ELLEN CONNELLY, on January 18,
1991, at 8 a.m.

ROLL CALL

Members Present:

Rep. Mary Ellen Connelly, Chair (D)
Sen. Bob Hockett, Vice Chairman (D)
Rep. Francis Bardanouve (D)
Sen. Ethel Harding (R)
Sen. J.D. Lynch (D)
Rep. Bob Thoft (D)

Staff Present: Jim Haubein, Principal Fiscal Analyst (LFA)
Jane Hamman, Senior Budget Analyst (OBPP)
Claudia Montagne, Secretary

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

Announcements/Discussion:

HEARING ON DEPARTMENT OF INSTITUTIONS

Tape No. 1:A:000

Informational Testimony:

Curt Chisholm, Director, Department of Institutions, introduced other members of the Department who would be presenting: Keith Wolcott, Deputy Director; Bob Anderson, Administrator, Special Services Division; Dan Russell, Administrator, Corrections Division; and Bill Thompson, Warden and Plant Manager, Montana State Prison, Deer Lodge.

He said the schedule indicated some major maintenance projects and some facility expansion for the state prison. He added that absent on the list were issues such as the Women's Correctional Center and other agenda items which he would address during the course of the Department's presentation.

Keith Wolcott gave an overview of the Department's physical make-up. **EXHIBIT 1**

DEPARTMENT OF INSTITUTIONS CAPITAL CONSTRUCTION PROGRAM

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Mr. Wolcott reviewed the Department's projects as recommended by A&E and presented in the Capital Construction Program, **EXHIBIT 1 1/14/91**, and listed for the committee members on the January 18 work sheet. **EXHIBIT 2**

First was the replacement of the deteriorated water lines throughout the north side of the Montana Developmental Center campus and the replacement of the steam lines under building 9 of the same campus at Boulder.

REP. BARDANOUVE asked if this project would fully repair the lines. **Mr. Wolcott** said these projects would fully repair the lines in those areas; however there were serious problems with water and sewer lines on the south side of the campus which were not addressed in this project.

Mr. Wolcott outlined the roof replacement project for the Board of Pardons building and Prison Warehouses, the moisture protection project at the Eastmont Human Services Center, and continued on to the maintenance of roads and parking lots, statewide (three separate campuses). He expressed concern about the \$112,000 allocated for Warm Springs because \$1,300,000 had been requested for roads and sidewalks. This amount would probably fill some potholes since the roads were in terrible condition.

SEN. HARDING asked about the cost to chipseal a road and who did the work. **Jim Whaley, Architecture and Engineering**, said the roads had deteriorated significantly. The money amount was arbitrary in light of their request, but it would allow them to address some of the worst conditions on the campus at Warm Springs. The project would be done in conjunction with the Department of Highways or some other contractor to cut down on costs.

Mr. Wolcott reviewed the project to apply an exterior finish to the concrete buildings constructed in the last major construction, completed in 1987. Inmate labor would be used, and the \$25,000 allocated would do two of the six buildings. **Mr. Russell** said \$100,000 had been requested, and that the department would use its maintenance crews and inmate labor. A discussion followed on spauling.

Mr. Wolcott reviewed the remaining projects: building improvements at the Montana Center for the Aged and the replacement of the multipurpose building flooring, Montana State Hospital. He said **Dan Russell** would cover the remaining projects: the preliminary design for the prison expansion, the expansion of the industries facilities, and the major expansion itself, all at Deer Lodge.

Questions from Subcommittee Members:

REP. BARDANOUVE asked if part of the cash program was being used to build the new facility. Mr. Whaley said that the \$877,500 from the cash program would cover the preliminary design costs in order to bring the project to the bid stage. In this way, the bond sale could be deferred for a year. REP. BARDANOUVE said the committee had been hearing for two days about the extreme need for repair of state facilities, and questioned taking cash out of the Long Range Building Fund for projects properly funded out of the bonding program. He gave this and University projects as examples. Mr. Whaley said if the entire project were to be bonded, it would free up close to \$2,000,000 of design costs from both the prison and university expansion projects for the Long Range Building projects. However, it would also increase the bonded debt of the state.

REP. BARDANOUVE asked if this was A&E's preference, or were they told to do this. Mr. O'Connell said it was a judgement call, realizing the needs for both maintenance and new construction. The goal of the administration was to limit the debt service undertaken by the general fund this biennium. Providing cash to initiate these big bonded projects, to initiate the planning for them, was the best way to do that. In that way, bids could be let by the end of the biennium.

REP. BARDANOUVE asked how much additional would have been on the general fund had this planning money not been taken from the cash account.

Dave Ashley, Department of Administration, addressed the philosophy of using cash to design the projects. He said it did not matter whether cash or bonded money was used to design the facility, except for the timing of the receipt of that cash. They could bond for that \$877,000, but would get into an arbitrage problem if the money was in the state's possession for three years before it was actually used. A possible solution would be the sale of bonds for the planning costs, or \$877,000, but the cost of issuance would make that cost ineffective. Therefore A&E had decided to include all of the major construction costs in one large bond issue that could be deferred until FY94.

SEN. LYNCH said the use of prison labor would have to be debated and decided upon at some point. He asked if there was a bill introduced on that topic, since present law excluded that. Mr. Wolcott said there was an inmate labor bill introduced. REP. THOFT said the discussion of the use of cash vs bonds bothered him, especially because the rationale for the administration's decision was based upon the fact that the state's bonded indebtedness was going to drop off soon. Not bonding the planning money was a way to avoid issuing any more bonds until the indebtedness dropped off.

