

MINUTES OF MEETING
SENATE JUDICIARY MEETING
April 18, 1979

The sixty-ninth meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink in room 331 of the capitol building on the above date at 10:05 a.m.

ROLL CALL:

All members were there with the exception of Senators Olson, Galt, Brown and Healy, who were all excused.

CONSIDERATION OF HOUSE JOINT RESOLUTION 65:

Representative Yardley gave an explanation of this bill, which is a joint resolution of the senate and the house of representatives of the state of montana requesting assignment of an interim study of corrections policy and prison needs. Representative Yardley stated that they went to the prison early in January, visited the old prison and stated that there were 305 inmates in the old prison at that time. He noted the deteriorated state and he was convinced in his mind that it would not meet minimum health standards. He stated that the total prison population was at 718 inmates and actually can only hold 673. He explained some of the problems they had and said that actually this bill was the result of his own frustrations. He testified that there were many problems at the prison and he stated that now the department of institutions has come in with seven different alternative of what to do with the excess prison population - Twin Bridges, Warm Springs, endless possibilities and all this was thrown at the legislature in the last two weeks of the session. He stated that there was \$1 million that can be used in addition to \$3 million already appropriated. He stated that he thought they need some long-range program to consider these things and this is why he felt an interim study was important

Bob Rhay, Administrator of the Corrections Division of the Department of Institutions, stated that he enjoyed the same frustrations as Representative Yardley. He stated that they expect 208 people who will be in excess and he felt the hope of corrections was in pre-release centers and community corrections, but that people said this was O.K., but to put it somewhere else and not here. He told of how they tried to get a facility in Great Falls and when they found out we were interested, the county commissioners took it off the market and scrapped the plan. He stated they considered Twin Bridges and this met with great opposition; Warm Springs was suggested and they were very much against that proposal and he said that he felt forestry camps are the best cooperative effort in the state of Montana.

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Mr. Rhay stated that the expected population in 1983 is 1,065; in 1984 it will be 1,084 and he felt that it would start a slow decline at that time and by 1990 will be single-bunked. He said that it is a well-known fact that graduates of prison have the weakest alumni association and, therefore, it is up to the administrators and experts to consider and evaluate all the conditions and problems. Mr. Rhay stated that he looked forward to sharing these problems with the legislature.

There were no further proponents and no opponents.

Representative Yardley stated that they have a stop-gap plan to use the day rooms, etc. at the prison for the time being.

Senator Turnage said that there was a lot of time spent on the medical survey team and he wondered what they would think if they added on page 3, following (f), a new program (g) health care of prisoners. Representative Yardley said that he would have no objection and that he had just come from a committee meeting that had heard a report from Dr. McMahan and they had made recommendations. Senator Lensink said that we have another resolution that is pending on this and that this could be combined with that.

Senator Turnage said that on page 1, he had an idea that would require some amendments - (1) he did not like to lock us into a state position that might incur some liability. He suggested that on line 14, after the word "prison" amend the bill by adding "or as soon thereafter as practical", and on line 16, following "occur", add "as early as reasonably practical" and on line 18, following "whereas", strike "a maximum" and insert "an assumed limit" and on line 24, following "facilities" insert "or other alternatives".

Senator Towe questioned how many can be accommodated in that room. Mr. Rhay stated that the council room can hold 36 and another 36 can be put in the day room and with double bunking, this would make 72, but this is below national standards.

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Senator Anderson questioned why the prison population is going to go down and Mr. Rhay explained that we have more people in the 18 to 30 age group now and as that slides by, and in the years 1982 and 1983, there will be fewer people in that age group. He stated that the same situation is in our schools.

Senator Anderson questioned where he stated that Great Falls did not want them up there, was this prior to the closing of Malmstrom or after. Mr. Rhay stated that this was about the same time. Representative Yardley stated that they had been negotiating for this for a long time and everything was going well until it came out that this was going to be used for the prisoners.

Senator Lensink stated in regard to the siting of prisons it was interesting to note that Deer Lodge was given the choice of the agriculture college or the prison and they chose the prison.

Senator Turnage moved that the amendments he offered be adopted. The motion carried unanimously.

