

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1431

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1431

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1431 A

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/1/01

| Tape Number                                     | Side A | Side B | Meter #   |
|---|--------|--------|-----------|
| 1   | X      |        | 4818- END |
|   |        | X      | 0-68      |
| Committee Clerk Signature <i>Robin L. Small</i> |        |        |           |

Minutes:

REP. M. KLEIN called the committee to order with all members present.

In favor:

REP. BERG introduces the bill. BERG is one of the sponsors on the bill. BERG talks about the sentencing laws and trying to cover the whole scope of everything. Let's address some of these issues and in the interim come out with more of a long term plan.

REP. METCALF asks about line 7, cost effective, not necessarily cost reduction, different programs have to be in place. Immediate increase in cost. BERG replies that is why we are looking ahead in long term wise.

REP. KLEIN states that their is something similar over in a bill in appropriations. BERG states that we need to look at are we reducing the crime rate. The attorney general is very interested in this. Hold this for a week and take a real good look at it.

Page 2  
House Government and Veterans Affairs Committee  
Bill/Resolution Number HB 1431 A  
Hearing Date 2/1/01

Neutral:

PATRICK POLLEY, RESEARCH DIRECTOR FOR THE DEPARTMENT OF  
CORRECTIONS AND REHABILITATION

The department does not oppose house bill 1431, but there is legislative intent that he would like to enter into the record. Budget increases that divert funds from other public purposes. Submit an analysis defining the prison population. Make specific recommendations on how to decrease the population. House bill 1431 may not be necessary.

There was no action taken on this bill at this time, the hearing was then closed.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1431 B

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/08/01

| Tape Number                                     | Side A | Side B | Meter #   |
|---|--------|--------|-----------|
| 2   | X      |        | 3073-3899 |
|   |        |        |           |
|   |        |        |           |
| Committee Clerk Signature <i>Robin A. Small</i> |        |        |           |

Minutes:

ACTION: HB 1431 HEARD ON FEB.1, 2001

All members were in committee, except REP. BRUSEGAARD.

General discussion.

REP. HAAS motioned for a DO NOT PASS, seconded by REP. MEIER. The roll call vote was taken with 12 YES, 2 NO and 1 ABSENT AND NOT VOTING. The motion carries. The CARRIER of the bill is REP. DEVLIN.

HB 1431: DO NOT PASS 12-2

CARRIER: REP. DEVLIN

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1431 C

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/15/01

| Tape Number                                     | Side A | Side B | Meter #   |
|---|--------|--------|-----------|
| 1   | X      |        | 2184-2924 |
|   |        |        |           |
|   |        |        |           |
| Committee Clerk Signature <i>Robin L. Small</i> |        |        |           |

Minutes:

COMMITTEE WORK:

REP. M. KLEIN called the committee to order. HB 1431 was heard on Feb. 1, 2001.

ACTION:

All members were present, except REP. BRUSEGAARD.

REP. KLEMIN motioned to reconsider the bill back to committee, seconded by REP. KASPER.

A voice vote was taken, with the majority passing it. REP. M. KLEIN motioned to accept the new amendments, seconded by REP. GRANDE. A voice vote was taken with the majority

passing it. REP. GRANDE then motions for a DO PASS AS AMENDED, seconded by

REP. MEIER. The roll call vote was taken with 13 YES, 1 NO and 1 ABSENT AND NOT

VOTING. The motion carries. The CARRIER of the bill is REP. DEVLIN.

HB 1431: DO PASS AS AMENDED 13-1

CARRIER: REP. DEVLIN

10744.0101  
Title.0200

Adopted by the Government and Veterans  
Affairs Committee  
February 15, 2001

VR  
2/15/01

HOUSE AMENDMENTS TO HB 1431      HOUSE GVA 2/15/01  
Page 1, line 4, replace "study" with "consider studying"