HEARING ON THE MONTANA STATE PRISON EXPANSION

Tape 1:A:1125

Informational Testimony:

Dan Russell, Corrections Division Administrator, addressed the remaining two projects on the list, the expansion of the industries facilities, and the major expansion. **EXHIBIT 3**

SEN. HOCKETT asked what the department meant by the emergency capacity of a facility. **Mr. Russell** said they designed a facility based upon an occupancy of one person per cell. When there was a situation as existed today, 852 cells with 1135 people, they determine how many cells could be double bunked. That becomes the emergency capacity. **SEN. HOCKETT** asked if they exceeded some kind of requirement for square footage per person. **Mr. Russell** said the American Corrections Association has a Commission on Accreditation, which sets the square footage per cell based on the number of hours of out-of-cell activities an inmate could have.

Mr. Russell reviewed the expansion of industries facilities, project 54, **EXHIBIT 2** First, the "bus barn" expansion, would provide an opportunity for the prison to participate in a vehicle rehabilitation program administered by the Dept. of Commerce Transportation Division. He said the project proposed adding an addition to an already existing building at no expense to the General Fund. The Federal Government would make \$14,000 available for this project, with the additional amount of approximately \$50,000 coming from a loan from the ranch and industries proprietary accounts. The second part of this project is a high security vocational industries building to house various programs that would be compatible with the security requirements.

1:B:000

Again, **Mr. Russell** said the Department proposed that this building, costing \$272,000, be built with inmate labor, with the money coming from the ranch proprietary funds. The Department felt it was a wise use of the ranch profits to apply them back to the prison for the benefit of the inmates and the operation.

SEN. LYNCH asked what the cost would be if inmate labor were not used. **Mr. Whaley** said he had not done a cost projection on this project. The amount requested was provided by the prison. Typically on other projects where inmate labor was used, the project came in at 60% of the cost. **SEN. LYNCH** suggested that until a policy change was made, the state should continue following the present law, and not use prison labor. **Mr. Whaley** said that current law said that projects over \$25,000 not use prison labor. **SEN. LYNCH** expressed irritation over the apparent assumption that the law was not going to continue. **Mr. Whaley** said that based on the success of the project using inmate labor during the last biennium, A&E felt it in the best interest to the state to use inmate labor when possible in order to stretch dollars.

SEN. HOCKETT asked for the percentage of the project using inmate labor. **Mr. Whaley** said this particular project, the industries facilities expansion, was proposed using all inmate labor. Of the major prison expansion project, 90% of the cost would be private construction with the remaining 10% provided by inmate labor. **Mr. Russell** said the major prison expansion had 15 different components, 6 of which are proposed to be done with inmate labor. He said the total cost of that project was \$20,238,000, \$1,642,000 or 8% of which would be for inmate labor. Without inmate labor, this latter amount would have to be added to the total.

Mr. Russell at this time reviewed **EXHIBIT 3**, which covers the need for the prison expansion and the cost summary.

1:B:674

Questions from the Subcommittee:

SEN. HARDING asked if the Department had included Harold Hughes' recommendations regarding cutting down the prison population with the development of community based programs. **Mr. Russell** repeated the national average (3.7%) and Montana's average (10%) of inmates in community placement. This number would go to 14% under this scenario, indicating a maximum use of community services.

REP. BARDANOUVE asked if any alternatives had been considered, such as the Swan River Camp. **Mr. Russell** said they were proposing to add 120 placements in those kinds of alternatives. They did not consider specifically another work camp, but a work camp housed the same classification of inmate that would go into these 120 beds. They needed 330 beds projected by the end of 1995 represent inmates in the medium classification or above, inmates who could not function in the work camp level of programming.

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REP. BARDANOUVE commented that he had recently attended the National Conference for Chairs of Appropriations and Finance Committees, and one of the recommendations was that Americans needed to re-adjust their expectations of who or what offense required imprisonment. The USA had the highest inmate population relative to the general population in the world. Their recommendation was not for more prison beds. He said it was hard for him to accept a program of expansion of the magnitude proposed by the department.

REP. THOFT commented that he had served on the council that had helped put together the department's proposals. The council had been very conservative when discussing bricks and motor, and had recommended with difficulty this level of expansion because of the projected increases in prison population, and the need to protect the people who work at the prison and society in general. He added that the Legislature had been a big part of the problem in passing laws that extended the terms of imprisonment. He acknowledged that killing those bills was difficult.

REP. BARDANOUVE appreciated the comments of Rep. Thoft, and said he was still bothered that the state had been putting more money into the most least productive use of the state's dollars by spending more money on prisons than on education. He asked if the council had access to national consultants in making these decisions.

Mr. Russell said that over the last 4 to 5 years had the National Institute of Corrections come in to assist them with specific issues. He was not sure if they had come in on this particular expansion project.

SEN. TOM BECK, HD 24, Deer Lodge, said he had attended a conference in San Francisco on this issue of alleviating crowding and decreasing populations in prisons, a national issue. The state had to be careful about moving this 14% of the inmates out of the prison into the intensive supervision programs in the communities. He warned of a disaster in the pre-release centers if people were placed there inappropriately in order to reduce the need for physical expansion. He added that this proposal was the best scenario the council could come up with.

1056

SEN. HOCKETT noted that on the first page of **EXHIBIT 3**, parolees committed to supervision had increased 128% since 1980, and asked if supervision had been increased by a comparable amount. **Mr. Russell** said they had increased their staff by seven parole officers since 1980 for a total of 43. He mentioned that since the 1989 session, the number of people on probation and parole had increased by 600, and that the Department had a modified budget request in for more officers (an additional five last biennium, and four this biennium) which would be heard before the Institutions Subcommittee.

