

MINUTES OF THE MEETING OF THE STATE ADMINISTRATION COMMITTEE  
June 23, 1982

The meeting of the State Administration Committee was called to order by Chairman Jerry Feda on June 23, 1982 at 1:30 p.m. in room 436 of the State Capitol Building. Roll call was taken and all members were present.

HOUSE BILL 13

EXHIBIT A, "An act directing the Legislative Council to contract, within existing appropriations, with an independent consultant to prepare an estimate of the costs of renovating the old Montana State Prison; requiring the council to submit the report to the 48th Legislature; and providing an immediate effective date", was presented by REP. ELLERD.

REP. ELLERD stated that the Council has \$200,000 that does not revert back until July 1, 1982, and \$5,000.00 to \$7,000.00 could be used for this study. He also stated that he believes the figure of \$6,200,000 to renovate is too high and that this study would allow the legislature to present their facts to the people.

There being no other proponents or opponents at this time, the chairman opened the meeting up to question.

REPRESENTATIVE BRIGGS questioned where and from what capacity the museum that now occupies the old prison receives returns up to \$60,000 per year and asked if the car exhibit is separate from the museum.

REPRESENTATIVE ELLERD answered that he believed the car and museum were separate.

REPRESENTATIVE BRAND came into the meeting late and asked to have permission to speak as a proponent for House Bill 13. He stated that he would like to have another architect's or other professional opinions. He felt that the Council was frantically trying to do something before this special session but was notified too late.

REPRESENTATIVE McBRIDE asked what they expected the cost of the study to be.

REPRESENTATIVE ELLERD stated that the earlier requirements were between three and five thousand dollars (\$3,000 to \$5,000) but the \$7,500 is to be sure there will be enough.

REPRESENTATIVE DUSSAULT asked if they did not sell the prison to the City of Deer Lodge.

REPRESENTATIVE BRAND stated that they sold the prison to the City of Deer Lodge for \$1.00 but that he believes that it could be returned and that the mayor of Deer Lodge will back this but that his priority is having the maximum security out

at the other facility.

REPRESENTATIVE BRIGGS questioned the remark of the architect in that he stated the figure quoted was not guaranteed.

REPRESENTATIVE FEDA stated that these are estimates and not bids.

REPRESENTATIVE FAGG testified as an architect himself and remarked on the figures quoted, and said that they were under the gun and moved fast but that most architects use the figures handed them. He said that remodeling estimates are hard to do.

REPRESENTATIVE KANDUCH asked if they have ever heard of a historical society giving back a building after receiving it.

REPRESENTATIVE FAGG said that he does not know of any other case.

REPRESENTATIVE KROPP asked about the standards of the cells in the old cells.

CARROLL SOUTH, Director of the Department of Institutions, stated that the old prison does not have dayroom space and the cells will not meet standards.

REPRESENTATIVE ELLERD closed on H. B. 13 by saying that he would prefer H.B. 11 because he does not like to ask for money out of the legislature.

The meeting was opened into EXECUTIVE SESSION.

MOTION was made by REPRESENTATIVE MUELLER that HOUSE BILL 9 be tabled. EXHIBIT B

Question was asked by REPRESENTATIVE DUSSAULT the reason for tabling this bill.

REPRESENTATIVE MUELLER stated that after hearing testimony about the condition of the prison being gutted and not meeting standards, besides being over 70 years old, he felt it would be the answer.

A SUBSTITUTE MOTION of DO NOT PASS was made by REPRESENTATIVE DUSSAULT. Motion was SECONDED. MOTION PASSED with REPRESENTATIVES PISTORIA, SOLBERG, SMITH and PHILLIPS voting NO.

ACTION ON HOUSE BILL 9 - DO NOT PASS.

MOTION was made by REPRESENTATIVE DUSSAULT that HOUSE BILL 4 (EXHIBIT C), DO NOT PASS, Motion seconded and question was called. MOTION PASSED. REPRESENTATIVE PISTORIA voted NO.

ACTION ON HOUSE BILL 4 - DO NOT PASS

MOTION that HOUSE BILL 13, (EXHIBIT A) DO NOT PASS was made by REPRESENTATIVE DUSSAULT. Motion was seconded and question was called. MOTION PASSED with REPRESENTATIVES PISTORIA, SOLBERG and GOULD voting NO.

ACTION ON HOUSE BILL 13 - DO NOT PASS

Discussion was held as to whether killing this bill would kill the issue. Ms. Dowling, legislative council, said that a committee could reject the study and another could choose to continue it.

REPRESENTATIVE PHILLIPS MOVED HOUSE BILL 3, (EXHIBIT D), be TABLED. Discussion was held.

REPRESENTATIVE FEDA stated that he would not support an institution that is not needed or acceptable and feels there needs to be left a choice to choose from after the study.

REPRESENTATIVE KANDUCH said that he was impressed with Glasgow but feels that if minimum security people are put into Glasgow there would be no one left to work the farm.

REPRESENTATIVE O'CONNELL made a SUBSTITUTE MOTION that HOUSE BILL 3 DO PASS. Motion was seconded by REPRESENTATIVE HOLLIDAY.

More discussion was held as to the negative and positive results of separating minimum and maximum prisoners. REPRESENTATIVE BRIGGS questioned whether maximum security needed more space or did minimum security.

Question was called on the motion of HOUSE BILL 3, DO PASS. Roll call vote was taken and tallied as follows:

REP. FEDA	YES	REP. GOULD	NO
REP. MUELLER	NO	REP. HANSON	NO
REP. KROPP	YES	REP. HOLLIDAY	YES
REP. SOLBERG	NO	REP. KANDUCH	YES
REP. PHILLIPS	YES	REP. KENNERLY	YES
REP. RYAN	NO	REP. MCBRIDE	NO
REP. SMITH	NO	REP. O'CONNELL	YES
REP. SPILKER	NO	REP. PISTORIA	NO
REP. BRIGGS	NO	REP. DUSSAULT	YES
		REP. ASSARA	YES

QUESTION was called on the original motion that H.B. 3 be tabled. MOTION PASSED.

ACTION ON H.B. 3 - TABLED

A ten minute recess was called and the meeting reopened.

HOUSE BILL 11 was presented by REPRESENTATIVE SPILKER by saying that 'the governor has either done the worst thing in the world to us or the best thing in the world to us -- we have had to focus in on one thing'. She stated that in doing this thinking it has created more questions than answers. EXHIBIT E

REPRESENTATIVE SPILKER remarked that after the disturbance at the prison in March the Governor recommended more minimum security, then he changed asking for more maximum security. She stated that she too has changed her thinking as she secured more information.

REPRESENTATIVE SPILKER presented her amendments to the committee. (EXHIBIT E-1)

REPRESENTATIVE SPILKER stated that the fact finding committee would give the committee and the people of Montana the facts and answers to their questions. She asked the committee to give this bill consideration.

REPRESENTATIVE and SPEAKER OF THE HOUSE, BOB MARKS, stated his support of this bill and its amendments. He stated that there are a number of things the task force could compile so the next legislation could take some positive action.

REPRESENTATIVE ELLERD spoke in favor of H.B. 11 and suggested an amendment that would require the committee to go through the Legislative Council to obtain an independent cost estimate for the cost of renovating the old prison. Basically the amendment would leave the task force do what was proposed in House Bill 13.

REPRESENTATIVE BRAND spoke in favor of Representative Ellerd's amendment saying all the options will have to be considered then.

OPPONENTS were called.

DAVE LEWIS, Director of Budget and Planning said that this issue has been under study since 1958 and that maybe the legislature was given too much information, more than could be simulated.

REPRESENTATIVE MENAHAN said that he thinks people are tired of seeing the Legislature come in and recess without making a decision.

HANK RISLEY, warden of the state prison, said that they have a problem in the prison and stated "that if you do not do something, you are part of the problem".

CARROLL SOUTH, Director of the Department of Institutions, said they have 285 inmates in a place designed for 192. Crime against persons has jumped from 40% to 50%.

REPRESENTATIVE PISTORIA said that he opposes this bill and asked if this bill passes, will it stop all action at the prison.

REPRESENTATIVE SPILKER said that there are other bills that will take action.

The question was asked to REPRESENTATIVE MARKS if he believes there are more maximum security people than before and if getting ready the sooner the better wouldn't be best.

REPRESENTATIVE MARKS answered yes to both questions, but said that there could be other better solutions that are not mentioned in the proposal of the administration such as prerelease centers, training and dependency programs.

REPRESENTATIVE MARKS stated that some of the hard core criminals are there because they worked hard at it, not one act, but two or three brought them back. With the right programs, this may not have happened.

REPRESENTATIVE MC BRIDE asked REPRESENTATIVE SPILKER when she would see this information to be available.

REPRESENTATIVE SPILKER said that the major amount of work should be compiled before election.

REPRESENTATIVE SPILKER closed on House Bill 11 and said that there has been 40 some bills drafted and to say by passing this bill we have done nothing would be erroneous. She said that she believed they would have to add 50 FTEs. Even if the Governor's biggest bill was passed it would do nothing immediately.

The Hearing on House Bill 11 closed.

The Meeting was reopened for EXECUTIVE SESSION.

REPRESENTATIVE SPILKER MOVED HOUSE BILL 11 DO PASS. REPRESENTATIVE MUELLER seconded the motion.

REPRESENTATIVE SPILKER MOVED the Amendments to H.B. 11, motion was seconded. MOTION PASSED.

REPRESENTATIVE PHILLIPS MOVED REPRESENTATIVE ELLERD's amendment but due to the fact that the committee would be required to go through the legislative council for the independent cost estimate for renovating the old prison the motion was withdrawn.

REPRESENTATIVE PHILLIPS MOVED that HOUSE BILL 11 DO PASS AS AMENDED. REPRESENTATIVE MUELLER seconded the motion.

Discussion was held by the committee and again overcrowding, counseling and the need to do something immediately was discussed.

QUESTION was called on HOUSE BILL 11. A roll call vote was taken.

REP. FEDA	YES	REP. GOULD	YES
REP. MUELLER	YES	REP. HANSON	YES
REP. KROPP	YES	REP. HOLLIDAY	NO
REP. SOLBERG	YES	REP. KANDUCH	NO
REP. PHILLIPS	YES	REP. KENNERLY	NO
REP. RYAN	YES	REP. MC BRIDE	NO
REP. SMITH	YES	REP. O'CONNELL	NO
REP. SPILKER	YES	REP. PISTORIA	NO
REP. BRIGGS	YES	REP. DUSSAULT	NO
		REP. AZZARA	NO

MOTION PASSED.

ACTION ON HOUSE BILL 11 - DO PASS AS AMENDED

It was MOVED to TABLE HOUSE BILL 7 by REPRESENTATIVE MUELLER (EXHIBIT G)

REPRESENTATIVE KANDUCH made a SUBSTITUTE MOTION of DO PASS. A roll call vote was taken.

REP. FEDA	NO	REP. GOULD	NO
REP. MUELLER	NO	REP. HANSON	NO
REP. KROPP	NO	REP. HOLLIDAY	YES
REP. SOLBERG	NO	REP. KANDUCH	YES
REP. PHILLIPS	NO	REP. KENNERLY	YES
REP. RYAN	NO	REP. MC BRIDE	YES
REP. SMITH	NO	REP. O'CONNELL	YES
REP. SPILKER	NO	REP. PISTORIA	YES
REP. BRIGGS	NO	REP. DUSSAULT	YES
		REP. AZZARA	YES

MOTION FAILED.

MOTION was made by Representative Mueller of DO PASS. Roll call vote was taken.

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ADMINISTRATION COMMITTEE  
June 23, 1982

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REP. FEDA	YES	REP. DUSSAULT	NO
REP. MUELLER	YES	REP. GOULD	YES
REP. KROPP	YES	REP. HANSON	YES
REP. SOLBERG	YES	REP. HOLLIDAY	YES
REP. PHILLIPS	YES	REP. KANDUCH	YES
REP. RYAN	YES	REP. KENNERLY	NO
REP. SMITH	YES	REP. MC BRIDE	NO
REP. SPILKER	YES	REP. O'CONNELL	NO
REP. BRIGGS	YES	REP. PISTORIA	NO
		REP. AZZARA	NO

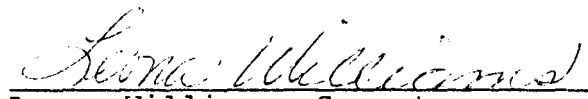
MOTION PASSED.

ACTION ON HOUSE BILL 7 - TABLED

REPRESENTATIVE O'CONNELL MOVED that HOUSE BILL 6 DO NOT PASS.  
REPRESENTATIVE KANDUCH seconded the motion. MOTION PASSED with  
REPRESENTATIVE PISTORIA voting NO.

