

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

April 4, 1981

The thirty-sixth meeting of the Senate Finance and Claims Committee met in room 108 on the above date. The meeting was called to order by Senator Himsl, Chairman at 9:12 a.m. Roll call was taken and all members were present except Senators Smith and Boylan.

CONSIDERATION OF HOUSE BILL 560: Representative Lund explained that this bill contained claims against the state that must be paid. He said the appropriations were listed in Section 1. There was \$1500 to Douglas B. Remick for an application fee paid to the Department of Business Regulations. This came down from the Board of Examiners. Mr. Remick made an application to the Department of Business Regulation for a bank charter and they never heard the application. If they had heard it, it might be different, but they never even heard it and he wants his money back.

Senator Johnson: What was their reason for not hearing the case? Lund: I don't know. The Department of Business Regulations did not wish to return the money.

Representative Lund: It was in for a partial application for a new bank charter and was not heard.

Another claim is to the Catholic Bishop for damages to water lines here in Helena. They purchased a building from the state and when they took over, the pipes were frozen in the building. In the time between when they made the purchase and when they took over the building. Mr. Berry agreed that it occurred prior to the time the Diocese took over the building, and while it was still under the State of Montana. This is the cost of the pipes and repair of the building.

Another case before us is the case of Geraldine Strong. Mr. Russ, attorney for Geraldine Strong had explained the case as one where she was working for the Department of Institutions, filed a complaint because she was not chosen for a better position, was then harrassed by the Department and eventually fired. This was a case filed on discrimination, and was won through the Supreme Court. Mr. Lund said this came in after the last session and so is in this appropriation.

Another case which came in after the bill was drafted, and was added on in the House, was for a contract with Lease-America Corporation. When Attorney General Woodahl was in he had an agreement with Lease-America for some electronic equipment for the Letz system in the Department of Justice.

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When Attorney General Greeley took over the office he cancelled that contract and went to another company. Lease-America went to the Supreme Court and won.

Another proponent to the bill was Jack McCarthy representing the Catholic Diocese. He said in purchasing the building we inspected it with the architects and the contractor. The water meter was lying on the floor disconnected so we could not check the water pipes. When the building maintenance man turned the boiler on there were showers all over the place. The repairing and putting in the new water lines that we had to put in, came to \$7500 and the renovation from the water damage, etc. cost \$3500.

Senator Dover: On this with Lease-America, the \$66,000. Is that just a fine, or are we paying for some equipment we are not receiving because they chose not to go that way. Lund: Attorney General Woodahl signed a 6 year contract. Greeley cancelled it. They went before the Supreme Court of the State of Montana and this pays for breaking the contract.

Senator Aklestad: Was it brought out why the office didn't check with the legal ramifications as to why he chose to break the contract? Lund: The court says we pay the money.

Senator Aklestad: Was it ever suggested the A.G. office eat it? Dover: As Legislators, we go ahead and pay it. In a private enterprise they would have to eat it.

Senator Regan: I might be inclined to agree with you if you would agree to the rest. Private enterprise has some sort of insurance to take care of this sort of thing. The state is self insured, and that is the penalty we pay. Sure, they goofed but we are liable for it. We can make noises about it, but we pay it. If you make them eat it you would have to make the institutions eat the other one, etc.

Senator Himsl: We have to pay the bill.

DISPOSITION OF HOUSE BILL 560: Senator Keating moved that House Bill 560 be concurred in.

Voted, passed, Senators Johnson and Thomas voting no.

Representative Lund: I would be remiss if I did not tell you that there is another settlement on Geraldine Strong. She took the case also to the Federal Court. After the Supreme Court decision came down it got stopped in Federal Court. She said she would settle out of court for this. We had to have a separate bill since the language is a little different than the language in this bill. This settlement will have her stop the case in the Federal Court.

Senator Story: How come two judgments? Mr. Russ: The case I tried under state law was retaliation for being fired and was a discrimination case. The above federal settlement is resulting from the EEOC claim for passing her over on a better position.

Senator Story: Where would this money come from? I am sure you did not give your services free. Russ: I was paid earlier by her. What is in the settlement is all hers.

Senator Regan will carry the bill.