REP. BARDANOUVE commented that too much time was being spent in the parole area on prisoners that are not high risk parolees. A recommendation he had heard was to adopt policies to concentrate on the high risk parolee. **Mr. Russell** said the Department was using a classification scale for probation and parole as well as for the prison, a system based on a risk and needs' scale. The people were then placed on minimum, medium or maximum supervision, with an additional category of intensive supervision. A law had been created in the last session creating a status called Conditional Discharge from Supervision, for people who have been under supervision for a long time and have few needs, but need minimal supervision for the sake of the community and to comply with legal regulations. He added that every effort was being made to maximize the use of field services. **REP. BARDANOUVE** said he was not intending to be critical but had deep concerns regarding the path the state was taking.

SEN. HARDING asked who was housed in the maximum security unit. **Mr. Russell** said this unit would house the death row population, those in protective custody, and the maximum security population.

Jack McCormick, Warden, Montana State Prison, said there were six individuals on death row in this unit. A wing of the maximum security unit was the 16 man housing unit for the protective custody population. The four other blocks in that unit hold 16 men per block, one of which was reserved for those inmates that cause problems in maximum security. There was no additional space at this time for any more inmates.

Tape 2:A:000

Mr. McCormick said the numbers of this type of prisoner had increased and would continue to increase.

CHAIR CONNELLY asked why this was the maximum increase possible for the prison as presently located. **Mr. Russell** said this expansion was the maximum within the envelope based upon all of the support facilities and management capabilities. No more than 1500 inmates could be handled within this envelope. For any further expansion, there would have to be a separate free standing unit on the land owned by the prison (40,000 acres). He did foresee that happening late in this century, but the Department did not make projections beyond five years into the future because of the impact of so many other factors (public opinion, sentencing practices, release practices, arrest practices) outside of its control.

SEN. HOCKETT asked if additional vocational training would be provided to keep pace with the increase in prison population. **Mr. Russell** said they were not keeping up with that until 1980. He cited SB 1, introduced by Sen. Turnage in 1982, which created a Vocational Industries Vocational Program, and which has continued to grow. It needed to be increased this biennium and referred to the first project he had presented, project 54, as well as the additional vocational space to be included in the new maximum security compound.

SEN. HOCKETT commented that there did not appear to be any alternatives, and asked what would happen if this were not built. **Mr. Russell** said that was not an option. **SEN. HOCKETT** asked if they were refusing to accept prisoners. **Mr. Russell** said that three times during the biennium they had to invoke a voluntary cap on prison populations. These prisoners would be placed on a waiting list. They were proposing a piece of legislation in which a cap would be placed on prison population. Once this cap is reached, those additional prisoners would be held in county jails, with the prison paying the cost until the emergency capacity is reduced to 95% or less. He added that it was extremely expensive to transfer prisoners out of state (\$65/day) and causes problems with the legal process.

REP. BARDANOUVE commented on the failure of the criminal justice system in the United States.

Informational Testimony:

Curt Chisholm, Director, Dept. of Institutions, said he was not prepared to address the expansion of the Women's Correctional Facility. He said he could justify the need, but had planned on informing the subcommittee at a later date of the process initiated in November of 1990 which would culminate at the end of January. They were bringing to the Legislature an alternative method of financing a legitimate state need to avoid increasing the bonded debt of the state. Their plan was to provide for the immediate and future needs of female inmates. Although the numbers of women inmates is smaller than men, the percentage increase in numbers is as much of an issue.

Mr. Chisholm gave a history of the Warm Springs campus as the site of the Women's prison. They were experiencing populations as large as 54 in a facility designed to house 30. Last biennium, the Department received authority to remodel the old forensic facility at Warm Springs for the purpose of expansion on a temporary basis. However, that additional capacity has been exceeded. They estimated the cost to be \$12,000,000 to build a facility large enough not only to accommodate the needs of Montana, but to accommodate the needs of the Federal Bureau of Prisons and other states who are looking for cell space for women offenders. The Department planned to offer a percentage of unoccupied beds to out of state offenders, and thus to generate income for the General Fund.

Mr. Chisholm said how to pay for it was a harder problem. The state did not have the cash in the Long Range Building Program. Regarding General Obligation Bonds, with the men's prison expansion and university expansion, the state would not be able to afford the additional \$12,000,000 debt. The Department did not want to pre-empt legitimate needs, some not even designed yet, relative to the state's physical plant requirements for the university System, other agencies of the State and the Department of Institutions for the next 20 years with this \$12,000,000 project. Thus they were asked to explore alternative methods of financing.

Mr. Chisholm said they also had an obligation to determine the location of the project. They developed siting criteria that determined that this facility should not be situated at Warm Springs, nor at any other remote area of Montana as yet one more free standing campus. It was more cost effective to locate within the envelope of a municipality large enough to nurture the program with human services as well as utilities and other standard needs. This facility in turn would provide an economic advantage to that community. The first step was to design a process by which the department could find out who was interested in having this facility within its community, followed by an assessment of what a community would do to sweeten the pot such as providing land, waiving SID requirements, accessing utilities, etc. Finally there would be an evaluation of what kind of

financial plan a community could come up with to raise the capital to build the facility on the condition that the state would lease/purchase or lease back from that municipality the opportunity to operate a Women's Correctional Facility there.

Mr. Chisholm said the community could float an industrial revenue bond or a certificate of participation issuance, and the state could meet a legitimate need without incurring additional general obligation bond indebtedness. He described more of the process: the mailing of the notice to determine which communities were interested; the briefing conference held December 15, 1990 which laid out detailed siting, design and financing criteria; the deadline for response to the Request for Proposal (RFP) for financing, construction and programming, January 31, 1991; evaluation of the responses from the communities; and presentation before the subcommittee for consideration, debate and approval.

