

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON APPROPRIATIONS**

**Call to Order:** By REP. TOM ZOOK, on April 22, 1993, at 11:00 A.M.

**ROLL CALL**

**Members Present:**

Rep. Tom Zook, Chair (R)  
Rep. Ed Grady, Vice Chair (R)  
Rep. Francis Bardanoue (D)  
Rep. Ernest Bergsagel (R)  
Rep. John Cobb (R)  
Rep. Roger DeBruycker (R)  
Rep. Marj Fisher (R)  
Rep. John Johnson (D)  
Rep. Royal Johnson (R)  
Rep. Betty Lou Kasten (R)  
Rep. Red Menahan (D)  
Rep. Linda Nelson (D)  
Rep. Mary Lou Peterson (R)  
Rep. Joe Quilici (D)  
Rep. Dave Wanzenried (D)  
Rep. Bill Wiseman (R)

**Members Excused:** Rep. Mike Kadas  
Rep. Ray Peck

**Members Absent:** None

**Staff Present:** Terry Cohea, Legislative Fiscal Analyst  
Mary Lou Schmitz, Committee Secretary

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

**Committee Business Summary:**

Hearing: HJR 34  
Executive Action: HJR 34

**HEARING ON HJR 34**

A joint resolution of the Senate and the House of Representatives of the state of Montana requesting an interim study to review the state's correctional system and the administration of the Department of Corrections and Human Services.

**Opening Statement by Sponsor:** REP. LIZ SMITH, HD 48 said the Joint Resolution is a proposal to study and review the state's correctional system and the administration of the Department of Corrections and Human Services and report the findings to the 54th legislature. Since she lives near the prison inmates and families and, having the opportunity to serve in the House of Representatives, she has become more aware of the misunderstanding and the need of our own personal information in trying to make good, healthy, informed decisions as far as our state statutes that apply to our correctional and human services division. Therefore, this resolution is a request from citizens, personnel, administration and a need for ourselves to be informed. There is a lot of work going on presently within the department and a lot of changes and transitions.

There are six particular areas: 1) organizational structure of the department and the closure of institutions and effects of downsizing and administration of that. That concern has come repeatedly from the citizens that she has encountered in regard to the system; 2) comparison of the staff-to-inmate ratio and classification system that currently exist at Montana State Prison and a possible prison strike which is a concern because officers feel there has developed a high risk for their own personal safety as well as security for inmates and security for the public; 3) the effect of downsizing of institutions before community programs are in place and operating; 4) community corrections programs that involve pre-release centers; 5) community acceptance of prerelease and other community programs and whether the fact that they are state-run, nonprofit, or for-profit affects public acceptance and involvement; and 6) training of correctional personnel and its effect on the operation and effectiveness of the institutional and alternative correctional programs.

She is concerned about the downsizing to 850 in the Montana State Prison and not sure if the director has a date for a goal in which that cap will be in effect. The state of Montana is going to live with a different kind of attitude in regard to the whole correctional process. That area needs to be reviewed and looked at again to encourage public confidence.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Questions From Committee Members and Responses:** REP. WANZENRIED referred to Rick Day, Director, Department of Institutions and said when they had the budget from his Department there was a lot of talk about the prerelease programs and the women's correctional program. There seems to be some concern about the general acceptance on the part of the public and yet the legislature has committed during the upcoming biennium to downsize the men's prison. How is this study going to affect what you can do in placing those inmates now in prison? Mr. Day

said relative to the resolution, the department is not opposed but does question the timing of the particular proposal in the changes. He does not think there is an alarm in the community. There are a certain number of prerelease centers. They have received initial commitments to expand the Butte, Billings and Great Falls prerelease centers. He believes they are moving ahead toward a more effective community system. Once that system is established he thinks it will be more available for study. In addition, the prison has been studied repeatedly. There has been FBI criminal investigations, state criminal investigations, NIC report followed by two of the department's own commission studies and now they are awaiting another federal civil investigation report that should provide a lot of information. It definitely is not an issue that has not been explored and he feels they are moving in the right direction.

**REP. WANZENRIED** said he realized **Mr. Day** did not testify as a proponent or opponent but would he care to comment on whether this study is necessary? **Mr. Day** said generally he believes no, it is not and for reasons he has already stated.

**REP. JOHN JOHNSON** said the most recent study was done in depth to cover all correctional institutions. Was that study done for that or just for the prison because of the recent riot? **Mr. Day** said the studies that he recited were directed mostly to the prison and staffing levels, not to the correctional systems statewide. **REP. JOHNSON** said there has not been a recent study covering the whole area. **Mr. Day** said there hasn't been a recent study covering the entire system. **REP. JOHNSON** said he thinks that is what this study does, pointing to the entire correction system. If this resolution becomes a reality what is the role of the department director in proposing changes to the legislature? **Mr. Day** said as his department is already beginning to process and evaluate the systems going to be in place, the intent is to monitor and report to the next legislative session on the progress. As an example, the classification system is recognized as one that needs to be changed and they are currently moving from the subjective classification to a new objective classification. **REP. JOHNSON** said then **Mr. Day** is responsible for constant study of the correction system and making proposals that would make it a better system. **Mr. Day** said yes. **REP. JOHNSON** asked how **Mr. Day** gets that report out? **Mr. Day** said they started the budget process, did a summary of each division responsible for the Department of Corrections and with that tried to list the major accomplishments. At this point, he would intend to do that at the beginning of next session and also plans to involve directly interested parties, such as legislators, of their ongoing changes.

