



Select Committee on Corrections Facility Capacity and System Development

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68th Montana Legislature

SENATE MEMBERS

JOHN ESP
RYAN LYNCH
KEITH REGIER
SHELLEY VANCE

HOUSE MEMBERS

JOHN FITZPATRICK
PAUL GREEN
DONAVON HAWK
BILL MERCER
PAUL TUSS

COMMITTEE STAFF

KATY CALLON, Fiscal Analyst
WALKER HOPKINS, Fiscal Analyst
RACHEL WEISS, Research Analyst
GRACE GIBNEY, Clerk

December 12, 2023
Room 172
Helena, Montana

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MEMBERS PRESENT:

Sen. John Esp, Chair (R)
Sen. Ryan Lynch (D)
Sen. Shelley Vance (R)
Sen. Keith Regier (R)
Rep. John Fitzpatrick (R)
Rep. Paul Green (R)

MEMBERS EXCUSED:

Rep. Bill Mercer (R)

MEMBERS ABSENT:

Rep. Paul Tuss (D)

Rep. Donovan Hawk (D)

STAFF PRESENT:

Katy Callon, Fiscal Analyst

Walker Hopkins, Fiscal Analyst

Grace Gibney, Secretary

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL:

09:01:14 Sen. John Esp called the meeting to order. Secretary took roll.

OVERVIEW OF WORKFORCE HOUSING FUNDING

09:02:42 Toni Henneman, Research Analyst, Legislative Services Division, (LSD) gave an overview of HB 819 funding in relation to workforce housing.

09:07:40 Sen. Keith Regier asked what counties are eligible for workforce housing funding.

09:08:25 Toni Henneman, Research Analyst, (LSD) responded that Powell and Deer Lodge counties are eligible for this specific funding.

09:09:16 Dan Villa, Executive Director, Montana Board of Investments (BOI) gave a status update on site plans and workforce housing in Deer Lodge.

09:12:00 Rep. Bill Mercer joined the meeting.

09:16:37 Sen. Keith Regier asked if the housing provided will be structured into town homes.

09:16:41 Dan Villa, Executive Director, (BOI) explained that the project will start with town homes, but other prototypes may be considered as the project continues.

09:17:16 Sen. Keith Regier asked if the employees will be given the opportunity to buy the town home.

09:17:25 Dan Villa, Executive Director, (BOI) explained that these will be 5-year workforce homes that are meant to help employees transfer from state units into other permanent homes in the valley.

09:18:27 Mark Blasdel, Director, Governor's Office of Economic Development presented discussion of HB 819 Montana Community Reinvestment Plan.

09:22:51 Sen. John Esp asked about possible resistance to the 1% investment discussed in the plan.

09:24:31 Rep. Paul Green explained the reasoning behind the 1%. The program is designed for people to move on from the program in hopes that they will work toward home ownership.

HARDIN TWO RIVERS DETENTION FACILITY BOND HOLDER PRESENTATION:

09:26:00 Michael Harling, Municipal Capital Markets Group gave a detailed description the Hardin Two Rivers Detention Facility. Presented a brief history and timeline of the facilities usage. Described site plan in detail.

09:40:35 Rep. John Fitzpatrick asked if the lease is easily transferable and what possible issues may arise concerning the lease.

09:40:56 Michael Harling explained that the lease as written was for 15-year term. Bureau of Indian Affairs (BIA) has the ability to cancel within 120 days' notice.

09:41:43 Rep. John Fitzpatrick asked how many inmates are being held in the facility and how many staff.

09:41:48 Michael Harling, Municipal Capital Markets Group, answered that the facility is currently housing under 200 inmates. Staff count is unknown, but information will be gathered and returned to the committee

09:42:39 Sen. John Esp asked if the facility was purchased by the state if the lease could be transferred.

09:40:00 Michael Harling, Municipal Capital Markets Group explained that there are 9 years left on the federal lease with the BIA, but in the case that it is cancelled, the payments can be transferred.

09:44:22 Rep. Bill Mercer asked about the functionality of having federal staff and prisoners combined with state staff and prisoners if the state was to accept the assignment of the lease.

09:47:37 Michael Harling, Municipal Capital Markets Group responded that currently the BIA has complete control of the facility until the lease is transferred.

09:47:51 Sen. John Esp asked about the total cost of the lease

09:48:03 Michael Harling, Municipal Capital Markets Group responded that \$27 million dollars was the total cost. This includes construction, facility equipment, capitalized interest, and land.

09:48:56 Sen. Keith Regier asked if the facility can accommodate trades and technical education programs for inmates.