Questions From Subcommittee Members:

REP. BARDANOUVE asked about the procedure. **Mr. Chisholm** said first the department needed to show why the facility was needed, and **REP. BARDANOUVE** agreed that there was no argument there. Second, **Mr. Chisholm** said they needed to bring the legitimate responses before the committee that meet program and financial criteria. At that time a comparison would be made between the state's cost to build the facility and the community proposals.

REP. BARDANOUVE questioned the size of the facility, and the wisdom of the proposal to take prisoners in from outside Montana. He said the state would be obligated for the beds whether or not they were filled. **Mr. Chisholm** said he felt it a responsible decision based on the reality of criminal justice at this time. He cited examples of other states that have deliberately over-built and leased out the cell space in order to off-set the capital construction and some of the operational costs. Even though this was a deliberate decision to over-build, the state would need 170-180 beds by the year 2000. The initial analysis was made on a 120 bed facility, but for a mere \$1,500,000, 80 additional beds could be added at this time, which could be cost effective in the long run, as opposed to expanding in 10 years.

REP. BARDANOUVE asked if the department had run any cost comparisons of state vs community funding. **Mr. Chisholm** could only say that the \$12,000,000 cost figure before the committee did not include the cost of land, site development, etc., because they did not know where the facility would be built. If the state would build this facility, these costs would have to be added in. **REP. BARDANOUVE** said a community would have those same costs. **Mr. Whaley** said the \$12,000,000 represented a cost estimate put together by A&E, and would remain the same whether or not it was built by the community or GO bonded. He said the figure did not include land acquisition or extension of utilities to the site.

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REP. BARDANOUVE said he found it ironic that in the Big Sky Dividend, the state was proposing to build for free all the needs of the cities such as sewer and water systems, roads, and bridges. Yet the state could not afford to build a prison, and was asking the same cities to build a facility for the state. **Mr. Chisholm** replied that he was responding to a request for alternatives to finance a legitimate state need, and that the state intended to pay for this over a twenty or thirty year period. The problem was coming up with the capital at this point in time. He added that the only negative comments he had heard were that the criteria were excluding some small communities from being able to apply, and acknowledged the truth of those comments.

Tape 2:B:000

REP. THOFT commented that there was no financial risk to the citizens with this project, since they would be reimbursed for their expenses. There would not be any increases in their fees, which is what the Big Sky Dividend was addressing in terms of support to communities for infrastructure repairs that they were unable to cover. His biggest fear was that the courts would fill the facility with Montana's offenders no matter what the number of beds, and expressed concern with the entire Criminal Justice System.

REP. CONNELLY commented on the cost to the community of preparing the proposal, and **Mr. Chisholm** replied that each community had been given specific guidelines and were encouraged to consider their proposal very carefully.

REP. BARDANOUVE asked about the state's liability in the event of lawsuits brought because an out-of-state inmate escapes and harms someone. **Mr. Chisholm** said there were risks, but they had out-of-state inmates at this time, and unless it was proven that the institution was deliberately negligent, he did not believe they were any more liable for incarcerating an inmate from another jurisdiction as they would be for a Montana inmate.

REP. BARDANOUVE asked when the subcommittee would hear back from department. **Mr. Chisholm** said they could be back in February to give the committee the results of the responses. They would talk generically about proposals and their financial packages without identification of the community. He asked for the committee's approval of the process and consent that the facility is needed. The final decision would be made by the director of the Department of Institutions based upon recommendations of a committee that he would put together. That committee would be composed of a representative of the Corrections Authority of the state, Architecture and Engineering Division, some financial advisors under contract with the Dept. of Administration, (D of A), D of A representatives and representatives of the House and the Senate. The committee would evaluate the proposals, using weighing criteria, and recommend the winner. The director would

make the final selection, and in the event of dissention, the Governor could make the final determination.

SEN. BECK asked if the committee would be hearing any other comments on this project and process. **CHAIR CONNELLY** said other comments would be received at the time the committee hears the proposals in February. **SEN. BECK** commented that this design was drawn from the Shakapee, Minnesota, Women's Correctional Facility, a 200 bed facility that had cost \$18,000,000 to build six years ago. He asked where the \$6,000,000 of savings were in the \$12,000,000 cost of the proposed institution.

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Mr. Chisholm spoke of the Department's desire to move certain programs out of the institutional setting and into the community in order to get out from under the infrastructure costs of maintaining the freestanding campuses across the state. They had been unable to find money within current level budgets to contract out for this project. He asked for money out of the Long Range Building Program to study the infrastructure needs of Warm Springs State Hospital, (WSSH) whether it should be brought up to state standards and at what cost, or abandoned, or used for completely different purposes. He estimated the cost at \$90,000 to \$120,000, plus the cost of empowering a committee to assess the results and develop a master plan for the future. He requested this appropriation at the cost of other major maintenance projects if necessary.

REP. BARDANOUVE suggested that they first determine the role of WSSH, followed by the infrastructure assessment. **Mr. Chisholm** said any professional group determining the role of WSSH would need to understand the infrastructure situation first.

SEN. JACOBSON challenged **Mr. Chisholm's** figures on the WSSH population, saying that was just the mental health facility. There are also the men prisoners, women prisoners, and the forensics unit. **Mr. Chisholm** said the prison population figures were temporary until expansion takes place. He said all of the residents were sharing the same infrastructure dilemmas, and in addition were sitting next to the largest superfund clean-up sites in the world. He expressed concern about the EPA requirements for their sewer system and domestic water supplies.

REP. BARDANOUVE asked about the numbers in the Forensics Unit. **Mr. Chisholm** said they had been averaging 75 to 80 patients in that facility.

ADJOURNMENT

Adjournment: 10:45 a.m.

