

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By REP. ED GRADY, Chairman, on January 26, 1993,  
at 8:00 am

ROLL CALL

**Members Present:**

Rep. Ed Grady, Chair (R)  
Sen. Eve Franklin, Vice Chair (D)  
Sen. Gary Aklestad (R)  
Sen. Tom Beck (R)  
Sen. J.D. Lynch (D)  
Rep. Red Menahan (D)  
Rep. Linda Nelson (D)

**Members Excused:** NONE

**Members Absent:** NONE

**Staff Present:** Sandra Whitney, Legislative Fiscal Analyst  
Mary LaFond, Office of Budget & Program Planning  
Judy Murphy, Committee Secretary

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

**Committee Business Summary:**

Hearing: MONTANA STATE PRISON AND SWAN RIVER  
FOREST CAMP  
Executive Action: NONE

HEARING ON MONTANA STATE PRISON

Tape No. 1:A

Informational Testimony:

Jack McCormick, Warden at Montana State Prison, said he would be glad to answer any questions the committee might have.

Questions, Responses, and Discussion:

REP. RED MENAHAN stated he was concerned about two issues. One is the size of the prison, and the second is how many inmates will there be in the community?

Mr. McCormick responded that in FY 1989-1990 there was a corrections committee formed by Governor Stephens. This was the second group formed to study the prison relative to over-crowding. This group came back to the last legislative session with a proposal for a multi-faceted approach to over-crowding. Over the last two years, as dollars and cents were eaten up in the correction budget, there were several community correction programs that were not put into place. In addition to this the department has not stopped construction of the \$20 million project. At this time the construction project has been put on hold. In 1990 the department made a five-year plan which covers the years 1990-1995. This plan is looking at the projected number of inmates coming into the correction system and into MSP. The current plan being worked on by the department is to place more inmates in the community. They are looking to this committee for the money needed to address these issues.

REP. MENAHAN asked if the inside operation was going to the unit management plan? This plan will include all of the staff. What will this plan do to the captains and sergeants?

Mr. McCormick responded by telling the committee the officers will be a part of any plan which is implemented. The unit positions will be different than what they have now and every person who is interested must compete for the new positions. The officers applying for the new positions will need the knowledge to handle the new positions.

REP. MENAHAN asked if MSP will be operated as a secure type of facility, one for treatment, or one of less punishment?

Mr. McCormick said MSP will be run as a secure environment. The classification and operation of the institution will be handled by the unit managers instead of being handled by the warden. He also stated this plan will enable MSP to be run more efficiently. He also believes this plan will increase security.

SEN. TOM BECK asked Mr. McCormick if more building is necessary at this time?

Mr. McCormick said there are a tremendous amount of building improvements which need to be made at MSP. Some of the projects are major and some of them are alternate plans. Mr. McCormick believes there is a need for a more secure environment at MSP. Some of the areas which need to be addressed are; medical, counseling, support services, business office, warehouse and records office. The administration have all picked up additional duties and responsibilities to cover the workload without adding more personnel.

SEN. BECK is concerned about the supplementals and the medical expenses. He suggested using the facilities at Powell County Hospital and using Dr. Autry more in the hope of saving money.

**Mr. McCormick** told the committee that inmates are not sent to specialists unless it is absolutely necessary. Some of the medical problems they do face is that the infirmary is under staffed and over-utilized. **Mr. McCormick** responded by saying the infirmary at MSP and the local hospital are used as much as possible. He also stated that heart attack victims and cancer patients are referred out because MSP is not able to handle this type of inmate.

**SEN. GARY AKLESTAD** asked if there was any way statutorily the committee could be of help to MSP regarding their medical requirements; what additional burdens have been placed on MSP; and how the committee can help statutorily with these burdens?

**Mr. McCormick** said the medical requirements are coming from the federal government. The federal government sets the standards for operation of correction facilities across the country. MSP's medical services do not meet the federal requirements. **Mr. McCormick** does not believe the legislature could do anything with state statutes to meet these requirements.

**REP. MENAHAN** questioned **Mr. McCormick** regarding the medical cost per inmate at MSP.

**REP. MENAHAN** feels that some of the inmates are receiving care from doctors and hospitals which would cost an average person with a medical policy \$600 per month.