Renumber accordingly

Date: Feb. 8<sup>th</sup>, 2001

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1431

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken No Not Pass

Motion Made By Haas Seconded By Meier

| Representatives   | Yes | No           | Representatives | Yes | No |
|-------------------|-----|--------------|-----------------|-----|----|
| CHAIRMAN KLEIN    | ✓   |              | REP KROEBER     |     | ✓  |
| VICE CHAIR GRANDE | ✓   | <del>✓</del> |                 |     |    |
| REP BELLEW        | ✓   |              |                 |     |    |
| REP BRUSEGAARD    |     |              |                 |     |    |
| REP CLARK         | ✓   |              |                 |     |    |
| REP DEVLIN        | ✓   |              |                 |     |    |
| REP HAAS          | ✓   |              |                 |     |    |
| REP KASPER        | ✓   |              |                 |     |    |
| REP KLEMIN        |     | ✓            |                 |     |    |
| REP MEIER         | ✓   |              |                 |     |    |
| REP WIKENHEISER   | ✓   |              |                 |     |    |
| REP CLEARY        | ✓   |              |                 |     |    |
| REP HUNSKOR       | ✓   |              |                 |     |    |
| REP METCALF       | ✓   |              |                 |     |    |

Total (Yes) 12 No 2

Absent 1

Floor Assignment Rep. Devlin

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 8, 2001 11:48 a.m.

Module No: HR-23-2716  
Carrier: Devlin  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1431: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)**  
recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1431 was placed on the Eleventh order on the calendar.

Date: 2-15-00

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. AB 1431

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Reconsidered

Motion Made By Klemin Seconded By Kasper

| Representatives   | Yes | No | Representatives | Yes | No |
|-------------------|-----|----|-----------------|-----|----|
| CHAIRMAN KLEIN    |     |    | REP KROEBER     |     |    |
| VICE CHAIR GRANDE |     |    |                 |     |    |
| REP BELLEW        |     |    |                 |     |    |
| REP BRUSEGAARD    |     |    |                 |     |    |
| REP CLARK         |     |    |                 |     |    |
| REP DEVLIN        |     |    |                 |     |    |
| REP HAAS          |     |    |                 |     |    |
| REP KASPER        |     |    |                 |     |    |
| REP KLEMIN        |     |    |                 |     |    |
| REP MEIER         |     |    |                 |     |    |
| REP WIKENHEISER   |     |    |                 |     |    |
| REP CLEARY        |     |    |                 |     |    |
| REP HUNSKOR       |     |    |                 |     |    |
| REP METCALF       |     |    |                 |     |    |

*Vote*  
*Passes*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 2-15-01

Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1431

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Accept the Amendments

Motion Made By Klein Seconded By Grande

| Representatives   | Yes | No | Representatives | Yes | No |
|-------------------|-----|----|-----------------|-----|----|
| CHAIRMAN KLEIN    |     |    | REP KROEBER     |     |    |
| VICE CHAIR GRANDE |     |    |                 |     |    |
| REP BELLEW        |     |    |                 |     |    |
| REP BRUSEGAARD    |     |    |                 |     |    |
| REP CLARK         |     |    |                 |     |    |
| REP DEVLIN        |     |    |                 |     |    |
| REP HAAS          |     |    |                 |     |    |
| REP KASPER        |     |    |                 |     |    |
| REP KLEMIN        |     |    |                 |     |    |
| REP MEIER         |     |    |                 |     |    |
| REP WIKENHEISER   |     |    |                 |     |    |
| REP CLEARY        |     |    |                 |     |    |
| REP HUNSKOR       |     |    |                 |     |    |
| REP METCALF       |     |    |                 |     |    |

*Vote passes*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: Feb. 15. 01

Roll Call Vote #: 3

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 431

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Grande Seconded By Meier

| Representatives   | Yes | No | Representatives | Yes | No |
|-------------------|-----|----|-----------------|-----|----|
| CHAIRMAN KLEIN    | ✓   |    | REP KROEBER     | ✓   |    |
| VICE CHAIR GRANDE | ✓   |    |                 |     |    |
| REP BELLEW        | ✓   |    |                 |     |    |
| REP BRUSEGAARD    |     |    |                 |     |    |
| REP CLARK         | ✓   |    |                 |     |    |
| REP DEVLIN        | ✓   |    |                 |     |    |
| REP HAAS          | ✓   |    |                 |     |    |
| REP KASPER        | ✓   |    |                 |     |    |
| REP KLEMIN        | ✓   |    |                 |     |    |
| REP MEIER         | ✓   |    |                 |     |    |
| REP WIKENHEISER   | ✓   |    |                 |     |    |
| REP CLEARY        |     | ✓  |                 |     |    |
| REP HUNSKOR       | ✓   |    |                 |     |    |
| REP METCALF       | ✓   |    |                 |     |    |

Total (Yes) 13 No 1

Absent 1

Floor Assignment Rep. Devlin

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 16, 2001 12:58 p.m.