M. E. Connelly

MARY ELLEN CONNELLY, Chair

CLAUDIA MONTAGNE, Secretary

MEC/cm

HOUSE OF REPRESENTATIVES
LONG-RANGE PLANNING SUBCOMMITTEE

ROLL CALL

DATE 1-18-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FRANCIS BARDANOUVE	✓		
SEN. ETHEL HARDING	✓		
SEN. BOB HOCKETT, VICE-CHAIRMAN	✓		
SEN. J.D. LYNCH			
REP. BOB THOFT	✓		
REP. MARY ELLEN CONNELLY, CHAIR	✓		

HR:1991
CS10DLRLCALONGRP.MAN

EXHIBIT 1
DATE 1-18-91
HB Long Range Building
Program #B5

LRBP PRESENTATION -- 1991 SESSION

Madam Chairman, members of the committee, my name is Keith Wolcott. I am Deputy director of the Department of Institutions. I am here today to present the Department's Long range building requests. Here with me are: Bob Anderson, Special services division Administrator; Dan Russell, Corrections division administrator; Jack McCormick, Warden of Montana State Prison and his maintenance supervisor, Bill Thompson.

Mr. Chisholm, the Director, is here and will address issues and recommendations relative to the Womens' prison and answer questions you may have concerning the status of the Department's proposal or other agenda items.

Before I get into the individual projects I would like to give the committee a brief overview of the Department's physical makeup.

The Department is responsible for seven institutional operations on eight campuses. That will increase by one when the new Eastern Montana Veterans Home is constructed in Glendive.

Correctional facilities:

CAPACITIES

	<u>DESIGN</u>	<u>EMERG</u>
Montana State Prison -- Deer Lodge	852	1135
Swan River Forest Camp -- Swan	54	60
Womens' Correctional Center -- Warm Springs	40 15 <u>55</u>	45 20 <u>65</u>

Mental Health Facilities:

	<u>WS</u>	<u>GALEN</u>
Montana State Hospital -- Warm Springs & Galen	LTC 60 INT 24 ITU 64 PR 24 ETU 105 FOR 104 PINT 23 <u>404</u>	ACU 33 LTC 185 ASC 72 LH 15 <u>305</u>
Center for the Aged -- Lewistown 191		

Developmental Disabilities Facilities:

Montana Developmental Center -- Boulder	198
Eastmont Human Services Center -- Glendive	55

Veterans Facilities:

Montana Veterans Home -- Columbia Falls	150
Eastern Montana Veterans Home -- Glendive	100

The eight campuses occupy approximately 1450 acres of the approximate 45,000 acres that the Department owns.

There are 226 buildings or structures, of which around 200 are currently being unused. We occupy or use over 1 million square feet valued for insurance purposes at \$130 million. The

patient and inmate occupied buildings must meet specific building fire, life, safety codes and some licensure and certifications codes.

At some of these campuses we are responsible for our own water and sewer systems and garbage disposal (land fill). Five water systems, four sewer systems, and one landfill. These systems must meet DHES and EPA standards which seem to be getting more stringent with time.

The Department in some instances is responsible for electrical and gas distributions systems. Montana Power delivers the utility to our property but we are responsible for the distribution on campus. The total annual utilities in FY90 were \$2,020,494.

The Department is responsible for roads and sidewalks. I don't know how many miles.

The point to all this is to let you know and to remind myself that the Department is responsible for a very large capital investment. Probably larger than half of the communities

in the state. Quite frankly year after year the funding to maintain these facilities has been woefully inadequate as I am sure you are aware. It is like trying to maintain the city of Helena with the maintenance budget of Plevna.

The superintendents and the division administrators put together LRBP requests for something in excess of \$60 million for the 1993 biennium. We submitted to A&E just over \$38 million and A&E has recommended \$21 million not counting the Womens Prison. Of that total \$20.5 million is to construct a new prison which we desperately need. But that means less than \$1 million dollars ^{504,473} (920,449) is recommended to maintain \$130 million dollars of buildings, and unknown millions of dollars of water and sewer systems; roads and sidewalks; and utility distribution systems and heat distribution systems.

Mr Malcolm Jones, in his presentation to the Appropriations committee on tuesday, stated that the bond raters discount the bond ratings of states on the basis of deferred maintenance and decaying infrastructures in the state institutions and

facilities. He did not mention any benchmark figures that the raters use in their ratings nor did he mention where Montana's ratings are relative to this issue, but perhaps Montana would have a higher rating if our funding for maintenance was better.

I am not criticizing the recommendation made by A&E or this committee or the legislature as a whole because I am aware of the limited resources available. But rather, I want to be on record that the historical funding of maintenance projects and the funding recommended here are not adequate. We are falling further and further behind to the point where we cannot simply apply ongoing maintenance to our needs, instead we increasingly must have major projects to address our needs and then only when those needs become emergencies.

With that Madam Chairman I will go on to present the projects as recommended by A&E.

Long-Range Planning Committee
Capital Construction Program

January 18, 1991

EXHIBIT 2

DATE 1-18-91

HB Long Range Building

Agency/Project	Priority	Page #	Amount Recommended	Revenue Source	Action
DEPARTMENT OF INSTITUTIONS					
Replace Water and Steam Lines, Montana Developmental Center	5	44	\$ 149,208	LRBF	
Replace Roofs, Board of Pardons & Prison Warehouses	9	57	\$ 30,000	LRBF	
Moisture Protection, Eastmont Human Services Center	12	64	\$ 98,450	LRBF	
Maintain Roads and Parking Lots, Statewide	14	69	\$ 150,000	LRBF	
Seal Buildings, Montana State Prison	15	71	\$ 25,000	LRBF	
Building Improvements, Montana Center for the Aged	20	82	\$ 105,015	LRBF	
Replace Multipurpose Building Flooring, Montana State Hospital	22	87	\$ 26,800	LRBF	
Preliminary Design for Prison Expansion, Montana State Prison	23	89	\$ 877,500	LRBF	
Expand Industries Facilities, Montana State Prison	54	163	\$ 14,000 \$ 321,976	Federal Special Revenue Other	
Major Expansion, Montana State Prison	57	174	\$19,360,745	LRBF	