**Mr. McCormick** responded that if the inmate comes in with a pre-existing condition and it is an elective procedure MSP does not fix the condition. If there is a condition which does need medical attention and without it there would be ramifications, MSP believes it is responsible in that situation. If the inmates have insurance when they come to the prison, the insurance company is billed, however, most inmates do not have insurance coverage.

**Mickey Gamble, Corrections Division Administrator**, said the department is reviewing the Oregon plan with regard to medical corrections at MSP. The Oregon plan will help the department decide who can be served, what can be done medically, and how to treat pre-existing conditions.

**REP. LINDA NELSON** asked if the treatment at MSP allows for the cancer patient to receive chemo-therapy and radiation and the heart patient to receive medical attention.

**Mr. McCormick** responded yes to the questions; the patients do receive full medical attention regarding these situations.

**Mr. Gamble** made the statement that the medical review panel at the prison is outstanding. He invited the committee to sit in on a hearing of this panel.

**SEN. BECK** said the last legislative session passed a medical discharge-early release program. One of the specifics in that program was to get inmates out of MSP and back into society where Medicare and Medicaid would pay medical costs for them. This would relieve the medical costs for the prison.

**Mr. McCormick** told the committee the medical parole board theory does not work. The Board is unable to find a doctor who will say that a patient is not going to present a risk. The Parole Board has helped MSP parole some of the patients who have AIDS, cancer, and other terminal diseases since the cost to the state will be too great to keep the person in prison. The medical parole bill did not work like the prison wanted. There are some systems which have developed programs to make the inmate pay their medical expenses, however, at MSP the inmate is only making 90 cents or \$1.10 per day. Therefore, these inmates can only pay for their own essentials, shampoo etc.

**SEN. BECK** wanted to know what was not working in the medical parole bill and how the committee can help to make it work.

**Rick Day, Director of Department of Corrections and Human Services**, said the department is trying to develop a more comprehensive approach to the medical problems at MSP. The department is looking at the Oregon Correction Policy for some guidance. They are also working on the medical parole issue and the changes which need to be made regarding the bill. The department is still looking at improvements to the infirmary to help handle current patients. The department is also working with Blue Cross/Blue Shield for the possibility of administering the program and using the BC/BS fee schedule for participating doctors and medical managed care. The department is also looking at placing the medical budget management responsibility with the doctor. **Mr. Day** said the department is reviewing at a medical policy which would help save money.

**SEN. EVE FRANKLIN** told the committee some pre-release people are not in good health. Some of these people have terrible chronic conditions. She believes these individuals are getting expensive health care, however not having health needs met. She asked that MSP look at health maintenance, managed health care and managed clinics. She feels that preventive health care is important in keeping down medical costs.

**SEN. BECK** believes inmates think they are always ill and some of them just want attention. He believes this issue should be addressed as another means to keep medical costs down.

**SEN. FRANKLIN** thinks the department must find resources to give inmates the means to take care of themselves.

**SEN. BECK** asked what the population of the prison is at this time?

Mr. McCormick stated the current population is 1,170 inmates and there are between 423-427 FTE.

REP. MENAHAN asked if it would be possible to use a state facility to do aftercare for inmates who have just had surgery?

Mr. Day responded that the department is looking at using Powell County Hospital and the hospital at Anaconda to help keep down medical costs.

CHAIRMAN GRADY asked about the industry program and the ranch at MSP. He asked Mr. McCormick for his feelings on this subject.

Mr. McCormick responded by saying the industry at the MSP serves the low-side inmates. The prison is divided into three sides, maximum, high-side, and low-side. Industry is needed at MSP since it keeps the inmate involved and also teaches work ethics. If inmates are kept busy they are less likely to be involved in trouble. The prison is also looking at incorporating the industry program in the high-side.

CHAIRMAN GRADY asked if there was a possibility of using prison labor to work at the dairy barn and the prison? He also asked if these people would come out of the low-side of the prison.

CHAIRMAN GRADY was also interested in knowing if the inmates are being moved out in the low-side to try to reduce numbers and if more inmates are going to the high-side.

Mr. McCormick told the committee if they move the inmates out who are presently being projected for the prison into alternative programs at the rate that they are proposing, he does not believe there would be an adequate number of inmates who would have a custody level that would allow them to do construction or ranch work. The low-side of the prison is not designed for medium custody inmates. Mr. McCormick told CHAIRMAN GRADY that to allow inmates in the high security compound to have an industries program would require construction of a building.