**REP. PETERSON** said what she heard **Mr. Day** say, as he answered questions for **REP. JOHNSON**, was really short of what this study would require in reporting to the next legislative session. It might be that we don't need all of this studying because some of the studying has already been done. It is just a matter of

compiling the findings and getting them out. She thinks **Mr. Day** needs to take a look at the suggestions that are being made. For instance, he already talked about classification, some community correction programs, and community acceptance etc. that the legislature could have in hand that gives on direction how things are being evaluated and what changes are being made. **Mr. Day** said he would be happy to use that as a reporting menu as they come into the next legislative session. **REP. PETERSON** said she thinks the conversion of Swan River from the forestry camp into the boot camp idea would be one area they need a good evaluation on its success or not. Decisions in two years will depend on what information they are getting.

**REP. KASTEN** said from 1987 to 1991 there was a commission on corrections and institutional problems and that committee was split into three groups. One study was for sentencing, parole, and the various aspects of the prison system as far as getting in and getting out. Another group studied what was needed as far as building and that was the group that came up with the women's prison and recommendations for the men's prison, recommendations for the policy changes, and for the programs the group wanted to see instituted for both men's and women's prisons. The third group looked at alternatives; what was available and what should be developed (that was when the boot camp concept was brought in). In many instances, this is the study that was done two years ago. They brought about 12 bills to the legislature along with the recommendations last session. Most of those were passed, one came up again this time and that is the referral to the department for putting people into the institution that best suits them. That was a recommendation from the previous study. So a lot of the study has been done. There is a need for ongoing long-term study but, in essence, this has been done and the department is well on its way to track the things that are needed.

**REP. QUILICI** said one of the things he does not see in the Resolution is a look at the wages of the guards and staff at the prison, especially with the impending strike **REP. SMITH** mentioned. He believes this is something that should have been put in. **REP. SMITH** said she agrees and in reflection wished she would have addressed that because it is a high priority. At present it is being included in the whole state employee wage plan.

**REP. GRADY** said in one of the studies of the Resolution, #3, page 3, lines 8 and 9, it says "the effect of downsizing of institutions before community programs are in place and operating" and thinks this would insinuate what **Mr. Day** is doing or going to do without having a proper community program. He asked **Mr. Day** to elaborate how this is going to happen. **Mr. Day** said they plan to proceed with the downsizing plan over a 14 month period. Present language in HB 2 provides for a cap of 850 which is their goal. They set 14 months as a reasonable parameter in which to accomplish that. Their initial goal is to

provide by July 1, 30 additional prerelease beds and to have authorization for staff on board. They already have more response for prerelease beds than originally anticipated as the minimum needed and so are moving toward effective prerelease units up and running ahead of schedule. Those are going into existing facilities. They are discussing providing 16 additional probation parole officers to provide more intensive supervision to monitor those people. **REP. GRADY** asked if there was language in HB 685 relating to this and if **Mr. Day** will not be able to put people out unless there are community based services? **Mr. Day** said he understands that the language in HB 685, which intends to develop the administrative rules to determine how they grant good time, and the fact they have considerable attitude and behavior programs, have to take that into consideration.

**REP. GRADY** asked **REP. SMITH** which study committee would she think is the most qualified? **REP. SMITH** said she is not familiar with the study committees and perhaps there needs to be a select committee that would include about four legislators. **REP. GRADY** asked who does something like this if it is not done by an internal committee. Does it have to have money appropriated for it? How should the committee be set up in the resolution? **REP. SMITH** said she was encouraged to submit a resolution to do a study for a committee that selects those areas of need, prioritized them and puts them into the appropriations that are already allocated for studies through the next biennium.

**REP. COBB** asked **REP. SMITH** if she wanted to review the recommendations from other studies to see if they are actually implemented. **REP. SMITH** said that was the direction she hoped this would take because there is a lot of study already being accomplished and if that could be collected for general review and presented to the next legislature that is what she would hope would happen rather than duplicating an existing study.

**REP. WISEMAN** said there has been a lot of hints that the communities where these prerelease centers will be, are very reluctant. There has been one in Great Falls for five years and now an addition will be built. He asked **Mr. Day** to comment on the reception for the center in Great Falls. **Mr. Day** said he has not, even in discussion of expansion there, received one negative comment.

**REP. MENAHAN** said the whole House has to vote on the studies as a body and then there has to be some money appropriated to the council and that will be divided up to the various studies.