EXH B.T. 3
DATE 1-18-91
HB 5 Long Range
Building Program

LRBP NARRATIVE - MALE CORRECTIONS SYSTEM

OVERCROWDING OVERVIEW

Montana's male inmate population has increased 90 percent since 1980, from 701 to 1,335 inmates on October 31, 1990. The system emergency operating capacity will be 1,360 inmates upon completion of the new low security unit and including those in SRFC, pre-release centers and the Intensive Supervision Programs. The MSP emergency operating capacity is 1,135 inmates and the November, 1990 end of month count at the Prison was 1,140 inmates. Montana has faced a Prison capacity shortage every year since 1980. Growth in Montana's offender population has not been limited to Prison inmates - the number of probationers and parolees committed to supervision has increased 128 percent since 1980, from 2,260 to 5,164 offenders. Not all of these offenders are supervised in state. The November 1990 count was 3,783 of which 3,233 were on probation and 550 were on parole.

Prison overcrowding is not unique to Montana. Virtually every state in the nation, and the federal government, is facing overcrowded correctional systems. In January, 1990, only five state correctional systems were not under some form of court intervention to resolve problems resulting from overcrowding. There are no indications that overcrowding will be resolved in the near future. For example, the National Council on Crime and Delinquency has estimated that Prison populations in 12 bellwether states will increase 68 percent by 1994. The Federal prison system experienced an 83% growth between 1981 and 1987 which was 56% greater than was projected.

Conventional wisdom holds that correctional population size is determined primarily by a jurisdiction's total civilian population and crime rate. Montana's experience in the past decade indicates that conventional wisdom provides scant explanation of the growth of correctional and Prison populations. Montana's civilian population increased only 4.8 percent from 1980

to 1985 and has declined steadily since then. Data provided by the Montana Board of Crime Control indicate that Montana's rate of index crime has declined substantially since 1980. In short, the supposed sources of Montana's correctional population have declined in size while that population has continued to increase. Clearly, civilian population size and crime rate are not the primary determinants of the size of Montana's correctional populations. Our review of sentencing practices, legislative trends, the nature of Prison admissions and release practices has convinced us that Prison overcrowding is the result of public policy decisions. For example, some 107 laws affecting corrections were passed in the last five legislative sessions. Laws increasing correctional populations were 3 times more numerous than those decreasing those populations.

	LEGISLATIVE SESSION						
	<u>1979</u>	<u>1981</u>	<u>1983</u>	<u>1985</u>	<u>1987</u>	<u>1989</u>	<u>Total</u>
Laws increasing Pop.	9	9	7	8	11	15	59
Laws w/no effect on Pop.	2	4	7	3	4	9	29
Laws decreasing Pop.	2	1	8	3	2	3	19

In addition, average sentence lengths have increased, more first offenders are receiving prison sentences, the dangerous offender designation is used more often and the proportion of inmates released to parole declined during the 1980s. Correctional experts nationwide have noted similar trends elsewhere.

POPULATION PROJECTIONS

The Corrections Division has projected Prison populations using a recognized computer software program used by several jurisdictions. Assumptions driving the projections, future admissions and future length of stay, were based on conservative analyses of change in those variables in the past decade. Projections were generated using FYE 1989 population as a base.

Male correctional populations grew 90 percent from 1980 to 1990.

Those populations were:

Fiscal Year

<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
701	784	829	870	908	1,049	1,122	1,124	1,188	1,314	1,335

We anticipate the following system populations at fiscal year end:

Fiscal Year

<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
1,434	1,516	1,609	1,707	1,810

Projected populations were allocated to maximum-close, medium, low and reception security categories based on the proportions of those inmates in 1989. There are no data suggesting that the security composition of the inmate population will change appreciably in the near future. The 1989 prison population allocated to custody levels was:

<u>Custody</u>	<u>FY 1989</u>
Max-Close	314
Medium	368
Low*	395
Reception	31

Projected Prison populations by custody category are:

	<u>Fiscal Year End</u>				
	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Max.-Close	338	327	355	383	413
Medium	396	382	414	447	483
Low*	425	412	445	482	519
Reception	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
MSP Total	1,209	1,171	1,264	1,362	1,465

* includes inmates housed in outlying areas

The balance of projected populations are to be "housed" in community-based program alternatives. Those alternatives include expansions of existing programs and creation of new ones, to occur in the coming biennium. Community placements will number 225 by FYE 1991 and 345 each year thereafter. We intend that all community-based "beds" will be used at 100 percent occupancy. We also are convinced that 345 community-based "beds" represent the maximum number of such resources that may be used appropriately in the foreseeable future. A recent correctional publication has indicated that 3.7 percent of all correctional "beds" in the nation are located at the community level. Montana's community-based correctional beds presently comprise 10.1 percent of the system total. That proportion will increase to almost 14% if all our proposals are funded.

Comparison of known prison capacity to projected prison populations indicates that we will face a substantial shortfall

in housing capacity in FY 1994 and 1995. All indications are that we will need at least 227 high-close and medium security beds by FY 1994 and 330 such beds by FY 1995.