CONSIDERATION OF HOUSE BILL 837: Representative Bardanouve was not here yet and the committee discussed some pro's and con's on the spending of money for a guard tower for the prison. Representative South said the cost was the cost of the previous one plus the inflation, plus a stairway that was not needed in the other one, and the architect fees. Senator Regan said she felt you would not need an architect since it was to be built from the plans of the other one. Representative South said they had already checked and this was merely the fee for duplication.

Representative Bardanouve explained the bill, and said that it is an attempt to resolve a series of escapes in Deer Lodge. Earlier you passed a bill for barbed razor wire. He explained that with the round fence you get blind spots and that is where the prisoners are escaping. He said this should make it so all the area is visible. He said there would be huge spot lights in the towers which will be on to spot any escapee when the alarm goes off on the fence.

He gave some history of the prison, the trips and assurance that it was the best at the time it was built, and that it has not proven to be that good. He added that the addition of some buildings had contributed to blind spots, and this would take care of that also.

Mr. South, director, Dept. of Institutions, spoke as a proponent of the bill saying he had asked Representative Bardanouve to introduce the bill. He said he had been on the Long Range Building Committee when the prison was designed. We heard no guard houses were needed and not many men. The round fence was so that someone could drive around the perimeter every hour or so. We have found out we need both the guard towers and the men. I decided after the last 4 escapees went over it does not matter how secure they are they will find the weakest area. It was where we had gates. We will have someone with lights so they can see along the entire fence. None have gone over where it is observed.

There were no further proponents, no opponents, and the Chairman

asked if the committee had any questions.

Senator Johnson: I agree you need the tower. I wonder about the electronic wire on the gates. How long before they figure out where to cut the wire? South: All of our gates are electronically controlled and the wire is out of sight. They also have a key.

Senator Dover: Is the search light going all the time? South: No. Only if the alarm rings. That is when they will turn on the search lights.

Senator Keating: Referring to the chart--that is number 16? Mr. South: Where the red "x" is? Keating: Is it the blind spot now? South: Those buildings 9, 10 and 11 block the area in one area and buildings 1 and 2 block it in the other area.

Representative Bardanouve: The Legislature has enlarged the prison Industry Program. This tower will cover the prison Industry Area also.

Senator Van Valkenburg: That tower that is on the hill, can the materials be used from that? South: It is built in such a way that you can't move it. The main thing is that it is 700 yards away. It is totally worthless. The day I visited the prison, I had the Warden pull that post off and use it where it would do some good.

Senator Van Valkenburg: We talked a little about when it was first designed. Did the addition of the closed units at one and two create some of the problems? They weren't designed in the prison. South: No more than some of the other things. They never should have designed a circular security fence since you can't stand in one place and see it. We have to continually drive all the way around it. It should probably have been built triangular with a guard tower at each corner.

Senator Haffey: If no more buildings are built would there still be found a weak link? South: The only weak link now would probably be a human error. If another closed unit were built it would go right beside unit 1. We can accomodate one more building and move the fence back behind 16 for more recreation area.

Senator Aklestad: Haven't many of the escapees been human error? South: Only the one. They sawed through a block in closed unit number 2. Inmates shut the door and it shut the alarm off. When they went over the fence it was totally out of the view of the guard tower. The alarm goes off frequently

when no one touches it. It is extremely sensitive. The alarm works. It has gone off every time someone goes over it.

Senator Dover: The thing that bothers me is that it is a round fence and not a straight fence. They were putting in the best of the best. How in the world can they build something that you can't guard properly. Where is their accountability? South: Some of the concepts were good. The closed units, for example. In New Mexico one of the problems they had was they could get from one building to another without going outside. They could make a much bigger disturbance. Here they cannot get from one closed unit to another without going outside where the guards can handle them.

Senator Haffet: Can you see down from the guard tower in between 9 and 10 and between 10 and 11 from 16? South: You can see partially. The units are one story high. You can but it is not that clear.

Representative Bardanouve: I have felt we are facing a very dangerous situation in the prison. You have been criticized for killing some of the bills. If you had not we would be in a major crisis now. Our maximum security is double bunked and whenever at a maximum capacity there is more chance of unrest and mistakes.