REP. NELSON asked Mr. McCormick to break down the prison population according to specific security areas. Mr. McCormick said there are approximately 50 inmates in maximum security, approximately 450 on the high-side and approximately 600+ on the low-side.

Harold Loomis, Maintenance Supervisor, Montana State Prison and a Member of the Task Force on Construction, stated he helped to build "D" unit and feels the inmates did a remarkable job. He said he is presently on the design committee.

Mr. Loomis said there are several areas which need some construction work. The low-side kitchen addition, the building on the high-side which will be used for industry, an addition on the MVM garage to enlarge the bus barn for vocational training, and an addition on the warehouse for support services.

He pointed out that units A,B, and C are critical living areas. There is one toilet and one shower on the low-side. The inmates must stand in line or sign up to use the facilities. There are 13 inmates housed in this facility.

REP. MENAHAN expressed concerned about minimum security inmates that are going into the communities. These inmates will be going out into the communities and then the inmates from close 1, 2, and 3 will be moved to the minimum security area. REP. MENAHAN asked how many problems will arise from making this move? The plan being proposed would mean low-security inmates will be placed in the community and high-security inmates will be in an unmanageable prison.

Mr. McCormick responded that the above situation will cause great difficulties in units A, B, and C. These units were designed for low security inmates not for high-security inmates.

CHAIRMAN GRADY asked what will happen to the industry on the low side?

Mr. Loomis suggested that maybe the fencing could be upgraded on the low side.

CHAIRMAN GRADY explained that the ranch is designed for labor and the use of a lot of people.

REP. MENAHAN feels that a college dorm is more secure than units A, B, and C at MSP.

#### HEARING ON SWAN RIVER FOREST CAMP

Tape No. 1:A

#### Informational Testimony:

Dan Maloughney, Superintendent of Swan River Forest Camp, said the Swan River Forest Camp has just been reorganized. SRFC is a 60-bed minimum-security correctional facility established to provide a vocational and therapeutic community environment for adult male offenders who have been processed, screened and transported from MSP. The setting enhances a social order and support for the health and safety of the public, personnel and confined person. The programs and services of SRFC endeavor to meet the individual needs and instill individual dignity by maintaining a safe domain, a disciplined environment which encourages responsible behavior and enhances community integration and economic self-sufficiency.

SRFC offers three programs. The first is the work program, second is a vocational education program and the third is a treatment program. These programs are offered in a safe, secure environment. Every individual who comes to SRFC has his specific needs met by working with a counselor.

The eligiblity requirements needed to be placed in the SRFC are as follows:

- 30 years of age or younger
- Meet MSP's minimum-security criteria
- Physically and mentally capable of performing full-time physical work
- Have no escapes or walk-aways in the last three years
- Free of major disciplinary reports or write-ups within three months prior to transfer
- No history or pattern of assault or predatory crimes

The camp has a cooperative agreement with the Department of State Lands. This agreement states that SRFC will provide a resident work force and the DSL will provide meaningful work projects. Sixty percent of the residents at SRFC are employed by the DSL and the other 40% of the population work at various jobs at the camp. The average rate of pay for the residents is \$3.33 a day. The camp provides three meals, a bed, foot and wall lockers, and linens. The resident must provide all of his other personal needs. The residents use their money to buy personal items or money can be sent to the resident and placed in their account.

The Institutional Forestry Work Program (IFW or DSL program) consists of:

- Fire fighting
- Forest management
- Planting and thinning of trees
- Carpentry shop
- Heavy equipment
- Sawmill
- Camp ground maintenance

The Camp Work Program consists of:

- Maintenance
  - Janitorial
  - Carpentry
  - Electrical
- Ground maintenance
- Plumbing
- Boiler operation and maintenance
- Low pressure boiler license (class is offered)

Food Service Program allows the residents to participate in cooking and baking.

The camp has educational programs consisting of:

- Academic education program
- GED
- Special education
- Special studies (college education)
- Vocational counseling
- Computer literacy
- Typing
- Driver's education

## Library skills

One person teaches all of the above classes.