**Closing by Sponsor:** **REP. SMITH** thanked the committee for reviewing this resolution. She comes to them as representing the citizens and their concerns and those living in the state of Montana who will feel the effect of the directions of the system. In order to help develop the public confidence and to be informed lawmakers, she urges the committee to support the resolution. There are two areas that have not been studied. One is the

organizational structure and the other is the ratio of staff to inmates and the capping of Montana State Prison.

CHAIRMAN ZOOK closed the hearing on HJR 34.

EXECUTIVE ACTION ON HJR 34

Motion: REP. ROYAL JOHNSON moved to Table HJR 34.

Discussion: REP. GRADY spoke in favor of the motion. He thinks the department has covered their bases and the resolution insinuates they are going to make changes in downsizing and not going to take the community into consideration. He also does not see how a study committee can keep up. There will be a lot of changes made.

REP. QUILICI said he speaks against tabling this resolution. A committee might be able to do something about this. There will be some drastic changes coming about in the correctional system and we have to have an interim committee on board to be able to evaluate what is going on. When an institution is downsized from 1200 to 850 there will be some repercussions in the community.

REP. ROYAL JOHNSON withdrew his Table motion.

Motion: REP. BARDANOUVE MOVED HJR 34 DO PASS.

Discussion: REP. WANZENRIED spoke against the Do Pass motion. He does not know how many studies the legislature has approved. It will take time for people to adjust to new programs. The decisions have already been made to go to community base programs.

REP. KASTEN asked the committee if someone knows of a study group that this could appropriately go to because a study group of all legislators would not be appropriate. This is something that requires input, not only of the legislators, but of the people, judges, parole officers and other people connected with the system. If there is such a group out there she would support the Do Pass, otherwise would vote against it.

REP. QUILICI said this interim study will call in the probation officers, corrections' people and meet with the public.

REP. GRADY said REP. QUILICI related to a study committee doing something about real problems arising from legislation passed in this session. How much authority does a study committee have to change legislation that has been approved by a prior session? It is his understanding a study committee comes back to report to the next legislative session.

REP. QUILICI said the study committee couldn't change legislation but what they could do, ( if it is made up of legislators) is

anytime there is legislative oversight on a program the Corrections Department will take heed.

REP. GRADY said he would speak against the motion. There seems to be reference to the Department of Corrections here in Helena growing and that with the downsizing program, the Corrections Department here in Helena should be downsized. There will still be the same amount of people to take care of the shifting to the community based prerelease centers etc. They are not downsizing the workload.

REP. JOHN JOHNSON said there is an organization called SCORE, Senior Corps of Retired Executives, that might be a possibility for a study. In relation to the motion, he thinks this request for a study may be two years ahead of its time. It seems they are committed to this program for this biennium and at the end of the biennium a study would be appropriate. He thinks it is the obligation of the Director of the Department of Corrections to review these points that are in this request for a study and to report these important facts to the legislature throughout the biennium as he sees them come up before his staff. He realizes his staff has been reduced and there may not be time but that should be under the privy of his direction.

REP. BARDANOUVE said the basic requirements for service remain the same and he is not concerned about the size of the headquarters. It might be wise to have some legislative oversight on what happens with the radical changes and to serve as consultants.

Vote: Motion failed 6 to 10

ADJOURNMENT

Adjournment: 11:55 A.M.



REP. TOM ZOOK, Chair



MARY LOU SCHMITZ, Secretary

TZ/mls

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL

DATE

4/22/93

NAME	PRESENT	ABSENT	EXCUSED
REP. ED GRADY, V. CHAIR	✓		
REP. FRANCIS BARDANOUVE	✓		
REP. ERNEST BERGSAGEL	✓		
REP. JOHN COBB	✓		
REP. ROGER DEBRUYKER	✓		
REP. MARJ. FISHER	✓		
REP. JOHN JOHNSON	✓		
REP. ROYAL JOHNSON	✓		
REP. MIKE KADAS			✓
REP. BETTY LOU KASTEN	✓		
REP. WM. "RED" MENEHAN	✓		
REP. LINDA NELSON	✓		
REP. RAY PECK			✓
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. DAVE WANZENREID	✓		
REP. BILL WISEMAN	✓		
REP. TOM ZOOK, CHAIR	✓		



HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 4/22/03 BILL NO. HJR 34 NUMBER \_\_\_\_\_

MOTION: Rep. Royal Johnson moved to Table HJR 34

Rep. Johnson withdrew the motion.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILICI		
REP. DAVE WANZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

ADDITIONALS

COMMITTEE

ROLL CALL VOTE

DATE 4/22/93

BILL NO. HJR 34

NUMBER

MOTION: Rep. Bardanouve moved HJR 34 DO PASS.

Motion failed 6 - 10

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGFI		X
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON		X
REP. RAY PECK		
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANZENREID		X
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR		X
	6	10