Senator Van Valkenburg stated that he guessed that the \$3 or \$4 million we spent this biennium still would not do the job and this is why we need this study. Representative Yardley said yes, that everything we are doing this time is stop-gap and this is only taking care of 200 prisoners they are predicting this year.

Senator Van Valkenburg stated that he knew that Representative Bardanouye has ideas about specifically how that money should be spent and some difficulty might be incurred. He said he wondered if we ought to put some kind of a date on this resolution so a report is made prior to the time the \$3 million has been committed by the department of institutions and he wondered if there should be some speeded-up process of how this money should be spent. Senator Turnage said that if you could get an early recommendation, that would be helpful.

Senator Towe said that he went over the appropriations bill and wondered if it would be appropriate to tie this in. He suggested "the department shall consult with the interim committee in regard to the provisions."

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Senator Towe moved that the bill be amended on page 3, line 9, by inserting "(3) the department of institutions shall consult with the committee in the development of the comprehensive plan set forth in HB 483, relating to the appropriation of \$3 million as set forth in item 7 of that bill" and renumber accordingly.

There was some further discussion and the motion carried unanimously.

Senator Towe stated that they planned the construction of the new prison in 1973, and in 1973, it just so happened, that they had the lowest population in the history of the state of Montana.

Senator Towe moved that this bill be concurred in as amended. The motion carried unanimously.

Senator Anderson said that in 1973 that was still during a baby boom and he did not think they would ever see another baby boom. Senator Towe stated that now, following the war years, they are in the potential criminal years. Senator Turnage stated that there are also erratic curves in the justice system.

Mr. Rhay stated that various things affect the prison population - during Forrest Anderson, this was a liberal time, prison populations were forced down, then it was tightened up, parole was tightened up, there was twice the amount of time served before parole, the legislature is getting tough, etc.

Senator Towe stated that part of it is the judges and before there was a new prison, the judges felt it was too much of a mess and would not sentence as many there and now they have a new prison and they are more inclined to sentence them.

There being no further business or comments, the hearing was closed at 10:42. a.m.

SENATOR EVERETT R. LENSIK, Chairman
Senate Judiciary Committee

Date 4/11/29

ROLL CALL

JUDICIAL COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

HJR 65

1. Page 1, line 14.

Following: "prison"

Insert: "or as soon thereafter as practical"

2. Page 1, line 16.

Following: "occur"

Insert: "as early as reasonably practical"

3. Page 1, line 18.

Following: "WHEREAS,"

Strike: "a maximum"

Insert: "an assumed limit"

4. Page 1, line 24.

Following: "facilities"

Insert: "or other alternatives"

5. Page 3, line 7.

Strike: "and"

6. Page 3, line 9.

Following: "facilities"

Insert: ";" and

(9) health care of prisoners.

(3) The department of institutions shall consult with the committee on the development of the comprehensive plan set forth in HB 483 relating to the appropriation of \$2 million as set forth in item 7 of the recommendations. The department

STANDING COMMITTEE REPORT

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MR. President.....

Judiciary

We, your committee on.....

having had under considerationHouse Joint Resolution..... BAK No. 65.....

Yardley (Tow)

Respectfully report as follows: That..... House Joint Resolution BAK No. 65.....

third reading bill, be amended as follows:

1. Page 1, line 14.

Following: "prison"

Insert: "or as soon thereafter as practical"

2. Page 1, line 16.

Following: "occur"

Insert: "as early as reasonably practical"

3. Page 1, line 18.

Following: "WHEREAS,"

Strike: "a maximum"

Insert: "an assumed limit"

4. Page 1, line 24.

Following: "facilities"

Insert: "or other alternatives"

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(continued)

5. Page 3, line 7.

Strike: "and"

6. Page 3, line 9.

Following: "facilities"

Insert: "; and

(g) health care of prisoners.

(3) The department of institutions shall consult with the committee in the development of the comprehensive plan set forth in HB483 relating to the appropriation of \$3 million as set forth in item 7 of the appropriations to the department's central office."

Renumber: subsequent subsection.

And, as so amended,
BE CONCURRED IN