The Vocational Education Program consists of:

- Auto mechanics
- Auto body and painting
- Welding
- Machine shop
- Small engine repair

The Treatment Program consists of:

- Chemical dependency
- Anger management
- Criminal thinking errors
- Job skills
- Living skills
- Self-esteem
- Some sex offender counseling

All residents at SRFC are required to take part in the treatment program.

All of the above programs have been identified either by the courts, the parole boards, MSP initial classification or the SRFC staff.

In FY 1992 the daily population at SRFC was 55.2. There were 71 admissions and 8 additional readmissions for a total of 79. There were 31 residents who went out on parole, 27 discharged, and 28 were sent to other programs including PRC and Galen for a total of 86. Seventeen residents were returned to MSP either for medical reasons or disciplinary reasons. Three of those were escapees. The present population at SRFC is 50 and five inmates are waiting to be transferred to the camp this week.

Questions, Responses, and Discussion:

**CHAIRMAN GRADY** asked how many FTE are at the SRFC camp at this time?

**Mr. Maloughney** said there are 27 FTE at this time with three vacant positions.

In the last session the camp at SRFC was granted permission to start a revolving account in their vocational program. The program started in January of 1992 and it ended in July of 1992. They were allowed to earn up to \$7000 in the revolving account. For the six-month period the camp took in approximately \$3200.

The vehicles the SRFC have worked on in the above program have been from Fish, Wildlife and Parks, Fisheries Division. They have contracted with the department to paint 12 of its vehicles. There is no paint booth or paint prep area at SRFC so these vehicles can only be done in the summer. The camp also does work



for the following agencies:

Parole and probation vehicles

State highway maintenance department - Swan Lake

Department of State Lands

Contract with the United States Forest Service - Big Fork &  
Swan Lake

Lincoln County Sheriff's Department

Lake County Sheriff's Department

**CHAIRMAN GRADY** asked if the inmates at SRFC are a higher class than in the past? He also asked if the SRFC was able to take care of the present inmates?

**Mr. Maloughney** responded by saying that they are receiving the same type of inmate and have increased the age limit in hopes of helping out with the older population at the prison. The average age is 22 years at SRFC. The courts are recommending SRFC for the young inmate because of their programs. The SRFC averages about one "run" a year.

**CHAIRMAN GRADY** asked if the inmates are locked up at night?

**Mr. Maloughney** said the camp has an "open dormitory" concept. He indicated that due to fire codes there cannot be locked doors at night. There are two custody officers who are on duty from 12:00 midnight to 8:00 am. and these officers take a head count every hour. The "runs" are not planned out and he believes the facility is as secure as possible.

**CHAIRMAN GRADY** stated that if the population type has not changed over the past and is there a need for an increase in 27 or 28 FTE for 50 inmates?

**Mr. Maloughney** said there are 17 direct care people who work directly with the inmate. There are two people who work in the food service, one purchasing and supply officer, one vocational education teacher, one academic teacher, a part-time nurse, and three people working in administration.

**SEN. TOM BECK** asked how long the average stay is at SRFC?

**Mr. Maloughney** said the average stay is six to nine months.

**SEN. BECK** asked how much the inmates can be taught in the six to nine months at SRFC?

**Mr. Maloughney** said the camp generally gets them through the GED program. The Parole Board is good in not granting parole to an inmate until the person has completed whatever program they are working on.

**SEN. BECK** asked why the inmate cannot finish their GED program outside the camp?

Mr. Maloughney responded by saying that the camp uses this theory as a lever because once the inmate is out on the streets they very rarely finish a program they started at the camp.

REP. MENAHAN asked what happens to the money SRFC receives from the contacts on vehicles that are painted? He asked why this money could not be used to build a paint booth and prep area?

Mr. Maloughney said the camp is just now determining what can be earned. The purpose of setting up the revolving account was to put the money back into the vocational program. SRFC is looking at options for the paint booth and prep areas which will meet environmental issues.

SEN. GARY AKLESTAD asked why they ended the program in July?

Mr. Maloughney stated that it was the end of the fiscal year. The program was only to run one year. The department requested a budget amendment so the program can run every year.