	<u>1994</u>	<u>1995</u>
Projected Population	1,707	1,810
Community beds	345	345
MSP Capacity	<u>1,135</u>	<u>1,135</u>
Bed Need	227	330

PROPOSAL

American Correctional Association standards recommend that construction or alteration of prisons result in security compounds of no larger than 500 inmate size. The MSP campus now comprises three compounds with a maximum emergency housing capacity of 1,135 inmates. One compound, the maximum security area, holds a single unit of 98-bed capacity. The high security area holds a total of 432 beds, with every feasible bed double-bunked. The remaining capacity of the Prison, 600 beds, is located in the low security compound, temporary emergency housing units, outlying areas and the reception unit. Support facilities built during the campus

expansion authorized in 1983 can serve a maximum of 1,150 inmates. Utilities, water well capacity and sewage disposal resources are adequate to serve a maximum capacity of 1,500 inmates, assuming additional water storage capacity is provided.

The distribution of present capacity among various security compounds has forced us to compromise our inmate classification system. Medium security inmates are housed in low security units and close security inmates are housed in medium security units. This practice, made necessary by overcrowding, threatens the security of inmates, staff and the institution and greatly impedes inmate programming.

Our projections make it clear that additional inmate housing is absolutely necessary. We propose construction of additional housing to meet anticipated population demands. We also propose to reconfigure the Prison to most effectively segregate inmates by classification in order to better manage the population. Finally,

we propose addition of sufficient support facilities to serve a maximum population of 1,500 inmates. Existing support resources, with a maximum capacity of 1,150 inmates, cannot meet the needs of the projected 1,465 inmate population.

Proposed construction and campus reconfiguration includes:

- A) 120-bed close security housing unit, designed to be double-bunked should circumstances require;
- B) 98-bed close security housing unit; this will serve as our Maximum II unit for disruptive inmates currently housed in Close Unit III.
- C) Expand the present maximum security compound to provide sufficient space to accommodate three housing units and support facilities required to house, feed and program this group of inmates apart from the other two compounds.

D) Provide the following support facilities:

1. guard tower
2. gymnasium
3. multi-purpose building
4. vocational-education building
5. kitchen/dining facilities
6. parameter fence, electronic detection system
7. site work
8. water storage system
9. equipment
10. warehouse expansion
11. business/accounting expansion
12. low security food service expansion

It is important to note that in 1989, Governor Stephens appointed the Criminal Justice and Corrections Advisory Council, directing it to study prison overcrowding and other issues. The

3
DATE 1-18-91
Mehong Range Building

Council studied those issues at great length and arrived at 17 recommendations to guide corrections in future years, many of which address overcrowding. Those recommendations include such statutory proposals as a population cap for the prison and legislation to permit corrections more flexibility in placement of offenders. The Council also recommended expansion of community-based programs to better meet the needs of a growing group of offenders. Finally, the Council recommended additional construction at MSP. The Department's proposals, including this construction proposal, were initiated by and are in compliance with the Council's recommendations.

I mentioned program expansions proposed for the coming biennium earlier in this presentation. These expansions are all community based and represent, in our opinion, the maximum feasible expansion of such resources that our inmate population can fill at this time. Those expansions are:

<u>Proposal</u>	<u>Capacity</u>
1. Expand ISP to an additional site	20
2. Transfer selected PRC inmates to House Arrest	15

for the balance of their terms.

3. Probation/Parole enhancements	30
> BOP staff addition	
> Targeted Case Managers	
> Expanded P/P	
> Local sentencing options	
4. Graduated sanctions	5
5. Statutory population cap	
6. Extend good time to parolees	
7. Legislative Oversight Committee	
8. Expand pre-release	<u>50</u>
TOTAL	120

We intend that development of these program alternatives will begin immediately upon legislative authorization. We also emphasize that these alternatives are appropriate only for low security inmates. Their presence does nothing to resolve our projected shortage of medium and maximum-close security housing. Their absence, however, will mean that additional low security housing will be necessary. Providing such capacity at the Prison, we believe, would be needlessly expensive and would, in conjunction with our construction proposals, greatly exceed the carrying capacity of the Prison site.

In conclusion, let me state that the current proposal represents the maximum feasible expansion of the current Prison site. If it is authorized, the expansion will result in a campus with a maximum capacity of almost 1,500 inmates, divided into three approximately equal compounds. That capacity represents the maximum carrying capacity of all of the site's utilities. It also represents the maximum capacity of this campus from a management standpoint. If additional construction becomes necessary in some future year, we advise construction on a separate site.

**COST SUMMARY
EXPAND MONTANA STATE PRISON**

DECEMBER 1990

DESCRIPTION

THE PROJECT WILL EXPAND THE EXISTING MAXIMUM SECURITY COMPOUND TO ACCOMMODATE ABOUT 500 CLOSE & MAX SECURITY INMATES AND REESTABLISH ISOLATION OF MAXIMUM SECURITY HOUSING. IT WILL:

CONSTRUCT A 120-MAN HOUSING UNIT SIMILAR TO CLOSE III. DESIGNED FOR DOUBLE BUNKING, IT WILL HAVE A CAPACITY OF 240.

CONSTRUCT 96-MAN MAX SECURITY UNIT. NEW UNIT WOULD BE USED TO HOUSE MAXIMUM SECURITY INMATES OR AS A CLOSE SECURITY TREATMENT UNIT DEPENDING ON LOCATION AND SITE CONFIGURATION.

PROVIDE ISOLATION FENCE AROUND THE MAXIMUM SECURITY HOUSING UNIT.

EXPAND SECURE PERIMETER FENCE, CONSTRUCT 1 NEW CONTROL TOWER AND MODIFY PERIMETER PATROL ROAD.

CONSTRUCT NEW FOOD PREPARATION/DINING FACILITY.

CONSTRUCT MULTI-PURPOSE BUILDING TO HOUSE ADMINISTRATION, VISITING, EDUCATION AND VOCATIONAL INDUSTRIES.

CONSTRUCT NEW GYMNASIUM AND CLOSE SECURITY OUTDOOR RECREATION YARD TO INCLUDE BALL DIAMOND, RUNNING TRACK AND STORAGE TOILET FACILITY.

INCREASE WATER STORAGE SYSTEM AND EXTEND UTILITIES AS NECESSARY.

EXPAND WAREHOUSE AND BUSINESS OFFICE.

THE PROJECT WILL ALSO MODIFY AND EXPAND THE LOW SECURITY FOOD SERVICE AREA TO ALLOW FULL ON-SITE FOOD PREPARATION.

COST BREAKDOWN

CONTRACTED PORTION:

1. 96 MAN CLOSE SECURITY UNIT	\$3,726,683
2. 120 BED CLOSE SECURITY UNIT Set up for double bunking	5,077,604
3. GUARD TOWER	150,000

EXHIBIT 3
DATE 1-18-91
HB Long Range Building Program

4. MULTI-PURPOSE BUILDING	2,192,656
5. VOCATIONAL EDUCATION BUILDING	245,542
6. DINING/FOOD PREP FACILITY	595,812
7. EXPAND FENCE AND DETECTION	321,371
8. UTILITY SERVICES	310,480
9. SITE DEVELOPMENT & HARDSCAPE	<u>770,729</u>
	\$13,391,377
10% CONTINGENCY	1,339,138
EXPAND WATER STORAGE	<u>517,750</u>
SUBTOTAL CONTRACTED PORTION	\$15,248,265

CONSTRUCTED WITH INMATE LABOR WITH TRADE SUPERVISION:

10. GYMNASIUM	\$ 492,863
11. YARD STORAGE/TOILET	31,510
12. LANDSCAPING	26,000
13. EXPAND LOW SECURITY FOOD SERVICE	366,745
14. EXPAND BUSINESS ADMINISTRATION	268,285
15. EXPAND WAREHOUSE	<u>433,725</u>
	\$1,619,128
1.45% CONTINGENCY	<u>23,517</u>
SUBTOTAL INMATE WORK	\$1,642,645

ASSOCIATED COSTS:

SITE SURVEY	\$ 12,000
SOIL TESTING	11,500
CODE REVIEW	34,000
ARCHITECTURE FEES	1,214,828
CONSTRUCTION MANAGEMENT FEE	610,007
EQUIPMENT	1,465,000

TOTAL PROJECT COST	\$20,238,245

**COST SUMMARY
EXPAND MONTANA STATE PRISON**

DECEMBER 1990

DESCRIPTION

THE PROJECT WILL EXPAND THE EXISTING MAXIMUM SECURITY COMPOUND TO ACCOMMODATE ABOUT 500 CLOSE & MAX SECURITY INMATES AND REESTABLISH ISOLATION OF MAXIMUM SECURITY HOUSING. IT WILL:

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PROVIDE ISOLATION FENCE AROUND THE MAXIMUM SECURITY HOUSING UNIT.

EXPAND SECURE PERIMETER FENCE, CONSTRUCT 1 NEW CONTROL TOWER AND MODIFY PERIMETER PATROL ROAD.

CONSTRUCT NEW FOOD PREPARATION/DINING FACILITY.

CONSTRUCT MULTI-PURPOSE BUILDING TO HOUSE ADMINISTRATION, VISITING, EDUCATION AND VOCATIONAL INDUSTRIES.

CONSTRUCT NEW GYMNASIUM AND CLOSE SECURITY OUTDOOR RECREATION YARD TO INCLUDE BALL DIAMOND, RUNNING TRACK AND STORAGE TOILET FACILITY.

INCREASE WATER STORAGE SYSTEM AND EXTEND UTILITIES AS NECESSARY.

EXPAND WAREHOUSE AND BUSINESS OFFICE.

THE PROJECT WILL ALSO MODIFY AND EXPAND THE LOW SECURITY FOOD SERVICE AREA TO ALLOW FULL ON-SITE FOOD PREPARATION.

COST BREAKDOWN

CONTRACTED PORTION:

1. 96 MAN CLOSE SECURITY UNIT	\$3,726,683
2. 120 BED CLOSE SECURITY UNIT Set up for double bunking	5,077,604
3. GUARD TOWER	150,000

DATE 1-18-91HB Long Range Building Program

4. MULTI-PURPOSE BUILDING	2,192,656
5. VOCATIONAL EDUCATION BUILDING	245,542
6. DINING/FOOD PREP FACILITY	595,812
7. EXPAND FENCE AND DETECTION	321,871
8. UTILITY SERVICES	310,480
9. SITE DEVELOPMENT & HARDSCAPE	770,729
10. GYMNASIUM	821,440
11. YARD STORAGE/TOLLET	63,420
12. LANDSCAPING	
13. EXPAND LOW SECURITY FOOD SERVICE	691,612
14. EXPAND BUSINESS ADMINISTRATION	519,776
15. EXPAND WAREHOUSE	<u>891,000</u>
	\$16,305,625
10% CONTINGENCY	1,630,560
EXPAND WATER STORAGE	<u>517,750</u>
SUBTOTAL CONTRACTED PORTION	\$18,453,935

ASSOCIATED COSTS:

SITE SURVEY	\$ 12,000
SOIL TESTING	11,500
CODE REVIEW	34,000
ARCHITECTURE FEES	1,214,828
CONSTRUCTION MANAGEMENT FEE	717,447
EQUIPMENT	1,465,000

TOTAL PROJECT COST	\$21,908,710

DIFFERENCE FROM CONSTRUCTION WITH ITEMS 10 - 15 WITH INMATE LABOR	\$ 1,670,465
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VISITOR'S REGISTER

AGENCY (S) Long Range Planning SUBCOMMITTEE
Institutions DATE 1-18-91
DEPARTMENT _____

NAME	REPRESENTING	SUP- PORT	OP- POSE
E FENDERSON	MT STATE BLS TRADES		✓

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IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.