Motion was made to adjourn the meeting at 4:45 p.m.

  
\_\_\_\_\_  
CHAIRMAN G. C. "JERRY" FEDA

  
\_\_\_\_\_  
Leona Williams, Secretary

47th Legislature

LC 0021/01

*HB* BILL NO. 13  
*William Edward Boyle*  
JACOB JOHNSON #113

1 INTRODUCED BY William Edward Boyle

2

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE

5 LEGISLATIVE COUNCIL TO CONTRACT, WITHIN EXISTING

6 APPROPRIATIONS, WITH AN INDEPENDENT CONSULTANT TO PREPARE AN

7 ESTIMATE OF THE COSTS OF RENOVATING THE OLD MONTANA STATE

8 PRISON; REQUIRING THE COUNCIL TO SUBMIT THE REPORT TO THE

9 48TH LEGISLATURE; AND PROVIDING AN IMMEDIATE EFFECTIVE

10 DATE."

11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Capital repairs to old prison -- cost

14 estimate. (1) The legislative council shall, within existing

15 appropriations, contract with an independent consultant to

16 prepare a report estimating the costs of capital repairs

17 necessary to enable the old Montana state prison, built in

18 1870, to be used for incarcerating maximum security inmates.

19 (2) The report must be prepared by December 1, 1982,

20 and the legislative council shall submit the report to the

21 48th legislature.

22 Section 2. Effective date. This act is effective on

23 passage and approval.

--End--



*HB* Bill No. 9  
*David - Ollrod*

1 INTRODUCED BY \_\_\_\_\_

2 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE USE OF

3 THE OLD MONTANA STATE PRISON; REQUIRING THE DEPARTMENT OF

4 STATE LANDS TO NEGOTIATE FOR THE TERMINATION OF THE LEASE OF

5 THE OLD PRISON; ALLOWING THE WARDEN TO DETERMINE WHICH

6 PRISONERS TO INCARCERATE IN THE OLD PRISON; REQUIRING THE

7 PHYSICAL PLANT TO MEET CERTAIN STANDARDS; APPROPRIATING

8 MONEY FOR THE REMOVAL OF THE OLD PRISON; AND PROVIDING AN

9 IMMEDIATE EFFECTIVE DATE."

10 WHEREAS, the Montana Territorial and State Prison was

11 listed in the National Register of Historic Places on

12 September 3, 1976; and

13 WHEREAS, since that time the prison has received

14 funding from the Federal Historic Preservation Fund which

15 required the signing of a 10-year covenant assuring the

16 general preservation of the structure; and

17 WHEREAS, the aforementioned covenant does not preclude

18 changes to the property, nor does it prevent the reuse of

19 the prison as a prison.

20 THEREFORE, it is the intent of this act that the

21 Montana Territorial and State Prison be renovated for use in

22 housing maximum security inmates.

23

24

25

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

2 Section 1. Definitions. For the purposes of this act,

3 unless otherwise stated, the following definitions apply:

4 (1) "Capital project" means acquisition of land or

5 improvements, planning, capital construction, renovation,

6 furnishing, or major repair projects authorized in this act.

7 (2) "BPICA" means account number 06142 in the bond

8 proceeds and insurance clearance fund; "FPRA" means federal

9 and private revenue account; "ERA" means earmarked revenue

10 account; and "other appropriated funds" means money other

11 than general fund or BPICA money that accrues under

12 provisions of law to an agency indicated herein.

13 (3) "Old prison" means the Montana territorial and

14 state prison including all of blocks 52, 53, 62, 63, 66, and

15 67 of the original townsite to the city of Deer Lodge,

16 Powell County, Montana.

17 Section 2. Termination of lease. The department of

18 state lands shall enter into negotiations with the city of

19 Deer Lodge to terminate the lease between the state of

20 Montana and the city of Deer Lodge concerning the old

21 prison.

22 Section 3. Use of old prison. (1) The old prison shall

23 be used primarily for maximum security inmates. The warden

24 of the Montana state prison may determine, for security

25 reasons, which prisoners are to be incarcerated in the old

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1 prison.

2 (2) The old prison shall meet the minimum physical  
3 plant standards for existing adult facilities as promulgated  
4 by the Commission on Accreditation for Corrections of the  
5 American Correctional Association.

6 Section 4. Severability. If a part of this act is  
7 invalid, all valid parts that are severable from the invalid  
8 part remain in effect. If a part of this act is invalid in  
9 one or more of its applications, the part remains in effect  
10 in all valid applications that are severable from the  
11 invalid applications.

12 Section 5. General fund appropriation. There is  
13 appropriated from the general fund to account number 06142  
14 in the bond proceeds and insurance clearance fund \$4.5  
15 million to be used to support the project provided for in  
16 section 6.

17 Section 6. Planning and capital projects  
18 appropriation. There is appropriated from the BPICA to the  
19 director of the department of administration:

20 DEPARTMENT OF INSTITUTIONS

21	Planning, renovation, and capital projects	
22	enabling the old prison to house	
23	maximum security inmates	\$4.5 million
24	Section 7. Effective date. This act is effective on	
25	passage and approval.	

-End-

LC 0004/01

47th Legislature

1 HOUSE BILL NO. 4 SPECIAL SESSION 2

2 INTRODUCED BY ELLERD

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE  
5 LEGISLATIVE COUNCIL TO CONTRACT WITH AN INDEPENDENT  
6 CONSULTANT TO PREPARE AN ESTIMATE OF THE COSTS OF RENOVATING  
7 THE OLD MONTANA STATE PRISON; REQUIRING THE COUNCIL TO  
8 SUBMIT THE REPORT TO THE 48TH LEGISLATURE; APPROPRIATING  
9 FUNDS FOR THE PROJECT; AND PROVIDING AN IMMEDIATE EFFECTIVE  
10 DATE."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Appropriation. (1) There is appropriated  
14 from the general fund to the legislative council \$7,500 for  
15 fiscal year 1983 for the purpose of contracting with an  
16 independent consultant to prepare a report estimating the  
17 costs of capital repairs necessary to enable the old Montana  
18 state prison, built in 1870, to be used for incarcerating  
19 maximum security inmates.

20 (2) The report must be prepared by December 1, 1982,  
21 and the legislative council shall submit the report to the  
22 48th legislature.

23 Section 2. Effective date. This act is effective on  
24 passage and approval.

-End-

INTRODUCED BILL

47th Legislature

LC 0003/01

1 HOUSE BILL NO. 3 SPECIAL SESSION 2

2 INTRODUCED BY FEBA

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY  
5 FOR A MEN'S CORRECTIONAL AND PRISON INDUSTRIES FACILITY TO  
6 BE LOCATED AT GLASGOW, MONTANA; PROVIDING THAT THE LOCATION  
7 OF THE STATE PRISON IS AT DEER LODGE AND GLASGOW; AMENDING  
8 53-30-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 53-30-101, MCA, is amended to read:  
12 "53-30-101. Location and function of prison. The  
13 institution institutions at Deer Lodge and Glasgow comprise  
14 the state prison, and--as--its The prison's primary  
15 function provides is to provide facilities for the custody,  
16 treatment, training, and rehabilitation of adult criminal  
17 offenders."

18 NEW\_SECTION. Section 2. Appropriation. There is  
19 appropriated to the department of institutions \$3,216,000  
20 from the general fund for the establishment of a men's  
21 correctional and prison industries facility to be located at  
22 the Valley Industrial Park, Glasgow, Montana.

23 NEW\_SECTION. Section 3. Effective date. This act is  
24 effective on passage and approval.

-End-

House BILL NO. 11 S.S.#2  
 INTRODUCED BY *SPILKER*  
*Mark Spilker*

1 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SPECIAL  
 2 SELECT COMMITTEE TO PREPARE RECOMMENDATIONS AND A PLAN OF  
 3 ACTION TO DEAL WITH MONTANA'S CORRECTIONAL PROBLEMS FOR THE  
 4 CONSIDERATION OF THE 48TH LEGISLATURE; PROVIDING FOR  
 5 STAFFING AND USE OF CONSULTANTS BY THE COMMITTEE;  
 6 APPROPRIATING FUNDS FOR THE COMMITTEE; AND PROVIDING AN  
 7 IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

11 WHEREAS, the Governor has convened the Legislature to  
 12 consider the conditions and problems existing at the Montana  
 13 State Prison and within the state's adult correctional  
 14 programs generally; and

15 WHEREAS, the 46th Legislature at the request of the  
 16 Governor appropriated \$4 million for additional correctional  
 17 needs, including an additional 118 beds at the Montana State  
 18 Prison, only to be informed a few months later that it was  
 19 unnecessary; and

20 WHEREAS, on April 7, 1982, the Governor recommended as  
 21 a result of ongoing evaluation that the state develop a  
 22 permanent medium/minimum security facility capable of  
 23 housing 150 inmates and in June 1982 recommended instead the  
 24 construction of a close security facility capable of housing

1 120 high risk inmates; and  
 2 WHEREAS, the Governor assured the Montana Church Women  
 3 United that alternatives to the women's correctional  
 4 facility at Warm Springs would be considered, but such  
 5 alternatives have not been addressed in any of the  
 6 Governor's proposals for this special session of the  
 7 Legislature; and

8 WHEREAS, the Governor has appointed an independent  
 9 Prison Alternatives Committee to prepare recommendations on  
 10 alternative correctional programs for Montana, and the  
 11 committee has yet to complete its work; and

12 WHEREAS, an analysis of the Governor's proposals by the  
 13 Legislative Fiscal Analyst has brought forth discrepancies  
 14 that are unaccounted for at this time; and

15 WHEREAS, the Legislature desires that, given the  
 16 potentially dangerous nature of their jobs, the warden and  
 17 staff of the Montana State Prison be in complete control of  
 18 their institution without unnecessarily endangering  
 19 themselves; and

20 WHEREAS, the Legislature desires to avoid possible  
 21 judicial intervention into conditions at the Montana State  
 22 Prison by addressing any problems in an informed and timely  
 23 manner; and

24 WHEREAS, the Legislature hears the demands of the  
 25 people of Montana for swift and sure punishment of convicted

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1 criminals in a manner insuring the safety and protection of  
2 the people of Montana; and

3 WHEREAS, the Legislature also recognizes its  
4 responsibility to provide opportunities for the  
5 rehabilitation, reformation, and training of inmates in  
6 order to reduce recidivism and produce productive members of  
7 society; and

8 WHEREAS, the Legislature supports the following  
9 concepts:

- 10 (1) secure incarceration for dangerous offenders;
- 11 (2) actual work experience and vocational and
- 12 on-the-job training for inmates, which instill in them the
- 13 work ethic;
- 14 (3) educational opportunities for inmates desiring to
- 15 avail themselves of such opportunities;
- 16 (4) alcohol and drug abuse counseling for inmates; and
- 17 (5) cooperation between agencies of state government
- 18 and the university system for the utilization of staff and
- 19 services that may be beneficial for the inmates of the
- 20 prison and society in general; and

21 WHEREAS, the people of Montana have had only limited  
22 opportunity to be heard in a structured and productive  
23 hearing process for purposes of expressing their concerns  
24 and expectations for Montana's correctional system.

25 THEREFORE, it is the intent of this act that a special

1 select committee of the Legislature be created to develop a  
2 plan of action on corrections for presentation to the 48th  
3 Legislature.

4  
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
6 Section 1. Special select committee on corrections --  
7 establishment -- organization. (1) There is established a  
8 12-member special select committee on corrections.

9 (2) The committee shall be appointed in the following  
10 manner:

11 (a) The speaker of the house, after consultation with  
12 the house majority and minority leaders, shall appoint six  
13 members to serve on the committee. No more than three house  
14 members of the committee may be from the same party. At  
15 least one person in a leadership position from each party  
16 shall be appointed to the committee by the speaker of the  
17 house.

18 (b) The president of the senate, after consultation  
19 with the committee on committees of the senate, shall  
20 appoint six members to serve on the committee. No more than  
21 three senate members of the committee may be from the same  
22 party. At least one person in a leadership position from  
23 each party shall be appointed to the committee by the  
24 president of the senate.

25 (3) Committee members shall elect a chairman and

1 vice-chairman.

2 (4) Committee members are entitled to compensation and

3 expenses as provided in 5-2-302.

4 Section 2. Special select committee function. (1) The

5 special select committee on corrections shall develop a plan

6 of action and recommend policies for consideration by the

7 48th legislature in order that a comprehensive and coherent

8 correctional policy may be developed for Montana.

9 (2) In formulating its plan of action and in preparing

10 its recommendations, the committee shall:

11 (a) solicit wide public participation and hold public

12 hearings on correctional issues;

13 (b) review the proposals and considerations of past

14 legislative and administration planning and study groups in

15 order to resolve inconsistencies and establish areas of

16 agreement;

17 (c) utilize outside agencies, individuals, and

18 consultants as the committee considers necessary; and

19 (d) obtain independent cost estimates for any

20 alternative capital projects the committee may recommend.

21 Section 3. Use of consultants. The legislative

22 council, upon request from the special select committee,

23 shall retain such consultants as required by the committee.

24 Section 4. Committee staff. The legislative council,

25 legislative fiscal analyst, and legislative auditor shall

1 provide staffing and assistance to the committee as the

2 committee requires. The legislative council shall assist the

3 committee in preparing its reports and recommendations as

4 provided in Title 5.

5 Section 5. Appropriation. There is appropriated

6 \$\_\_\_\_\_ from the general fund to the legislative council

7 for the purposes of assisting the special select committee

8 on corrections as provided in sections 3 and 4.

9 Section 6. Effective date -- termination. This act is

10 effective on passage and approval and terminates January 1,

11 1983.

-End-

PROPOSED AMENDMENTS TO HOUSE BILL NO. 11  
SPECIAL SESSION NO. 2

1. Title, lines 4 and 5.

Strike: "SPECIAL SELECT COMMITTEE"

Insert: "FACT-FINDING TASK FORCE"

2. Title, line 8.

Strike: "COMMITTEE"

Insert: "TASK FORCE"

3. Title, line 9.

Strike: "COMMITTEE"

Insert: "TASK FORCE"

4. Page 1, line 16 through line 7 on page 2.

Strike line 16 on page 1 through line 7 on page 2 in  
their entirety

5. Page 2, line 9.

Following: "Alternatives"

Strike: "Committee"

Insert: "Task Force"

6. Page 2, line 11.

Strike: "committee"

Insert: "task force"

7. Page 2, line 12 through line 19.

Strike: line 12 through line 19 in their entirety

Insert: "WHEREAS, the legislature has received  
inconsistent advice and information relating to  
what really ought to be done to solve corrections  
problems in Montana; and"

8. Page 3, line 13.

Following: "ethic"

Insert: "and which better utilize facilities such as  
the prison ranch"

9. Page 3, line 20.

Following: "general;"

Strike: "and"

Following: line 20

Insert: "(6) adequate training programs for the  
prison staff; and"

10. Page 3, line 25 through line 1 on page 4.

Strike: "special select committee"

Insert: "fact-finding task force"



11. Page 4, line 6.

Strike: "Special select committee"

Insert: "Fact-finding task force"

12. Page 4, lines 7 and 8.

Strike: "a 12-member special select committee"

Insert: "an 8-member fact-finding task force"

13. Page 4, line 9.

Strike: "committee"

Insert: "task force"

14. Page 4, line 12.

Strike: "six"

Insert: "four"

15. Page 4, line 13.

Strike: "committee"

Insert: "task force"

Strike: "three"

Insert: "two"

16. Page 4, line 14.

Strike: "committee"

Insert: "task force"

17. Page 4, lines 14 through 17.

Following: "party."

Strike: "At" and lines 15 through 17 in their entirety

18. Page 4, lines 18 and 19.

Following: "(b)"

Strike: the remainder of line 18 through "the" on  
line 19

Insert: "The"

19. Page 4, line 20.

Strike: "six"

Insert: "four"

Strike: "committee"

Insert: "task force"

20. Page 4, line 21.

Strike: "three"

Insert: "two"

21. Page 4, lines 22 through 24.

Following: "party."