Glen Gary, Department of State Lands, Unit Manager of the SRFC, stated he has held this position for 15 years and has been involved with the Swan River State Forest for the past 22 years. This is a cooperative program between the Department of State Lands and the Department of Corrections and Human Services. The program was established in 1968 to provide work for residents of the SRFC. The residents do the following jobs:

- Plant trees

- Thin immature stands to promote future growth

- Construct recreational facilities

- Build carpenter projects

- Suppress forest fires

- Perform a wide variety of work improvements in maintenance work

The dollar value of the work that has been accomplished at the camp is \$285,000 for FY 92. The real purpose of the program is to provide meaningful work for the inmates. The inmates are proud of projects that they work on.

The SRFC inmates have played an important role in the forest management. This management has been focused on providing a substantial and sustained return to the School Trust Fund of Montana. For example, income from the timber-stand improvement in FY 92 was approximately \$96,000.

CHAIRMAN GRADY asked if there are sex offenders at SRFC?

Mr. Maloughney said they do not take sex offenders at SRFC. He explained that sometimes in the plea bargain agreement a sex offender charge may get plead down and the offender may be sentenced for bad checks but there still will be a sex offense charge on his record. The counselors will address that charge with the inmate.

**Pam Joehler, Management Services Division Administrator,** explained the supplementals for the division. She stated that the department will have a reduction in the request because there will not be some trial costs previously anticipated. The variable costs in the department's supplements will be reduced by \$30,000.

**SEN. AKLESTAD** suggested the committee hold any decision regarding the department's supplements until it sees the entire budget.

**Mr. Day** asked the committee to approve the supplements now and reduce them at a later date if necessary. The supplements affect this year's budget. The workers' comp. money and medical money have already been expended.

**SEN. BECK** asked if the medical costs are just for inmate care?

**Mr. Day** said in past years there was not enough money appropriated to cover all the medical costs so the department is always back asking the legislature for supplements to cover them.

**SEN. BECK** agrees with **SEN. AKLESTAD** on his suggestion to wait.

It was suggested to **Mr. Day** that he go back and manage his budget as if the supplements were not received, and revise the budget accordingly.

**REP. MENAHAN** feels there needs to be a cheaper way to treat inmates at MSP.

**SEN. AKLESTAD** made a motion to delay action on the supplementals. The motion **CARRIED** unanimously.

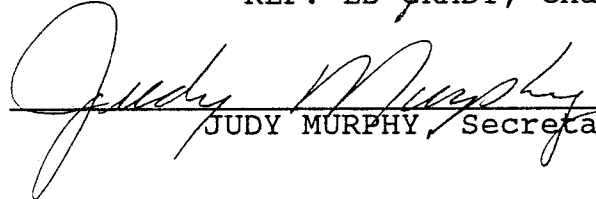
A motion was made to adjourn.

ADJOURNMENT

Adjournment: 10:00 am



REP. ED GRADY, Chair



JUDY MURPHY, Secretary

ED/jm

HOUSE OF REPRESENTATIVES

INSTITUTIONS/CULTURAL EDU. SUB-COMMITTEE

*Roll call*

~~ROLL CALL VOTE~~

DATE 1-21-93 BILL NO. \_\_\_\_\_ NUMBER \_\_\_\_\_

MOTION: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

NAME	<i>Present</i>	<i>Aye</i>	<i>No</i>
SEN. GARY AKLESTAD	✓		
SEN. TOM BECK	✓		
SEN. EVE FRANKLIN, VICE CHAIRMAN	✓		
SEN. J.D. LYNCH	✓		
REP. RED MENAHAN	✓		
REP. LINDA NELSON	✓		
REP. ED GRADY, CHAIRMAN	✓		

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

SUBCOMMITTEE \_\_\_\_\_

DATE 1-22-92

DEPARTMENT(S) \_\_\_\_\_

DIVISION \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

NAME	REPRESENTING	
Jan Malachuk	SRFC	
Alan N. Lind	DSL	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

DATE 1-26-93

SENATE COMMITTEE ON \_\_\_\_\_

BILLS BEING HEARD TODAY: \_\_\_\_\_

Name	Representing	Bill No.	Check One	
			Support	Oppose
JACK McCORMICK	MONTANA STATE PRISON			
Harold Loomis	MONTANA STATE PRISON			
Paul White	Dept of Cor Probation			
Margi Corbett SPPD	Dept of Cor & Hum Serv			
Mike Ferriter	Community Corrections			

**VISITOR REGISTER**

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY