

SENATE BILL NO. 2

2nd Special Session

Introduced and Referred to Committee on Judiciary: 6/22/82

Report: 6/23/82, Do Not Pass

Report Adopted: 6/24/82

Motion To Reconsider: 6/24/82

2nd Reading: 6/24/82

2nd Reading: 6/23/82

Indefinitely Postponed: 6/25/82

Special Session #11
 BILL NO. *2* *Rec'd*
 INTRODUCED BY *Douglas Colburn Sales*
Manly Mike Robinson Broad Lee

10/24
10/27

1 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE MONTANA
 2 STATE PRISON FROM CONTROL OF THE DEPARTMENT OF INSTITUTIONS
 3 AND ATTACH IT TO THE DEPARTMENT OF ADMINISTRATION FOR
 4 ADMINISTRATIVE PURPOSES ONLY; PROVIDING THAT THE WARDEN OF
 5 THE PRISON IS TO BE APPOINTED BY THE GOVERNOR AND TO REPORT
 6 DIRECTLY TO THE GOVERNOR; ESTABLISHING THE POWERS AND DUTIES
 7 OF THE WARDEN; PROVIDING FOR THE REALLOCATION OF VARIOUS
 8 INTERNAL PRISON FUNCTIONS TO THE PRISON FROM THE DEPARTMENT
 9 OF INSTITUTIONS; AMENDING SECTIONS 2-18-303, 7-4-2913,
 10 7-6-2427, 18-2-301, 18-4-104, 41-5-206, 44-5-202, 44-5-213,
 11 46-19-303, 46-19-305, 50-3-102, 50-21-103, 53-1-202,
 12 53-1-204, 53-1-206, 53-1-301 THROUGH 53-1-304, 53-30-102,
 13 53-30-105 THROUGH 53-30-107, 53-30-109 THROUGH 53-30-111,
 14 53-30-212, 87-1-226, AND 87-1-512, MCA; AND PROVIDING AN
 15 EFFECTIVE DATE."

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 17
 18 NEW SECTION. Section 1. Montana state prison --
 19 warden -- allocation. (1) There is a Montana state prison.
 20 (2) The head of the Montana state prison is the
 21 warden. The warden is considered a director for the purposes
 22 of 2-15-111, and the provisions of 2-15-111 apply to him.

1 (3) The Montana state prison is allocated to the
 2 department of administration for administrative purposes
 3 only as prescribed in 2-15-121, except:
 4 (a) the warden may hire prison personnel, and
 5 2-15-121(2)(d) does not apply;
 6 (b) the warden shall communicate directly with the
 7 governor, and 2-15-121(3)(a) does not apply; and
 8 (c) the warden may allocate necessary prison space,
 9 subject to disapproval by the governor, and 2-15-121(3)(b)
 10 does not apply to allocation of office space at the Montana
 11 state prison.
 12 Section 2. Section 53-30-102, MCA, is amended to read:
 13 "~~53-30-102. Qualifications of warden~~ Warden --
 14 qualifications -- duties. (1) The warden of the state prison
 15 shall be a person trained through education and experience
 16 in directing a training, rehabilitation, or custodial
 17 program in a penal institution.
 18 (2) ~~The warden of the Montana state prison is~~
 19 ~~responsible for the management and control of the Montana~~
 20 ~~state prison.~~
 21 (3) ~~The warden shall:~~
 22 ~~(a) adopt rules for the admissions, custody, and~~
 23 ~~release of inmates of the Montana state prison except as~~
 24 ~~otherwise provided by law;~~
 25 (b) use the staff and services of other state agencies

1 and units of the Montana university system, within their
 2 respective statutory functions, to assist him in carrying
 3 out his functions relating to the administration of the
 4 Montana state prison and rehabilitation and reformation of
 5 inmates; and

6 (c) propose programs to the legislature to meet
 7 projected long-range needs of the Montana state prison."

8 Section 3. Section 2-18-303, MCA, is amended to read:

9 "2-18-303. Procedures for utilizing pay schedules. (1)
 10 The pay schedules provided in [the adjusted schedules under]
 11 2-18-311 and 2-18-312 shall be implemented as follows:

12 (a) The pay schedule provided in [the adjusted
 13 schedule under] 2-18-311 indicates the annual compensation
 14 for the fiscal year ending June 30, 1982, for each grade and
 15 step for positions classified under the provisions of part 2
 16 of this chapter.

17 (b) The pay schedule provided in [the adjusted
 18 schedule under] 2-18-312 indicates the annual compensation
 19 for the fiscal year ending June 30, 1983, for each grade and
 20 step for positions classified under the provisions of part 2
 21 of this chapter.

22 (c) Each new employee shall advance from step 1 to
 23 step 2 of a grade after successfully completing 6 months of
 24 probationary service. The anniversary date of an employe@
 25 shall be established at the end of the probationary perio@

1 in accordance with rules promulgated by the department.

2 (d) (i) The compensation of each employee on the first
 3 day of the first pay period in fiscal year 1982 shall be
 4 that amount which corresponds to the grade and step occupied
 5 on the last day of the preceding fiscal year of 1981.

6 (ii) The compensation of each employee on the first day
 7 of the first pay period in fiscal year 1983 shall be that
 8 amount which corresponds to the grade and step occupied on
 9 the last day of the fiscal year 1982.

10 (iii) In compliance with rules adopted to implement
 11 this part, each employee is eligible on his anniversary date
 12 to advance one step in the pay matrix each fiscal year.
 13 However, if the employee's anniversary date falls between
 14 (inclusive) July 1 and the first day of the first pay period
 15 of fiscal year 1982 or 1983, as the case may be, he will
 16 advance one step on the first day of that pay period.

17 (2) The pay schedules provided in [the adjusted
 18 schedules under] 2-18-311 and 2-18-312 and the provisions of
 19 subsection (1) of this section do not apply to those
 20 institutional teachers, liquor store occupations, or
 21 blue-collar occupations compensated under the pay schedules
 22 provided in [the adjusted schedules under] 2-18-313,
 23 2-18-314, or 2-18-315.

24 (3) The pay schedules provided in [the adjusted
 25 schedules under] 2-18-313, 2-18-314, or 2-18-315 shall be

1 implemented as follows:

2 (a) (i) The pay schedules provided in [the adjusted
3 schedules under] 2-18-313 indicate the annual compensation
4 for the contracted school term for teachers employed by
5 institutions under the authority of the department of
6 institutions for fiscal years 1982 and 1983.

7 (ii) The compensation of each teacher on the first day
8 of the first pay period in July, 1981, shall be that amount
9 which corresponds to his level of academic achievement and
10 the next highest step from that occupied on June 30, 1981.

11 (iii) The compensation of each teacher on the first day
12 of the first pay period in July, 1982, shall be that amount
13 which corresponds to his level of achievement and the next
14 highest step from that occupied on June 30, 1982.

15 (b) (i) The pay schedules provided in [the adjusted
16 schedules under] 2-18-314 indicate the maximum hourly
17 compensation for fiscal years ending June 30, 1982, and June
18 30, 1983, for those employees in liquor store occupations
19 who have collectively bargained separate classification and
20 pay plans.

21 (ii) The compensation of each employee on the first day
22 of the first pay period in fiscal year 1982 or 1983, as the
23 case may be, shall be that amount which corresponds to that
24 grade occupied on the last day of the preceding fiscal year.

25 (c) (i) The pay schedules provided in [the adjusted

1 schedules under] 2-18-315 indicate the maximum hourly
2 compensation for fiscal years ending June 30, 1982, and June
3 30, 1983, for employees in apprentice trades and crafts and
4 other blue-collar occupations recognized in the state
5 blue-collar classification plan who are members of units
6 that have collectively bargained separate classification and
7 pay plans.

8 (ii) The compensation of each employee on the first day
9 of the first pay period in fiscal year 1982 or 1983, as the
10 case may be, shall be that amount which corresponds to that
11 grade occupied on the last day of the preceding fiscal year.

12 (4) (a) (i) No member of a bargaining unit may receive
13 the amounts indicated in the respective pay schedules
14 provided in [the adjusted schedules under] 2-18-311 through
15 2-18-315 until the bargaining unit of which he is a member
16 ratifies a completely integrated collective bargaining
17 agreement covering the biennium ending June 30, 1983.

18 (ii) In the event that negotiation and ratification of
19 a completely integrated collective bargaining agreement as
20 required by subsection (4)(a)(i) of this section are not
21 completed by July 1, 1981, retroactivity to that date may be
22 negotiated.

23 (iii) In the event that negotiation and ratification of
24 a completely integrated collective bargaining agreement as
25 required by subsection (4)(a)(i) of this section are not

1 completed by July 1, 1981, members of the bargaining unit
2 involved will continue to receive the compensation they were
3 receiving as of June 30, 1981.

4 (b) Methods of administration not inconsistent with
5 the purpose of this part and necessary to properly implement
6 the pay schedules provided in [the adjusted schedules under]
7 2-18-313 through 2-18-315 may be provided for in collective
8 bargaining agreements.

9 (5) The current wage or salary of an employee shall
10 not be reduced by the implementation of the pay schedules
11 provided for in [the adjusted schedules under] 2-18-311
12 through 2-18-315.

13 (6) The department may authorize a separate pay
14 schedule for medical doctors if the rates provided in [the
15 adjusted schedules under] 2-18-311 and 2-18-312 are not
16 sufficient to attract and retain fully licensed and
17 qualified physicians at the state institutions and the
18 Montana state prison.

19 (7) The department may develop programs which will
20 enable the department to mitigate problems associated with
21 difficult recruitment, retention, transfer, or other
22 exceptional circumstances. Insofar as the program may apply
23 to employees within a collective bargaining unit, it shall
24 be a negotiable subject under 39-31-305."

25 Section 4. Section 7-4-2913, MCA, is amended to read:

1 "7-4-2913. Payment of costs of inquest. Whenever an
2 inquest is held because of the death of an individual
3 confined in the state prison, the county clerk of the county
4 where the inquest is held shall make out a statement of all
5 the costs incurred by the county in the inquest, properly
6 certified by the coroner of the county. This statement shall
7 be sent to the ~~department--of--institutions~~ warden of the
8 Montana state prison for approval, and after approval, the
9 department warden shall pay the costs out of the money
10 appropriated for the support of the state prison to the
11 county treasurer of the county where the inquest was held."

12 Section 5. Section 7-6-2427, MCA, is amended to read:

13 "7-6-2427. Special provisions for certain charges
14 related to criminal prosecutions. (1) Notwithstanding
15 7-6-2426, all costs of a criminal prosecution, including
16 attorneys' fees, of an offense committed in the state prison
17 are not charges against the county in which the state prison
18 is located. Such costs shall be paid by the ~~department--of~~
19 ~~institutions~~ Montana state prison.

20 (2) When a criminal action is removed before trial,
21 the costs accruing upon such removal and trial must be a
22 charge against the county in which the indictment was found
23 or information filed."

24 Section 6. Section 18-2-301, MCA, is amended to read:

25 "18-2-301. Bids required -- advertising. (1) It is

1 unlawful for the board of examiners or any offices,
 2 departments, institutions, or any agent of the state of
 3 Montana acting for or in behalf of the state to do, to cause
 4 to be done, or to let any contract for the construction of
 5 buildings or the alteration and improvement of buildings and
 6 adjacent grounds on behalf of and for the benefit of the
 7 state when the amount involved is \$25,000 or more without
 8 first advertising in at least one issue each week for 3
 9 consecutive weeks in two newspapers published in the state,
 10 one of which must be published at the seat of government and
 11 the other in the county where the work is to be performed,
 12 calling for sealed bids to perform such work and stating the
 13 time and place bids will be considered.

14 (2) All such work may be done, caused to be done, or
 15 contracted for only after competitive bidding.

16 (3) If no bid for such work is accepted, the work may
 17 not be done or accomplished. The work may be readvertised
 18 from time to time until awarded to a qualified competitive
 19 bidder.

20 (4) This section does not apply to work done by
 21 inmates at the Montana state prison or at an institution in
 22 the department of institutions."

23 Section 7. Section 18-4-104, MCA, is amended to read:
 24 "18-4-104. Purchases exempt from general requirements.

25 (1) Fresh fruits and vegetables (other than potatoes) shall

1 not be included in the supplies to be purchased as provided
 2 in this chapter. The department may allow a state agency or
 3 institution to purchase fresh fruits and vegetables. An
 4 itemized account shall be kept of these purchases and the
 5 account shall be furnished to the department.

6 (2) Likewise, when immediate delivery of articles or
 7 performance of service is required by the public exigencies,
 8 the articles or service so required may be procured by open
 9 purchase or contract at the place and in the manner in which
 10 the articles are usually bought and sold or the services
 11 engaged between individuals but under the direction of the
 12 department.

13 (3) The department of administration may exempt the
 14 department of institutions and the Montana state prison from
 15 the provisions of part 2 of this chapter for the purchase of
 16 suitable clothing by the department of institutions for
 17 residents of its institutions and community-based programs
 18 and by the Montana state prison for its inmates.

19 (4) As used in this section, "suitable clothing" means
 20 styled, seasonable clothing, which will allow the resident
 21 to make a normal appearance in the community."

22 Section 8. Section 41-5-206, MCA, is amended to read:

23 "41-5-206. Transfer to criminal court. (1) After a
 24 petition has been filed alleging delinquency, the court may,
 25 upon motion of the county attorney, before hearing the

1 petition on its merits, transfer the matter of prosecution
2 to the district court if:

3 (a) the youth charged was 16 years of age or more at
4 the time of the conduct alleged to be unlawful and the
5 unlawful act is one or more of the following:

- 6 (i) criminal homicide as defined in 45-5-101;
7 (ii) arson as defined in 45-6-103;
8 (iii) aggravated assault as defined in 45-5-202;
9 (iv) robbery as defined in 45-5-401;
10 (v) burglary or aggravated burglary as defined in
11 45-6-204;
12 (vi) sexual intercourse without consent as defined in
13 45-5-503;
14 (vii) aggravated kidnapping as defined in 45-5-303;
15 (viii) possession of explosives as defined in 45-8-335;
16 (ix) criminal sale of dangerous drugs for profit as
17 included in 45-9-101;
18 (x) attempt as defined in 45-4-103 of any of the acts
19 enumerated in subsections (1)(a)(i) through (1)(a)(ix);
20 (b) a hearing on whether the transfer should be made
21 is held in conformity with the rules on a hearing on a
22 petition alleging delinquency, except that the hearing will
23 be to the youth court without a jury;
24 (c) notice in writing of the time, place, and purpose
25 of the hearing is given to the youth, his counsel, and his

1 parents, guardian, or custodian at least 10 days before the
2 hearing; and

3 (d) the court finds upon the hearing of all relevant
4 evidence that there are reasonable grounds to believe that:

- 5 (i) the youth committed the delinquent act alleged;
6 (ii) the seriousness of the offense and the protection
7 of the community require treatment of the youth beyond that
8 afforded by juvenile facilities; and
9 (iii) the alleged offense was committed in an
10 aggressive, violent, or premeditated manner.

11 (2) In transferring the matter of prosecution to the
12 district court, the court may also consider the following
13 factors:

- 14 (a) the sophistication and maturity of the youth,
15 determined by consideration of his home, environmental
16 situation, and emotional attitude and pattern of living;
17 (b) the record and previous history of the youth,
18 including previous contacts with the youth court, law
19 enforcement agencies, youth courts in other jurisdictions,
20 prior periods of probation, and prior commitments to
21 juvenile institutions. However, lack of a prior juvenile
22 history with youth courts will not of itself be grounds for
23 denying the transfer.
24 (c) the severity of the offense;
25 (d) the prospects for adequate protection of the

1 public and the likelihood of reasonable rehabilitation of
2 the youth by the use of procedures, services, and facilities
3 currently available to the youth court.

4 (3) Upon transfer to district court, the judge shall
5 make written findings of the reasons why the jurisdiction of
6 the court was waived and the case transferred to district
7 court.

8 (4) The transfer terminates the jurisdiction of the
9 court over the youth with respect to the acts alleged in the
10 petition. No youth may be prosecuted in the district court
11 for a criminal offense originally subject to the
12 jurisdiction of the youth court unless the case has been
13 transferred as provided in this section.

14 (5) Upon order of the court transferring the case to
15 the district court, the county attorney shall file the
16 information against the youth without unreasonable delay.

17 (6) Any offense not enumerated in subsection (1)(a)
18 that arises during the commission of a crime enumerated in
19 subsection (1)(a) may be:

20 (a) tried in youth court;

21 (b) transferred to district court with an offense
22 enumerated in subsection (1)(a), upon motion of the county
23 attorney and acceptance by the district court judge.

24 (7) If a youth is found guilty in district court of
25 any of the offenses enumerated in subsection (1)(a) of this

1 section and is sentenced to the state prison, his commitment
2 shall be to the department of institutions which shall
3 either confine the youth in whatever institution it
4 considers proper or send the youth to the Montana state
5 prison."

6 Section 9. Section 44-5-202, MCA, is amended to read:

7 "44-5-202. Photographs and fingerprints. (1) The
8 following agencies may, if authorized by subsections (2)
9 through ~~(5)~~ (6), collect, process, and preserve photographs
10 and fingerprints:

11 (a) any criminal justice agency performing, under law,
12 the functions of a police department or a sheriff's office,
13 or both;

14 (b) the Montana state prison;

15 ~~(b)(c)~~ the department of institutions; and

16 ~~(c)(d)~~ the department of justice.

17 (2) The warden of the Montana state prison may
18 photograph and fingerprint anyone who is an inmate of the
19 Montana state prison.

20 ~~(2)(3)~~ The department of institutions may photograph
21 and fingerprint anyone under the jurisdiction of the
22 division of corrections or its successor.

23 ~~(3)(4)~~ A criminal justice agency described in
24 subsection (1)(a) shall photograph and fingerprint a person
25 who has been arrested or noticed or summoned to appear to

1 answer an information or indictment if:

- 2 (a) the charge is the commission of a felony;
 3 (b) the identification of an accused is in issue; or
 4 (c) it is required to do so by court order.

5 ~~44~~15 Whenever a person charged with the commission
 6 of a felony is not arrested, he shall submit himself to the
 7 sheriff, chief of police, or other concerned law enforcement
 8 officer for fingerprinting at the time of his initial
 9 appearance in court to answer the information or indictment
 10 against him.

11 ~~5~~16 A criminal justice agency described in
 12 subsection (1)(a) may photograph and fingerprint an accused
 13 if he has been arrested for the commission of a misdemeanor,
 14 except that an individual arrested for a traffic,
 15 regulatory, or fish and game offense may not be photographed
 16 or fingerprinted unless he is incarcerated.

17 ~~6~~17 Within 10 days the originating agency shall
 18 send the state repository a copy of each fingerprint taken
 19 on a completed form provided by the state repository.

20 ~~7~~18 The state repository shall compare the
 21 fingerprints received with those already on file in the
 22 state repository. If it is determined that the individual is
 23 wanted or is a fugitive from justice, the state repository
 24 shall at once inform the originating agency. If it is
 25 determined that the individual has a criminal record, the

1 state repository shall send the originating agency a copy of
 2 the individual's complete criminal history record.

3 ~~8~~19 Photographs and fingerprints taken shall be
 4 returned by the state repository to the originating agency,
 5 which shall return all copies to the individual from whom
 6 they were taken:

- 7 (a) if a court so orders; or
 8 (b) upon the request of the individual:
 9 (i) if no charges were filed;
 10 (ii) if a misdemeanor charge did not result in a
 11 conviction; or
 12 (iii) if the individual was found innocent of the
 13 offense charged.*

14 Section 10. Section 44-5-213, MCA, is amended to read:
 15 *44-5-213. Procedures to ensure accuracy of criminal
 16 history records. In order to ensure complete and accurate
 17 criminal history record information:

18 (1) the department of justice shall maintain a
 19 centralized state repository of criminal history record
 20 information to serve all criminal justice agencies in the
 21 state;

22 (2) dispositions resulting from formal proceedings in
 23 a court having jurisdiction in a criminal action against an
 24 individual who has been photographed and fingerprinted under
 25 44-5-202 shall be reported to the originating agency and the

1 state repository within 15 days. If the dispositions can
2 readily be collected and reported through the court system,
3 the dispositions may be submitted to the state repository by
4 the administrative office of the courts.

5 (3) an originating agency shall advise the state
6 repository within 30 days of all dispositions concerning the
7 termination of criminal proceedings against an individual
8 who has been photographed and fingerprinted under 44-5-202;

9 (4) ~~the Montana state prison~~ and the department of
10 institutions shall advise the state repository within 30
11 days of all dispositions subsequent to conviction of an
12 individual who has been photographed and fingerprinted under
13 44-5-202;

14 (5) each criminal justice agency shall query the state
15 repository prior to dissemination of any criminal history
16 record information to ensure the timeliness of the
17 information. When no final disposition is shown by the state
18 repository records, the state repository shall query the
19 source of the document or other appropriate source for
20 current status. Inquiries shall be made prior to any
21 dissemination except in those cases in which time is of the
22 essence and the repository is technically incapable of
23 responding within the necessary time period. If time is of
24 the essence, the inquiry shall still be made and the
25 response shall be forwarded as soon as it is received.

1 (6) each criminal justice agency shall ensure that all
2 its criminal justice information is complete, accurate, and
3 current; and

4 (7) the department of justice shall adopt rules for
5 criminal justice agencies other than those that are part of
6 the judicial branch of government to implement this section.
7 The department of justice may adopt rules for the same
8 purpose for the judicial branch of government if the supreme
9 court consents to the rules."

10 Section 11. Section 46-19-303, MCA, is amended to
11 read:

12 "46-19-303. Power of governor to enter into contracts.
13 The governor is hereby empowered to designate ~~the warden of~~
14 ~~the Montana state prison or~~ the department of institutions
15 to enter into such contracts recommended by the ~~warden or by~~
16 ~~the~~ department on behalf of this state as may be appropriate
17 to implement the participation of this state in the Western
18 Interstate Corrections Compact pursuant to 46-19-301."

19 Section 12. Section 46-19-305, MCA, is amended to
20 read:

21 "46-19-305. Hearings requested by other states. The
22 board of pardons, ~~the warden of the Montana state prison,~~
23 and the department of institutions shall hold such hearings
24 as may be requested by any other party state pursuant to
25 Article IV(6) of the Western Interstate Corrections

1 Compact."

2 Section 13. Section 50-3-102, MCA, is amended to read:

3 "50-3-102. Powers and duties of state fire marshal.

4 (1) For the purpose of reducing the state's fire loss, the
5 state fire marshal shall:

6 (a) make at least one inspection a year of each state
7 institution in the department of institutions and submit a
8 copy of the report to the department of institutions with
9 recommendations in regard to fire prevention, fire
10 protection, and public safety;

11 (b) make at least one inspection a year of the Montana
12 state prison and submit a copy of the report to the warden
13 of the Montana state prison with recommendations in regard
14 to fire prevention, fire protection, and public safety;

15 ~~(b)(c)~~ make at least one inspection a year of each
16 unit of the Montana university system and submit a copy of
17 the report to the commissioner of higher education with
18 recommendations in regard to fire prevention, fire
19 protection, and public safety;

20 ~~(c)(d)~~ inspect public, business, or industrial
21 buildings and require conformance to law and rules
22 promulgated under the provisions of this chapter;

23 ~~(d)(e)~~ assist local fire and law enforcement
24 authorities in arson investigations and supervise such
25 investigations when, in his judgment, supervision is

1 necessary;

2 ~~(e)(f)~~ review all training programs on investigation
3 of accidental and incendiary fires;

4 ~~(f)(g)~~ provide fire prevention and fire protection
5 information to public officials and the general public;

6 ~~(g)(h)~~ encourage and assist local fire authorities in
7 fire prevention programs and adopt standards and implement a
8 program to encourage fire departments to meet such
9 standards;

10 ~~(h)(i)~~ be the state entity primarily responsible for
11 promoting fire safety at the state level and to represent
12 the state in structural fire matters;

13 ~~(i)(j)~~ encourage coordination of all services and
14 agencies in structural fire matters to reduce duplication
15 and fill voids in services;

16 ~~(j)(k)~~ establish rules concerning responsibilities and
17 procedures to be followed when there is a threat of
18 explosive material in a building housing state offices;

19 ~~(k)(l)~~ keep in his office a record of all fires
20 occurring in the state, the origin of the fires, and all
21 facts, statistics, and circumstances relating thereto which
22 have been determined by investigations under the provisions
23 of chapter 63 of this title; and, except for statements of
24 witnesses given during an investigation and information that
25 may be held in confidence under 50-63-403, the record shall

1 be open at all times to public inspection; and
 2 ~~the~~ make an annual report to the attorney general
 3 containing a detailed statement of his official action and
 4 the transactions of his department, and the attorney general
 5 shall, in turn, submit the report to the governor with such
 6 recommendations and comments thereon as he considers
 7 necessary.

8 (2) The state fire marshal may:

9 (a) adopt rules necessary for safeguarding life and
 10 property from the hazards of fire and explosion and carrying
 11 into effect the fire prevention laws of this state; and

12 (b) if necessary to safeguard life and property under
 13 rules promulgated pursuant to this section, maintain an
 14 action to enjoin the use of all or a portion of a building
 15 or restrain a specific activity until there is compliance
 16 with the rules."

17 Section 14. Section 50-21-103, MCA, is amended to
 18 read:

19 "50-21-103. Limitations on right to perform autopsy or
 20 dissection. The right to perform an autopsy, dissect a human
 21 body, or make any post-mortem examination involving
 22 dissection of any part of a body is limited to cases where:

23 (1) specifically authorized by law;

24 (2) a coroner is authorized to hold an inquest and
 25 then only to the extent that the coroner may authorize

1 dissection or autopsy;

2 (3) authorized by a written statement of the deceased,
 3 whether the statement is of a testamentary character or
 4 otherwise;

5 (4) authorized by the husband, wife, or next of kin
 6 responsible by law for burial to determine the cause of
 7 death and then only to the extent so authorized;

8 (5) the decedent died in a hospital operated by the
 9 United States veterans administration, Montana school for
 10 the deaf and blind, the Montana state prison, or an
 11 institution in the department of institutions leaving no
 12 surviving husband, wife, or next of kin responsible by law
 13 for burial and the manager or superintendent of the hospital
 14 or institution where death occurred obtains authority on
 15 order of the district court to determine the cause of death
 16 and then only to the extent authorized by court order;

17 (6) the decedent died in the state, was a resident,
 18 but left no surviving husband, wife, or next of kin charged
 19 by law with the duty of burial and the attending physician
 20 obtains authority on order of the district court for the
 21 purpose of ascertaining the cause of death and then only to
 22 the extent authorized by court order after it has been shown
 23 that the physician made diligent search for the next of kin
 24 responsible by law for burial."

25 Section 15. Section 53-1-202, MCA, is amended to read:

1 "53-1-202. Institutions in department. (1) The
2 following institutions are in the department:

3 (a) Galen state hospital;

4 (b) Montana veterans' home;

5 ~~(c) State prison;~~

6 ~~(d)~~(c) Mountain View school;

7 ~~(e)~~(d) Pine Hills school;

8 ~~(f)~~(e) Boulder River school and hospital;

9 ~~(g)~~(f) Warm Springs state hospital;

10 ~~(h)~~(g) Montana center for the aged;

11 ~~(i)~~(h) Swan River youth forest camp;

12 ~~(j)~~(i) Eastmont training center;

13 ~~(k)~~(j) Any other institution which provides care and
14 services for juvenile delinquents, including but not limited
15 to youth forest camps and juvenile reception and evaluation
16 centers.

17 (2) A state institution may not be moved,
18 discontinued, or abandoned without prior consent of the
19 legislature."

20 Section 16. Section 53-1-204, MCA, is amended to read:

21 "53-1-204. Responsibility of ~~warden-----and~~
22 superintendents of institutions. The ~~warden--or~~
23 superintendents of institutions in the department are
24 responsible for the immediate management and control of
25 their respective institutions, subject to the general

1 policies and programs established by the department."

2 Section 17. Section 53-1-206, MCA, is amended to read:

3 "53-1-206. Participation by institutions and prison in
4 research programs. The department may ~~direct~~ require that a
5 penal and corrective institution of ~~the state to~~ in the
6 department, and the warden may elect to have the Montana
7 state prison participate in and cooperate with programs of
8 research and development being conducted and carried on by
9 any units of the Montana university system, by any of the
10 other educational institutions of the state of Montana, or
11 by any foundation or agency thereof in the fields of
12 science, health, education, and natural resources. These
13 programs may include the voluntary participation of the
14 inmates of the institution or prison in testing and
15 experimental work conducted as a part thereof. Any funds
16 received from the authorized programs may be shared with the
17 participating inmates or otherwise held and used for the
18 welfare and rehabilitation thereof and may not become a part
19 of the regular budgeted operation of the institution or
20 prison."

21 Section 18. Section 53-1-301, MCA, is amended to read:

22 "53-1-301. Permitted institutional and prison
23 ~~industries--powers of departments--and ==~~ incentive pay to
24 inmates. The Both the department and the warden of the
25 Montana state prison may:

1 (1) establish industries in facilities under their
 2 jurisdiction, including institutions under the department of
 3 institutions and the Montana state prison, which will result
 4 in the production or manufacture of such products and the
 5 rendering of such services as may be needed by any
 6 department or agency of the state or any political
 7 subdivision thereof, by any agency of the federal
 8 government, by any other states or their political
 9 subdivisions, or by nonprofit organizations and that will
 10 assist in the rehabilitation of residents in institutions
 11 such facilities;

12 (2) contract with private industry for the sale of
 13 goods or components manufactured or produced in shops under
 14 its jurisdiction;

15 (3) print catalogs describing goods manufactured or
 16 produced by institutions a facility and distribute the
 17 catalogs;

18 (4) fix the sale price for goods produced or
 19 manufactured at institutions a facility. Prices shall not
 20 exceed prices existing in the open market for goods of
 21 comparable quality.

22 (5) require institutions a facility under its
 23 jurisdiction to purchase needed goods from other
 24 institutions facilities;

25 (6) provide for the repair and maintenance of property

1 and equipment of institutions a facility by residents of
 2 institutions facilities;

3 (7) provide for construction projects up to the
 4 aggregate sum of \$25,000 per project, by residents of
 5 institutions facilities; provided, however, said
 6 construction work is not covered by a collective bargaining
 7 agreement;

8 (8) provide for the repair and maintenance at an
 9 institution a facility of furniture and equipment of any
 10 state agency;

11 (9) provide for the manufacture at an institution a
 12 facility of motor vehicle license plates and other related
 13 articles;

14 (10) with the approval of the warden or department,
 15 sell manufactured or agricultural products and livestock on
 16 the open market;

17 (11) provide for the manufacture at an institution a
 18 facility of highway, road, and street marking signs for the
 19 use of the state or any of its political subdivisions,
 20 except when the manufacture of the signs is in violation of
 21 a collective bargaining contract;

22 (12) (a) pay an inmate or resident of an institution a
 23 facility from receipts from the sale of products produced or
 24 manufactured or services rendered in a program in which he
 25 is working.

1 (b) Payment for the performance of work may be based
 2 on the following criteria:
 3 (i) knowledge and skill;
 4 (ii) attitude toward authority;
 5 (iii) physical effort;
 6 (iv) responsibility for equipment and materials;
 7 (v) regard for safety of others.
 8 (c) The maximum rate of pay shall be determined by the
 9 appropriation established for each program."

10 Section 19. Section 53-1-302, MCA, is amended to read:
 11 "53-1-302. Disposition of receipts from sale of goods.
 12 Receipts from the sale of goods produced or manufactured by
 13 ~~the Montana state prison or by an institution in the~~
 14 ~~department of institutions~~ shall be deposited in the
 15 revolving fund account for the use of the industries program
 16 of the ~~prison or~~ institution. At the end of each biennium,
 17 all unobligated revolving funds over a \$50,000 ending-fund
 18 balance, except for those funds reserved for equipment
 19 replacement as determined by an equipment replacement
 20 schedule, shall revert to the state general fund account."

21 Section 20. Section 53-1-303, MCA, is amended to read:
 22 "53-1-303. Prohibited acts. Unless permitted by the
 23 department ~~or the warden of the Montana state prison,~~
 24 arranging for the labor of a resident of an institution in
 25 ~~the department of institutions or inmate of the prison is~~

1 prohibited."

2 Section 21. Section 53-1-304, MCA, is amended to read:
 3 "53-1-304. Supervision of industries program. The
 4 ~~Except for the industries program operated by the Montana~~
 5 ~~state prison, the~~ industries program shall be supervised by
 6 the director of the department of institutions or his
 7 designated representative, provided the administration of
 8 the industries program is separate from the administration
 9 of any institution where the program may be located."

10 Section 22. Section 53-30-105, MCA, is amended to
 11 read:

12 "53-30-105. Good time allowance. (1) The department-of
 13 ~~institutions warden of the Montana state prison~~ shall adopt
 14 rules providing for the granting of good time allowance for
 15 inmates employed in any prison work or activity. The good
 16 time allowance shall operate as a credit on his sentence as
 17 imposed by the court, conditioned upon the inmate's good
 18 behavior and compliance with the rules made by the
 19 department--or the warden. The rules adopted by the
 20 department ~~warden~~ may not grant good time allowance to
 21 exceed:

22 (a) 10 days per month for inmates assigned to maximum,
 23 close, and medium I security classifications;

24 (b) 13 days per month for those classified as medium
 25 II and minimum security classifications;

1 (c) 15 days per month for inmates after having been
2 assigned as medium II or minimum security for an
3 uninterrupted period of 1 year;

4 (d) 13 days per month for those inmates enrolled in
5 school who successfully complete the course of study or who
6 while so enrolled are released from prison by discharge or
7 parole;

8 (e) 3 days per month for those inmates participating
9 in self-improvement activities designated by the department.

10 (2) In the event of an attempted escape by an inmate
11 or a violation of the rules prescribed by the department--or
12 warden, the inmate may be punished by the forfeiture of part
13 or all good time allowances. ~~The warden of the state prison~~
14 ~~shall advise the department of any attempted escape or~~
15 ~~violation of rules on the part of the inmate. Any punishment~~
16 ~~by forfeiture of good time allowance must be approved by the~~
17 ~~department.~~

18 (3) A person may not earn good time under this section
19 while he is on probation or parole."

20 Section 23. Section 53-30-106, MCA, is amended to
21 read:

22 "53-30-106. Contracts for confinement of inmates in
23 other institutions. (1) When the state prison is inadequate
24 to contain an inmate sentenced to confinement there, the
25 ~~department--of--institutions~~ warden of the Montana state

1 prison may enter into contracts with the federal government,
2 other states, or the commissioners of counties that have
3 suitable jails for confining inmates sentenced to the state
4 prison.

5 (2) Within budgetary limits, the department ~~warden~~ may
6 also enter into contracts with public or private
7 corporations for the confinement of selected inmates where
8 suitable programs have been established."

9 Section 24. Section 53-30-107, MCA, is amended to
10 read:

11 "53-30-107. Establishment of intensive rehabilitation
12 center authorized. Within the budgetary limits provided by
13 law, the ~~department--of--institutions~~ warden of the Montana
14 state prison may establish on property owned by the state on
15 which prison facilities are or may be located a prison
16 facility designed to segregate certain types of prisoners."

17 Section 25. Section 53-30-109, MCA, is amended to
18 read:

19 "53-30-109. Management and control of intensive
20 rehabilitation center. The warden of the Montana state
21 ~~prison--subject--to--the--supervision--and--control--of--the~~
22 ~~department--of--institutions~~ shall operate and manage such
23 intensive rehabilitation center and shall make such rules
24 for the operation, management, and admission to such center
25 as may from time to time be necessary and desirable."

1 Section 26. Section 53-30-110, MCA, is amended to
2 read:

3 "53-30-110. Expense of trial for offenses committed in
4 prison. Whenever a trial of any person takes place under any
5 of the provisions of 45-7-306 and whenever a prisoner in the
6 state prison is tried for any crime committed therein, the
7 county clerk of the county where such trial is held shall
8 make out a statement of all the costs incurred by the county
9 for the trial of such case and of guarding and keeping such
10 prisoner, properly certified by a district judge of said
11 county, which statement shall be sent to the department--of
12 institutions warden of the Montana state prison for ~~its~~ his
13 approval. After such approval, the department warden must
14 cause the amount of such costs to be paid out of the money
15 appropriated for the support of the state prison to the
16 county treasurer of the county where such trial was held."

17 Section 27. Section 53-30-111, MCA, is amended to
18 read:

19 "53-30-111. Clothing and money furnished on discharge
20 or parole. The state prison shall furnish suitable clothing
21 to a discharged or paroled inmate. An inmate discharged and
22 delivered to the custody of the federal government or
23 another state shall receive \$5; all other discharged or
24 paroled inmates may receive "gate money" in an amount up to
25 \$100. The ~~department of institutions~~ warden of the Montana

1 state prison may establish rules which allow it him to
2 deduct up to one-fourth of an inmate's wages earned under
3 53-1-301 and hold that money in a special account to be
4 disbursed to the inmate when he is discharged or paroled.
5 This amount shall be in addition to the "gate money"."

6 Section 28. Section 53-30-212, MCA, is amended to
7 read:

8 "53-30-212. Commutation of sentence to state prison
9 and transfer of prisoner to juvenile correctional facility.
10 (1) Upon the application of a person under 21 years of age
11 who has been sentenced to the state prison or upon the
12 application of his parents or guardian, the governor may,
13 after consulting with the warden of the Montana state prison
14 ~~and~~ the department of institutions and with the approval of
15 the board of pardons, commute the sentence by committing
16 such person to the department until he is 21 years of age or
17 until sooner placed or discharged.

18 (2) If such person's behavior after being committed to
19 the department indicates that he is not a proper person to
20 reside at one of the department's juvenile facilities, the
21 governor, after consulting with the warden and the
22 department and with the approval of the board of pardons,
23 may revoke the commutation and return him to the state
24 prison to serve out his unexpired term, and the time spent
25 by him at one of the department's juvenile facilities or

1 while a refugee from one of the department's juvenile
2 facilities shall not be considered as a part of his original
3 sentence.

4 (3) Upon recommendation of the warden and with the
5 approval of the department, a person under 21 years of age
6 who has been sentenced to the state prison may be
7 transferred to any juvenile facility under the jurisdiction
8 and control of the department.

9 (4) Upon recommendation of the warden and approval of
10 a person sentenced to the state prison or application of a
11 person sentenced to the state prison and approval of the
12 warden and with the approval of the department, such person
13 sentenced to the state prison who is 25 years of age or
14 younger may be transferred to the Swan River youth forest
15 camp. Upon such transfer such person shall be under the
16 supervision and control of the facility to which he is
17 transferred.

18 (5) If such person's behavior after transfer to such
19 juvenile facility indicates he might be released on parole
20 or his sentence be commuted and he be discharged from
21 custody, the superintendent of such facility, with the
22 approval of the department, may make an appropriate
23 recommendation to the state board of pardons and the
24 governor, who may, in their discretion, parole such person
25 or commute his sentence.

1 (6) If such person's behavior after transfer to a
2 juvenile facility indicates he is not a proper person to
3 reside in such facility, upon recommendation of the
4 superintendent and with the approval of the department and
5 ~~the warden~~, such person shall be returned to the state
6 prison to serve out his unexpired term."

7 Section 29. Section 87-1-226, MCA, is amended to read:
8 "87-1-226. Disposition of meat of animals damaging
9 property. The meat of all animals killed or destroyed
10 pursuant to 87-1-225 by the department or the authorized
11 landholder shall be conserved and given to ~~the Montana state~~
12 ~~prisons~~ state institutions, school lunch programs, or the
13 department of social and rehabilitation services. The
14 department shall provide transportation and distribution of
15 the meat."

16 Section 30. Section 87-1-512, MCA, is amended to read:
17 "87-1-512. Certificate of sale. Upon the sale of
18 property as provided in 87-1-511, the officer shall issue a
19 certificate to the purchasing party, certifying that the
20 purchaser has the legal right to be in possession of the
21 property and that anyone so acquiring this property from the
22 state is prohibited from reselling or using the same for any
23 commercial purpose. During an auction only one carcass of
24 either deer, moose, or elk may be purchased per person. At
25 its discretion, the department may donate unsold carcasses

1 to welfare departments, public institutions, the Montana
2 state prison, or charitable institutions."

3 **NEW SECTION.** Section 31. Codification. Section 1 is
4 intended to be codified as an integral part of Title 2,
5 chapter 15, part 10, and the provisions of Title 2, chapter
6 15, apply to section 1.

7 **NEW SECTION.** Section 32. Effective date. This act is
8 effective [_____].

-End-

STATE OF MONTANA

REQUEST NO. 1-SP-2-82

FISCAL NOTE

Form BD-15

In compliance with a written request received 6-22, 19 82, there is hereby submitted a Fiscal Note for 502 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

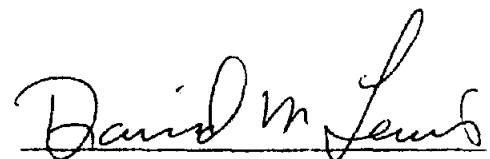
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation:

Senate Bill 002 removes the Montana State Prison, (MSP) from the Department of Institutions and is attached it to the Department of Administration for administrative purposes only. The bill also removes the responsibility for contracting optional placements from the Department of Institutions and gives that responsibility to the state prison.

Assumptions:

1. MSP warden would receive the same salary as other directors serving at the pleasure of the Governor.
2. The prison would handle all administrative functions.
3. Transfer of out-of-state or contract placement of inmates costs to the state prison from the Correction Division, Department of Institutions, would be dollar for dollar.
4. Because parole and probation, all juvenile corrections programs, and the Swan River Youth Forest Camp would remain within the Department of Institutions, the Correction Division would be maintained except for those specific functions transferred to the state prison.
5. Parole and probation assistance to the prison would continue through cooperative agreement.
6. Purchase of prison products by other institutions within the Department of Institutions would continue.
7. Effective date would be July 1, 1982.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _____

Fiscal Impact:

FY 1983

| | |
|--|------------------------|
| Expenditure under proposed law | |
| Personal Services | \$ 49,814 |
| Total expenditure under proposed law | <u>\$ 49,814</u> |
| Less expenditure under existing law | |
| Personal Services | 41,858 |
| Increased expenditure under proposed law | <u><u>\$7,956</u></u> |
| | <u><u>\$ 7,956</u></u> |

Comment:

Transfer of operational costs from the Department of Institutions would show a decrease in their budget and an increase in the prison's budget.

Example - the cost for the Alpha House Pre-release Center.

Technical Note:

Commitments to Swan River Youth Forest Camp are made from the prison population. Swan River would remain under the Department of Institutions under Senate Bill 002. Some agreement would be required for inter-agency assignment of inmates.

LC 0005/01
Judiciary Committee
recommend do not pass
on motion reconsidered
& placed on 2nd reading

Special Session # 11

Senate BILL NO. *2* *Secret*
Boylan, Gellard, Selva
Manly, Mike Anderson, Brand Lee

Manly
Secret

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE MONTANA STATE PRISON FROM CONTROL OF THE DEPARTMENT OF INSTITUTIONS AND ATTACH IT TO THE DEPARTMENT OF ADMINISTRATION FOR ADMINISTRATIVE PURPOSES ONLY; PROVIDING THAT THE WARDEN OF THE PRISON IS TO BE APPOINTED BY THE GOVERNOR AND TO REPORT DIRECTLY TO THE GOVERNOR; ESTABLISHING THE POWERS AND DUTIES OF THE WARDEN; PROVIDING FOR THE REALLOCATION OF VARIOUS INTERNAL PRISON FUNCTIONS TO THE PRISON FROM THE DEPARTMENT OF INSTITUTIONS; AMENDING SECTIONS 2-18-303, 7-4-2913, 7-6-2427, 18-2-301, 18-4-104, 41-5-206, 44-5-202, 44-5-213, 46-19-303, 46-19-305, 50-3-102, 50-21-103, 53-1-202, 53-1-204, 53-1-206, 53-1-301 THROUGH 53-1-304, 53-30-102, 53-30-105 THROUGH 53-30-107, 53-30-109 THROUGH 53-30-111, 53-30-212, 87-1-226, AND 87-1-512, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
NEW SECTION. Section 1. Montana state prison -- warden -- allocation. (1) There is a Montana state prison. (2) The head of the Montana state prison is the warden. The warden is considered a director for the purposes of 2-15-111, and the provisions of 2-15-111 apply to him.

There are no changes in SB 2, and due to length will not be rerun. Please refer to white copy for complete text.

FREE CONFERENCE COMMITTEE REPORT ON SENATE BILL 2
(Report #1, 3:00 p.m.)

Mr. President:

We, your Free Conference Committee on Senate Bill 2, met and considered:

Senate Bill 2, third reading copy (blue);

House Judiciary Committee amendments of 12/15/83

House Committee of the Whole amendments of 12/15/83.

We respectfully recommend as follows:

That the Senate accede to:

Committee of the Whole amendments (Bergene 1:10)

Judiciary Committee amendments of 12/15:

Honorable discharge #1 and #2

Mental impairment #1

Remove compliance #1 and 2

Technical amendments #1 through #4

Clarification of bar #1 and 2

Show Cause #1 through #3

House substitute Statement of Intent

That the House recede from:

Committee of the Whole amendments (Pavlovich 1:15)

Committee of the Whole amendments (Kitselman 4:30)

Committee of the Whole amendments (Brand: both sets, 1:30)

Judiciary Committee amendments of 12/15/83

Remove residency #1

Eligibility #1

Include university #1 through #6

Duration #1

Legislative intent #1 and #2;

That Senate Bill 2 be further amended as specified in the Clerical Instructions;

And that this Free Conference Committee Report be adopted.

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

1. Page 1, line 19.

Strike: "(1)"

2. Page 2, lines 1 through 10.

Strike: these lines in their entirety

2.A. Page 2, line 25.

Strike: "AS"

3. Page 3, line 2.

Following: "~~disabling~~"

Insert: "to be 30% or more disabling"

4. Page 8

Following: line 13.

Insert: "(11)(a) Mental impairment means:

(i) suffering from a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals; or

(ii) an organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(b) The term mental impairment does not include alcoholism or drug addiction and does not include any mental impairment, disease, or defect that has been asserted by the individual claiming the preference as a defense to any criminal charge.

5. Page 4, line 22.

Strike: line 22 through ";" on line 1 of page 5.

Re-number: subsequent subsections.

6. Page 5, line 8.

Strike: "(VIII)"

Insert: "(v)"

7. Page 5, line 11.

Strike: "(VIII)"

Insert: "(v)"

8. Page 6, line 14.

Strike: "COLLEGE" and through "." on line 15.

9. Page 6, line 22

Following: "~~SYSTEM~~"

Insert: "a community college, the board of regents of higher education, the Montana university system,"

10. Page 7, line 5.

Strike: "IN" and through "." on line 6.

11. Page 7, lines 19 and 20.

Strike: "under honorable conditions"

Insert: "by honorable discharge"

12. Page 7, line 23.

Strike: "OF A REGULAR COMPONENT"

12.A. Page 9, line 9.

Insert: stricken language following "unless" on line 9 through {4} on line 17

13. Page 9, lines 20 through line 1 on page 10.

Strike: these lines in their entirety.

14. Page 10, line 20.

Strike: "10"

Insert: "15"

15. Page 10, line 21

Strike: "10"

Insert: "5"

Statement of Intent further amendments:

1. Page 1, line 11

Strike: "as a tie breaker"

2. Page 1, line 17

Following: "." Strike line 17 and through "." on line 19.

3. Page 3, line 12.

Strike: "when he entered the service,"

FOR THE SENATE

FOR THE HOUSE

Dave Brown
Keenan
Ramirez

.....
Chairman.

BERGENE

COMMITTEE OF THE WHOLE AMENDMENT

1:10 p.m.
12-15-83

MR. CHAIRMAN: I MOVE TO AMEND SENATE Bill No. 2

THIRD reading copy (BLUE) AS FOLLOWS:
color

Page 8, line 5
Following: "veteran"
Insert: "or handicapped person"

ADOPT
REJECT

Toni R. Bergene
BERGENE

PAVLOVICH

COMMITTEE OF THE WHOLE AMENDMENT

1:15 p.m.
12-15-83

MR. CHAIRMAN: I MOVE TO AMEND SENATE Bill No. 2

THIRD reading copy (BLUE) AS FOLLOWS:
color

Amend House Judiciary
Committee Amendments 12-15

On page 3 of 10 under "duration of preference" on insertion line

Strike: "5"
Insert: "10"

ADOPT
REJECT

Pavlovich
PAVLOVICH

KITSELMAN

COMMITTEE OF THE WHOLE AMENDMENT

4:30 p.m.
12-15-83

MR. CHAIRMAN: I MOVE TO AMEND SENATE Bill No. 2

THIRD reading copy (BLUE) AS FOLLOWS:
color

- 1) House Judiciary Committee Amendments of 12-15, under "Remove residency/citizenship" on page 2 of 10:
Strike: Amendment #1
- 2) Page 8, line 11
Following: "requirements."
Insert: "(1)"
- 3) Page 8, line 14
Following: "unless"
Strike: ":" through "(4)" on line 22
- 4) Page 8, following line 24
Insert: "(2) In addition to the eligibility requirement provided in subsection (1), any veteran whose service in the armed forces forms the basis of an employment preference under [sections 1 through 10] must have claimed Montana as his home of record at entry into the armed forces, as indicated on his certificate of release or discharge from active duty (DD form 214)."

BRAND 1-10

Amendments to Statement of Intent

House Judiciary Committee Page 6 of 10, line 16:

Following: "job."
Insert: "Where applicable on scored exams or structured interviews, the range for substantially equal will be within 5 percentage points."

ADOPT

REJECT

ADOPT

REJECT

Lo Kitse...
KITSELMAN

Joe Brand
BRAND Chairman

FRANK

COMMITTEE OF THE WHOLE AMENDMENT

1:30 p.m.
12-15-83

MR. CHAIRMAN: I MOVE TO AMEND SENATE Bill No. 2

THIRD reading copy (BLUE) AS FOLLOWS:
color

Page 6, line 12
Following: "persons."
Insert: "In a scored selection procedure the range for
substantially equal will be within 5 percentage points."

Amendments to Statement of Intent attached.

ADOPT
REJECT

Joe Brand
BRAND