Senator Dover: You said build a new unit? How much money are we looking at for that? South: If a closed unit, over \$3 million.

Representative Bardanouve: We have a very serious water supply. If we enlarge the prison much we may have to make a major change here. Also we would have to enlarge the kitchen, and etc. I think \$3 million is a very conservative estimate.

DISPOSITION OF HOUSE BILL 837: Motion by Senator Thomas that House Bill 837 be concurred in. Voted, passed, Senator Thomas to carry the bill.

CONSIDERATION OF HOUSE BILL 853: Representative Shontz sponsor of the bill which was a result of subcommittee action on the elected officials. It would give some latitude to the court in dispensing free copies of the Montana report. It places the responsibility with the court. The current law says the Secretary of State provides that function. The other thing is reducing the cost to the state of Montana Reports. Now they may receive it free. We are going to reduce that number by about 80 or 85 and those agencies can receive them if they need it. By reducing the number of copies and maintaining the current level of appropriation, we can build them up. They

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are running about 2 years behind. If any state agency or local government want them that have been receiving them free, they can purchase them.

There were no proponents, and no opponents.

DISPOSITION OF HOUSE BILL 853: Motion by Senator Dover that House Bill 853 be concurred in. Voted, passed, Senator Van Valkenburg to carry the bill.

DISPOSITION OF HOUSE BILL 617: Senator Himsl said this bill is on water right negotiations. This bill we had held for a break down and you have probably all had a chance to look it over.

MOTION by Senator Story that House Bill 617 be concurred in.

Senator Van Valkenburg: The salary for the Chairman and the Commission, is it something different than \$25 per day or whatever wages in an interim committee meeting? Are they flat rates?

Senator Himsl: They are costs, not salary.

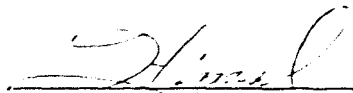
Scott Brown, Program Director: They are a grade 8, step 2 at \$4.83 per for work performed on the Compact Commission plus the per diem.

Senator Himsl. The same as any other legislative function.

Question was called, the vote was taken, the motion passed. Senator Galt to carry the bill.

Since Representative Nordvedt was not present to explain his amendments. It was decided to leave action on 653 until Monday at 9 a.m.

The meeting was adjourned at 10:20 a.m.



Senator Himsl, Chairman

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date

4/3

NAME	PRESENT	ABSENT	EXCUSED
Senator Etchart	✓		
Senator Story	✓		
Senator Aklestad	✓		
Senator Nelson	✓		
Senator Smith			
Senator Dover	✓		
Senator Johnson	✓		
Senator Keating	✓		
Senator Boylan			✓
Senator Regan	✓		
Senator Thomas	✓		
Senator Stimatz	✓		
Senator Van Valkenburg	✓		
Senator Haffey	✓		
Senator Jacobson	✓		
Senator Himsl	✓		

SENATE COMMITTEE

FINANCE AND CLAIMS

Date

4/14

Bill No.

853

Time

10:13

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart	✓			
Senator Story	✓			
Senator Aklestad	✓			
Senator Nelson	✓			
Senator Smith			✓	
Senator Dover	✓			
Senator Johnson	✓			
Senator Keating	✓			
Senator Boylan			✓	
Senator Regan			✓	
Senator Thomas	✓			
Senator Stimatz	✓			
Senator Van Valkenburg	✓			
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Himsl	✓			

Sylvia Kinsey
Secretary

Senator Himsl
Chairman

Motion:

16

SENATE COMMITTEE

FINANCE AND CLAIMS

Date

4/4

Bill No.

837

Time

10:02

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart	✓			
Senator Story	✓			
Senator Aklestad	✓			
Senator Nelson		✓		
Senator Smith			✓	
Senator Dover	✓			
Senator Johnson	✓			
Senator Keating	✓			
Senator Boylan			✓	
Senator Regan			✓	
Senator Thomas	✓			
Senator Stimatz	✓			
Senator Van Valkenburg	✓			
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Himsl	✓			

1213 ok

Sylvia Kinsey
Secretary

Senator Himsl
Chairman

Motion:

16

SENATE COMMITTEE

FINANCE AND CLAIMS

Date

4/4

H

Bill No.

560

Time

9:30

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart	✓			
Senator Story	✓			
Senator Aklestad	✓			
Senator Nelson	✓			
Senator Smith	at ✓		✓	
Senator Dover	✓			
Senator Johnson		✓		
Senator Keating	✓			
Senator Boylan			✓	
Senator Regan	✓			
Senator Thomas		✓		
Senator Stimatz			✓	
Senator Van Valkenburg	✓			
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Himsl	✓			

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2 3

Sylvia Kinsey
Secretary

Senator Himsl
Chairman

Motion:

16
HB 560

SENATE COMMITTEE

FINANCE AND CLAIMS

Date

4/4

Bill No.

617

Time

10:17

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart	✓			
Senator Story	✓			
Senator Aklestad	✓			
Senator Nelson	✓			
Senator Smith			✓	
Senator Dover	✓			
Senator Johnson	✓			
Senator Keating	✓			
Senator Boylan			✓	
Senator Regan			✓	
Senator Thomas	✓			
Senator Stimatz	✓			
Senator Van Valkenburg	✓			
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Himsl	✓			

3 ab

Sylvia Kinsey
Secretary

Senator Himsl
Chairman

Motion:

16

4/4/81

DATE _____
Finance & Claims

NB- 560, 837, 853

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

STANDING COMMITTEE REPORT

April 4 19 81

MR. **President**

We, your committee on **Finance and Claims**

having had under consideration **House** Bill No. **837**

(Thomas)

Respectfully report as follows: That **House** Bill No. **837**

Y.C.
BE CONCURRED IN

XXXXXXXX
DO PASS

STANDING COMMITTEE REPORT

..... April 4 19 81

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 560

(Regan)

Respectfully report as follows: That House Bill No. 560

U.C.

BE CONCURRED IN

~~XXXXXX~~
DO PASS

STANDING COMMITTEE REPORT

April 4 19 81.....

MR. President.....

We, your committee on Finance & Claims.....

having had under consideration House..... Bill No. 617.....

(Galt)

Respectfully report as follows: That..... House..... Bill No. 617.....

G/C.

BE CONCURRED IN

~~XXXXXX~~

STANDING COMMITTEE REPORT

April 4 19 31

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 853

(Van Valkenburg)

