

MINUTES OF THE MEETING
LEGISLATIVE APPROPRIATIONS COMMITTEE

April 7, 1979
Room 104
State Capitol Building
Subject: HJR 65
SB 164
SB 286
SB 351
SB 372

The meeting was called to order at 3:40 A.M. by Chairman Francis Bardanouve. All members of the committee were present with the exception of Representative Bengston who was excused.

Chairman Bardanouve stated that we would first hear the presentation on House Joint Resolution 65 and then after completion of that hearing, we would take execution action on the remaining Senate Bills that are in committee. He introduced Representative Dan Yardley, the sponsor of House Joint Resolution 65.

Representative Yardley stated that as a result of all the problems that have arisen during the past few weeks in connection with the needed extra space for the prison, he has proposed legislation through this resolution, for an interim study committee to look at all the problems. He went on to say that there are at least 7 different proposals for solutions to the problem at Deer Lodge. He commented that the Senate is inclined at the present time, to allocate \$3,000,000 to the Department of Institutions and to allow the Department to deal with the problem however they desire. He feels that this is a bad situation, and also feels that the passage of this resolution would give the committee some insight into the problem.

Representative Manning spoke in support of the resolution. He said that he doesn't feel that anybody has made any move to approach the residents of the towns that would be involved as locations for the pre-release centers, etc.

At this point Chairman Bardanouve stated that he questioned the language in lines 14 through 16 on page 1 of the resolution. This concerned the health standards at the prison. He stated that he feels that we could possibly be opening ourselves up to possible litigation through this wording.

Representative Yardley stated that he feels we should move the prisoners out of the old prison and close it up entirely as soon as possible.

Further discussion was held on proposed amendments to HJR 65.

At this time Representative Moore made a motion to amend HJR 65 by adding "forest work camp programs" after "community programs" on page 2, line 23. Motion carried on a voice call. Representative Hand

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then made a motion to amend the Resolution further by striking the remainder of the sentence after the word "occur" on page 1, line 14. On a voice call, motion carried. A third motion, also by Representative Hand, was to the effect that the word "additional" be stricken on line 6 on page 2. Again on a voice call, motion carried. At this time, Representative Yardley made a motion that HJR 65, as amended, Do Pass. With all members voting favorably, the motion carried.

The committee then took executive action on the Senate bills still in committee.

SENATE BILL 164

Representative Moore made a motion that Senate Bill 164 Be Concurred In. With Representatives Kvaalen, Lund and Menahan absent, the motion carried.

SENATE BILL 286

Representative Moore made a motion that Senate Bill 286 Be Not Concurred In. Representative Yardley spoke on behalf of the bill. He stated that he feels it is very short sighted of the legislature not to consider these two additional justices on their merits. He thinks if the system works out as planned, you are really giving the court an opportunity to improve its writing ability, thinking and administrative duties. Representative Waldron commented that he feels we need administrative people to handle the problems instead of the judicial having to devote valuable time to this type of work. Lengthy discussion followed on the feasibility of having two additional supreme court justices. At this time Representative Marks commented that he feels the Court should take it upon themselves to keep their work current. He feels that it can be done with the number of justices they they now have. Representative Hand asked if it would be possible to use a three man panel to sit on the cases and use the other two justices in the duties as described in this legislation. Representative Yardley stated that he does not feel this would work. After further discussion the vote was taken on Representative Moore's motion. With Representative Menahan absent, and with Representatives Ellis, Gesek, Lund, Manning, Manuel, South and Yardley voting No, the motion carried.

SENATE BILL 351

Representative South explained the proposed amendments to Senate Bill 351 (Exhibit 1 attached hereto). He then made a motion to accept the amendments. On a voice call, motion carried unanimously. Representative Marks then made a motion that Senate Bill 351, as amended, Be Concurred In. With Representative Wood voting No, the motion carried.

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SENATE BILL 372

Representative Moore explained the amendments proposed for Senate Bill 372 (Exhibit 2 attached hereto). He then made a motion that the amendments be accepted. Representative Bardanouve spoke in favor of the amendments, but wondered if we are violating the title of the bill. A lengthy discussion was then held on the amendment as proposed by Representative Moore. With Representative Yardley abstaining, and with Representatives Bengston and Menahan absent, and with Representatives Manning and Waldron voting No, the motion carried.

Representative Waldron then proposed an additional amendment to Senate Bill 372 (Exhibit 3 attached hereto). Again a discussion followed on the merits of the amendment. With Representatives Gesek and Menahan abstaining and with Representatives Ellis, Hand, Hurwitz, Wood and Yardley voting No, the motion on Representative Waldron's amendment carried.

At this point Representative Hand made a motion that Senate Bill 372, as amended, Be Concurred In. With Representatives Bengston, Ellis, Hurwitz, Lund, Marks, Manuel, Menahan and Waldron voting No, the motion carried.

This concluded the business before the committee and the meeting was adjourned at 10:00 A.M.

Chairman

Robert A. Stinson
Secretary