- 09:49:20 Michael Harling, Municipal Capital Markets Group explained that considering the size and space within the facility that it could be adapted to accommodate programs with additional construction.
- 09:50:19 Rep. John Fitzpatrick asked for the current for sale cost of the facility.
- 09:50:30 Michael Harling, Municipal Capital Markets Group responded that the current cost of the facility is \$13,500,000.
- 09:50:41 Rep. Bill Mercer asked if security evaluations have been done by outside entities to determine if the facility meets current standards.
- 09:51:57 Michael Harling, Municipal Capital Markets Group explained that the American Corrections Consultant did an evaluation several years ago but there haven't been evaluations conducted since.
- 09:52:47 Rep. Paul Green asked for an estimate on expanding the facility with the current site plan.
- 09:52:58 Michael Harling, Municipal Capital Markets Group explained the estimation would roughly be \$60 million dollars.
- 09:53:33 Sen. Shelly Vance asked if the current lease includes the 40 acres of land.
- 09:54:18 Michael Harling, Municipal Capital Markets Group responded that this does not include the surrounding land; however, the building and parking lot are included.
- 09:55:06 Sen. Ryan Lynch asked if there have been conversations with current administration concerning the possibility of purchasing this facility.
- 09:55:24 Michael Harling, Municipal Capital Markets Group responded that there have been no conversations with the current administration.
- 09:55:30 Sen. Keith Regier asked if there have been security breaches at the facility.
- 09:55:43 Michael Harling, Municipal Capital Markets Group responded that there have not.

BREAK:

09:57:12 Reconvened 10:16:23

HB 5 DRAFT FRAMEWORK APPROACH & OUTLINE, INCLUDING DATA:

10:16:47 Katy Callon, Fiscal Analyst, (LFD) discussed the Strategic Framework and Implementation Plan draft outline.

- 10:22:20 Sen. John Esp asked how much information has been gathered concerning the Strategic Framework and Implementation Plan.
- 10:22:40 Walker Hopkins, Fiscal Analyst, (LFD) explained that data gathered from the Department of Corrections has been compiled and will be presented to the committee. Discussed efforts to gather data concerning baseline population, capacity, and trends.
- 10:24:14 Sen. Keith Regier asked when reporting deadlines will be.
- 10:24:30 Katy Callon, Fiscal Analyst, (LFD) responded that June is the deadline for reporting to the Law and Justice Committee.
- 10:24:59 Sen. Shelly Vance asked if projection data has been gathered.
- 10:25:26 Walker Hopkins, Fiscal Analyst (LFD) responded that the focus of staff has currently been on past population data, but projections are a part of the process once accurate data is gathered and analyzed.

OVERVIEW OF HB 5 & HB 817 MONTANA STATE PRISON (MSP) PROJECTS – PROCESS, CURRENT STATUS, & TIMELINE- CORRECTIONS & ARCHITECTURE & ENGINEERING DIVISION, DEPARTMENT OF ADMINISTRATION:

- 10:27:47 Russ Katherman, Administrator, Architecture & Engineering Division, Department of Administration(DOA) presented an update on HB 817 MSP projects.
- 10:37:36 Andrew Cupples, Justice and Civic Design Leader, DLR Group discussed work accomplished to date. The design team will begin with independent projects such as re-roofing projects, site surveying, design, and construction preliminary phasing. The team is committed to having regular scheduled meeting with full design and DOC/ AE team to move the design process forward.
- 10:41:20 Tony Ewalt, Senior Vice President, Sletten Construction discussed early design efforts and investigative programing. MSP campus construction plans and timeline.
- 10:44:20 Andrew Cupples, Justice and Civic Design Leader, DLR Group discussed staffing for programing building and access for prison population.
- 10:53:25 Rep. Bill Mercer requested an update on additional compacity.
- 10:54:01 Director Brian Gootkin, Director, Department of Corrections, (DOC) explained that at the next meeting there will be a design plan and projected number of additional compacity. Explained that additional compacity is the goal.
- 10:58:09 Sen. Ryan Lynch asked about current MSP population numbers in MT and Arizona facilities.

- 10:58:17 Director Brian Gootkin, Director, Department of Corrections, (DOC) explained that 330 are currently being held at MSP and 60 inmates being housed in Arizona.
- 10:59:36 Andrew Cupples, Justice, and Civic Design Leader, DLR Group discussed prototype reviews.
- 11:00:30 Director Brian Gootkin, Director, Department of Corrections, (DOC) described tour of Bledsoe County Correctional Facility in Pikeville Tennessee. Expressed emphasis on getting the plans right the first time to eliminate future issues.
- 11:02:41 Andrew Cupples, Justice, and Civic Design Leader, DLR Group discussed security levels and site plan.
- 11:04:33 Sen. Ryan Lynch asked about square footage and pricing for Bledsoe County Correctional Facility.
- 11:05:00 Andrew Cupples, Justice, and Civic Design Leader, DLR Group explained that in 2013 the cost was roughly \$143 million for 500,000 square feet. Discussed the rise in construction costs since 2013.
- 11:06:17 Sen. Ryan Lynch asked if there is updated reporting on sentencing reform.
- 11:07:08 Andrew Cupples, Justice, and Civic Design Leader, DLR Group explained that this information will be presented later to the committee.
- 11:07:51 Sen. John Esp asked about construction materials needed in relation to timeline.
- 11:08:18 Tony Ewalt, Senior Vice President, Sletten Construction responded that the material is currently 3-6 months out. Expressed the importance of planning ahead to meet scheduled deadlines relating to supplies and construction materials.