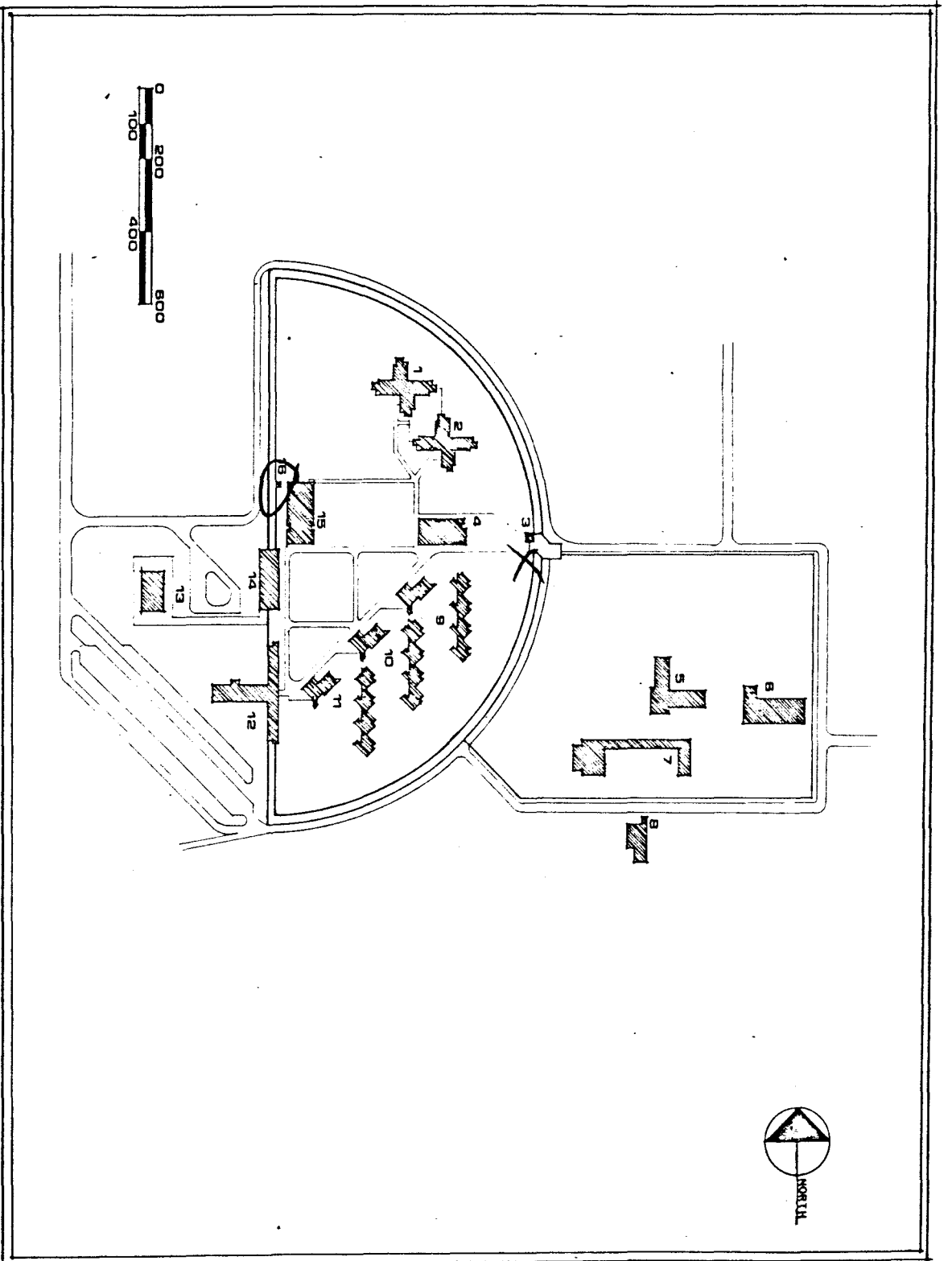
Respectfully report as follows: That House Bill No. 853

BE CONCURRED IN

~~DOOR~~

LEGEND

- MONTANA STATE PRISON**
1. Close Security Housing #1
 2. Close Security Housing #2
 3. Perimeter Guard Station
 4. Food Service
 5. Industries
 6. Manufacturing Industries Auto License Factory & Prison Maintenance Shops
 7. Vocational Education and Automotive Repair Facility
 8. Farm Machinery Repair Facility
 9. Minimum Security Housing
 10. Minimum/Medium Security Housing
 11. Medium Security Housing
 12. Administration/Visting
 13. Infirmary/University of Montana Drug Research Facility
 14. Maximum Security Housing
 15. Gymnasium
 16. Guard Tower



MONTANA STATE PRISON

DEER LODGE

MONTANA

up
H B 831

HB 617



STATE OF MONTANA

Office of the Legislative Fiscal Analyst

STATE CAPITOL
HELENA, MONTANA 59601
406/449-2986

April 3, 1981

TO: Senator Matt Himsl, Chairman
Senate Finance and Claims Committee

FROM: Bob Robinson
Senior Fiscal Analyst

SUBJECT: Proposed Budget for Reserved Rights Compact Commission

The budget outlined below has been submitted by the department of natural resources as justification for the appropriation contained in HB 617. In fiscal 1980, \$16,211 was expended by the commission.

Proposed Budget for Reserved Right
Compact Commission

Salaries		
Chairman	\$ 5,000	\$ 5,500
Commission Members(8)	15,000	16,500
Program Manager	23,000	25,300
Attorney	23,000	25,300
Hydrologist	18,000	19,800
Agriculture Engineer	16,000	17,600
Soil Scientist	16,000	17,600
Secretary	10,000	11,000
Total Salaries	\$126,000	\$138,600
Benefits 20%	25,200	27,720
Total Personal Services	\$151,200	\$166,320
Travel	38,400	42,000
Rent	15,000	20,000
Supplies & Materials	5,000	5,500
Contracted Services	20,000	14,000
Miscellaneous	6,000	2,000
Total Budget	\$235,600	\$249,820
Biennial Total	\$485,420	

RJR:jt:x