Module No: HR-29-3672  
Carrier: Devlin  
Insert LC: 10744.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1431: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1431 was placed on the Sixth order on the calendar.**

Page 1, line 4, replace "study" with "consider studying"

Renumber accordingly

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1431

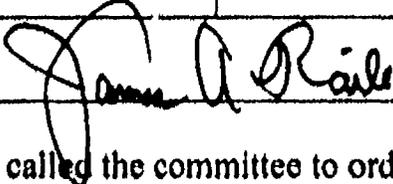
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1431

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date March 22, 2001

| Tape Number   | Side A | Side B | Meter #   |
|---|--------|--------|-----------|
| 1   | X      |        | 18.2-42.8 |
| March 22, 2001 3  | X      |        | 30.0-End  |
| Committee Clerk Signature  |        |        |           |

Minutes: **Chairman Krebsbach** called the committee to order and opened the hearing on HB 1431 which relates to a bill for an act to provide for a legislative council study of this state's correctional system. Appearing before the committee to introduce the proposed legislation was **Representative Duane DeKrey**, district 14. As primary sponsor of the bill he indicated that HB 1431 is a pretty simple, straight forward bill in that it mandates that the legislature will study our state's correctional system from soup to nuts. The reason he submitted a bill for this is that he thought this issue and the way our prison budget has been growing for the last few years is important enough that it absolutely should be studied and he thought that it was about time that a legislator driven study was done. He indicated that it was not that he doesn't have faith in what the department of corrections tells us all the time but, he thinks sometimes that those studies get to be a little bit slanted to show what a great job we've been doing. He indicated that he is not saying that they haven't been doing a good job out there. He just thinks it is time that we take an unbiased look at how we are running corrections and how we are doing our sentencing and

how the system is working. He thinks that when you look at our population base and you look at how our prison population has grown and you look at the type of prisoners that we are locking up, He thinks there is a tremendous amount of room for improvement there. He believes personally that we are locking up far too many nonviolent offenders who have addiction problems. They do not have criminal problems but they do have addiction problems. We send them to the ultimate crime university in the state and then they do have criminal problems when they get out a lot of times. He thinks this is an issue that needs to be studied. That is why this bill is before you. **Chairman Krebsbach** indicated a bill was passed in the senate to reduce mandatory sentences. She was not sure where that is at in the house. She inquired if he felt that could perhaps be some of the correction which needs to be done? **Representative DeKrey** indicated he believed so. Back in the 90's when this started in the state, crime was up on everybody's radar screen and he thinks we got tough on crime which at the time seemed like the right thing to do. We now have 10 years of history to look back on. Perhaps some of those dollars we had used to lock up some of those people have not been well spent. The problem is in the prison system we have a lot of good programs for offenders. We haven't spent the money or have the personnel to treat everybody's problem. What happens is we warehouse them out there until they get towards the end of their sentence and then we try to shove them in a program to rehabilitate them and then kick them out the door. If that is all we are doing he believes they could be contributing members of the society holding a job and being under some kind of electronic monitoring or something like that which would be more cost effective. **Senator Kilzer** inquired if he would see as part of this study hiring an outside neutral consultant, and if you do, are there such people out there. **Representative DeKrey** indicated that he thinks there is a wealth of information out there because this is a problem in every state in the nation. In as

many ways that it has been dealt with in different states, groups have the people who have expertise in this area. It perhaps wouldn't cost that much to have people from these groups and testify before a study that would be done. He is sure these groups would be more than willing to do that. He sees no quick fix to this. This will take a while and this is something the legislature is going to have to decide on once courses of action options are created or recommended.

**Senator Dever** inquired about administrative law and review and the requirement to have the legislative council be required to study this issue. **Senator T. Mathern** inquired if

**Representative DeKrey** knew when this issue was last studied. **Representative DeKrey** indicated that there was a committee chaired by **Representative Mahoney** that studied some issues related to this. He believed this concept for a full blown study may have developed from this. **Senator Dever** noted that he had visited with several people who were concerned about the treatment of prisoners. One of the concerns expressed to him was by the mother of an inmate by a former counselor out at the state pen, has to do with probation. They alleged that inmates are maxing out their sentences so that they don't have to deal with the probation system when they get out. Will this study encompass that as well. **Representative DeKrey** indicated that he believed that was something that could be looked at too. This information is true. There have been prisoners out there who have been offered parole and probation to reduce the time that they will spend out there. They would early release and there would be supervision when they got out. Some have flatly refused it and said they would serve their time and when they walk out the door they have no one to deal with. That has happened. **Chairman Krebsbach** inquired if this was optional. **Representative Dekrey** indicated that was an option open to prisoners.