PUBLIC COMMENT:

11:18:29 None was heard.

BREAK

11:19:19 Reconvened at 11:27:55.

**STRATEGIC MASTER PLAN – NEXT STEPS & DIRECTION FROM PRIOR DOCUMENTS-
CORRECTIONS & DLR GROUP:**

- 11:28:44 Andrew Cupples, Justice, and Civic Design Leader, DLR Group presented the Strategic Master Plan. Review of State Facilities and capacity studies of County Contract Facilities.
- 11:35:28 Wendy Ware, President, JFA Institute, DLR Group discussed historical and projected Montana resident population.
- 11:49:52 Sen. Ryan Lynch what kind of indicators are researched concerning inmate mental health. If there is data available
- 11:50:32 John Daugherty, Central Services Division Chief, (DOC) explained that their data system is new but in time data will be tracked effectively and provided to the appropriate sources.
- 11:51:12 Rep. Bill Mercer asked for clarification of sources concerning projections made by DLR group. Asked if census is included in projections.
- 11:53:10 Wendy Ware, President, JFA Institute, DLR Group explained the forecast assumes that current statistics will stay the same in the future.
- 12:00:11 Sen. Ryan Lynch requested data before and after the professionalization of the parole board.
- 12:01:12 Wendy Ware, President, JFA Institute, DLR Group explained that parole board data was not provided but it can be analyzed.
- 12:02:05 Rep. Bill Mercer referenced 2020 DLR report- asked if numbers have been updated since 2020 and how they are expected to change in the future.
- 12:02:46 Andrew Cupples, Justice, and Civic Design Leader, DLR Group explained that the numbers are expected to change.
- 12:04:41 Sen. John Esp asked if DOC has seen increase in inmates who require isolation or single cells due to violent behavior.
- 12:04:59 Director Brian Gootkin, (DOC) confirmed an increase in this category of inmate.
- 12:08:19 Sen. Keith Regier asked for square foot cost for low security and high security prison buildings.
- 12:08:46 Andrew Cupples, Justice and Civic Design Leader, DLR Group explained that their team does not have specific numbers but can confirm high security building costs are much higher than low security.

PRESENTATION OF DATA REQUESTED BY COMMITTEE:

- 12:13:34 John Daugherty, Central Services Division Chief, (DOC) presented population projections. Discussed number of admissions to a secure status by level of corrections history by fiscal year.
- 12:23:46 Sen. Keith Regier asked for an example of violent crimes.

- 12:24:01 John Daughtery, Central Services Division Chief, (DOC) explained that assault, conspiracy/solicitation, homicide, assault of peace officer, assault with a weapon, robbery and kidnapping are examples of violent crimes.
- 12:39:09 Sen. Ryan Lynch asked if the department could look at data by district court region.
- 12:39:30 John Daughtery, Central Services Division Chief, (DOC) explained that if the department had a Criminal Justice Data Warehouse that data could be looked at but explained that historically it has been difficult to work with district courts to obtain information.
- 12:49:17 Rep. Bill Mercer asked for examples of public order offences.
- 12:49:27 John Daughtery, Central Services Division Chief, (DOC) explained that cruelty to animals, illegal sale of alcohol, money laundering, gang activity, escape, bribery of public official, parole violations, trespassing, license permit offences among others are examples of public order offences.

CLASSIFICATIONS OF OFFENDERS & BED TYPES NEEDED- CORRECTIONS:

- 12:51:20 Andrew Cupples, Justice, and Civic Design Leader, DLR Group discussed current and future capacity and possible shortfalls. Explained capacity by facility.
- 01:09:33 Rep. Bill Mercer made comments on data and prison compacity/population growth.
- 01:12:26 Wendy Ware, President, JFA Institute, DLR Group explained that this issue is extremely data dependent.
- 01:18:59 Director Brian Gootkin, (DOC) gave comments on the complexity of additional compacity and efforts to consider all the data before concrete decisions are made.
- 01:31:54 Sen. Keith Regier question about increased security during construction and where these costs will be funded from.
- 01:32:00 Director Brian Gootkin, (DOC) explained that additional security will not be needed.

PUBLIC COMMENT:

- 01:32:55 Sen. John Esp called for public comment. None was heard.

ADJOURNMENT:

- 01:33:01 Sen. John Esp adjourned the meeting.