**Representative Dave Monson**, district 10 appeared before the committee. He indicated that signed up a sponsor of this bill partly out of frustration sitting on the appropriations committee

and listening to the budget of the department of corrections. It was mind boggling what has happened to the cost and what we are paying in this state for corrections. Another frustration he has was that in 1995 or maybe as early as 1993, there was some talk about a private prison up in the northeastern part of the state. He indicated that Elaine Little came in and said that they don't see that there is going to be any big increase in our prison population. There were approximately 600 inmates then. This private company said they wanted a guarantee of 400 prisoners. If we can't get a guarantee of 400 prisoners we can't build this private prison. Elaine little indicated that she could not guarantee there would be 400 prisoners. They didn't foresee any substantial increase in prisoner numbers so they saw no reason to do this. This private prison concept just sort of faded away. Now, here we are 5-7 years later and we are over 1000 prisoners. When Ms. Little was in to testify before the appropriations committee this session he asked her if she recalled 5 years earlier when there was talk about a private prison and we had a prison population of about 600. You said that you didn't see any need or any reason to have a private prison or explore that. She indicated she recalled that and she also indicated that she did not foresee an increase in our prison population. **Representative Monsoon** indicated he believes there is a need to study this issue. He is not certain that we can believe that our prison population will not grow any further. We need to study this issue. **Chairman Krebsbach** inquired about the private prison. Was that an instate issue? Talk about this issue had surfaced again. **Senator C. Nelson** inquired about the prisons budget indicating she thought it was in the areas of \$84 million. **Representative Monson** indicated he was not sure but he thought it was more than that amount. He indicated it was \$59 million alone for inmates and he was uncertain as to the amount for all other areas of the corrections system. **Senator C. Nelson** offered some comments noting that in the judiciary committee related issues were discussed. **Senator T. Mathern** suggested

that perhaps the house amendment to this bill should be taken off. This is one of those issues that rises about letting someone else make the decision. He thinks what Representative Monson was saying was so accurate. We don't have anything in place to turn this around. We approved he thinks maybe even in this committee, the change of the titles of the warden. He thinks there is more going on there than they would like a different title. We are moving towards three prisons. As they get more and more inmates, these three entities, you are going to have more and more bills here developing more and more autonomy. These institutions develop a life of their own. It's time to turn that around. You get that train going and he can see the same thing happening with this study. They'll be a bunch of studies and what will happen to this one. Who will decide which one goes to the top, unless we take off the house amendments. **Senator Wardner** offered comments about this stripping of the house amendments. He asked **Senator T. Mathern** to comment. Some closing comments were offered by **Senators Dever, T. Mathern, Kilzer** and **Wardner** adding comments. There was no further testimony offered in support of, in neutral position on, or in opposition to HB 1431. **Chairman Krebsbach** closed the hearing on HB 1431. **Chairman Krebsbach** opened the discussion on HB 1431. **Senator C. Nelson** moved a Do Pass on HB 1431, seconded by **Senator Wardner**. Roll Call Vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. **Senator T. Mathern** will carry the bill.



**REPORT OF STANDING COMMITTEE (410)**  
March 23, 2001 7:33 a.m.

Module No: SR-51-6482  
Carrier: T. Mathern  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1431, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1431 was placed on the Fourteenth order on the calendar.**

2001 TESTIMONY

HB 1431

28           **SECTION 4. LEGISLATIVE INTENT.** In view of significant budget increases to the  
29 department of corrections and rehabilitation over the past five biennia, which divert funds from  
30 other public purposes, it is the intent of the legislative assembly that the department of  
1 corrections and rehabilitation prepare and submit to the fifty-eighth legislative assembly, an  
2 analysis identifying the causes for the growth in the state's prison population and make specific  
3 recommendations on how the growth in population may be reduced or eliminated. The  
4 department of corrections and rehabilitation shall enlist support from the legislative council,  
5 office of management and budget, state's attorneys, law enforcement community, attorney  
6 general's office, and the judiciary.

SENATE BILL NO 2014