Strike: the remainder of line 22 and lines 23 and 24  
in their entirety

22. Page 5, line 4.  
Strike: "Special select committee"  
Insert: "Task force"

23. Page 5, line 5.  
Strike: "special select committee"  
Insert: "task force"

24. Page 5, line 10.  
Strike: "committee"  
Insert: "task force"

25. Page 5, line 18.  
Strike: "committee"  
Insert: "task force"

26. Page 5, line 20.  
Strike: "committee"  
Insert: "task force"

27. Page 5, line 22.  
Strike: "special select committee"  
Insert: "task force"

28. Page 5, line 23.  
Strike: "committee"  
Insert: "task force"

29. Page 5, line 24.  
Strike: "Committee"  
Insert: "Task force"

30. Page 6, line 1.  
Strike: "committee"  
Insert: "task force"

31. Page 6, line 2.  
Strike: "committee"  
Insert: "task force"

32. Page 6, line 3.  
Strike: "committee"  
Insert: "task force"

33. Page 6, line 6.  
Strike: "          "  
Insert: "35,000"

34. Page 6, line 7.  
Strike: "special select committee"  
Insert: "fact-finding task force"

1  
2  
3  
4

HB BILL NO. 7  
 INTRODUCED BY *Mendelsohn*  
*Subcommittee on Capital Improvements*  
 BY REQUEST OF THE GOVERNOR *Grubbs*  
*Hobby Money*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY  
6 FOR PRISON EXPANSION CAPITAL IMPROVEMENT PROJECTS FOR THE  
7 BIENNIUM ENDING JUNE 30, 1983; AND PROVIDING AN IMMEDIATE  
8 EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions. For the purposes of this act,

12 unless otherwise stated, the following definitions apply:  
13 (1) "Capital project" means acquisition of land or  
14 improvements, planning, capital construction, renovation,  
15 furnishing, or major repair projects authorized in this act.  
16 (2) "BPICA" means account number 06142 in the bond  
17 proceeds and insurance clearance fund; "FPRA" means federal  
18 and private revenue account; "ERA" means earmarked revenue  
19 account; and "other appropriated funds" means money other  
20 than general fund or BPICA money that accrues under  
21 provisions of law to an agency indicated herein.

22 (3) "Approved budget amendment" means approval by the  
23 budget director of a request submitted through the  
24 architecture and engineering division of the department of  
25 administration to transfer excess funds appropriated to a

1 capital project within that agency or to obtain financing to  
2 expand a project with funds that were not available for  
3 consideration by the legislature.

4 Section 2. Expansion required to be authorized. No  
5 existing capital project may be expanded beyond the scope of  
6 the project as approved by the 47th legislature unless the  
7 capital project expansion is authorized by an approved  
8 budget amendment.

9 Section 3. Severability. If a part of this act is  
10 invalid, all valid parts that are severable from the invalid  
11 part remain in effect. If a part of this act is invalid in  
12 one or more of its applications, the part remains in effect  
13 in all valid applications that are severable from the  
14 invalid applications.

15 Section 4. Totals not appropriations. The totals shown  
16 in this act are for informational purposes only and are not  
17 appropriations.

18 Section 5. General fund appropriation. There is  
19 appropriated from the general fund to account number 06142  
20 in the bond proceeds and insurance clearance fund \$9,605,780  
21 to be used to support the project provided for below.

22 Section 6. Prison construction appropriation. The  
23 following money is appropriated from the bond proceeds and  
24 insurance clearance fund to the director of the department  
25 of administration:

1	MONTANA STATE PRISON		
2	One 120-Man Close Security Housing Unit	\$4,281,510	
3			
4	New Dining Hall	325,960	
5	New Gymnasium and Music Building	809,100	
6	New Administration, Library, Education, and Visitors' Building	2,698,830	
7			
8			
9	Sitework and Utilities		
10	1. Fence	\$445,225	
11	2. Underground Utilities	25,000	
12	3. Paving	233,200	
13	4. Sally Ports	44,200	
14	5. Guard Towers	256,000	
15	6. Profit, Architect Fee, Contingency	486,155	
16			
17	Total Sitework and Utilities	<u>1,490,380</u>	
18	TOTAL MONTANA STATE PRISON	\$9,605,780	
19	Section 7. Effective date. This act is effective on		
20	passage and approval.		

-End-

ROLL CALL VOTE ----- State Administration COMMITTEE

	Motion Do pass		Motion Do pass as amend		Motion Do pass		Motion table		Date No:	Date No:
	Date: 6/23 No: HB 3	FAILED	Date: 6/23 No: HB 11	PASSED	Date: 7 FAILED	Date: 6/23 No: 7	TABLED			
FEDA, Jerry	Yes		Yes		No		Yes			
MUELLER, Glenn	No		Yes		No		Yes			
KROPP, Paul	Yes		Yes		No		Yes			
SOLBERG, Chester	No		Yes		No		Yes			
PHILLIPS, John	Yes		Yes		No		Yes			
RYAN, John	No		Yes		No		Yes			
SMITH, Carl	No		Yes		No		Yes			
SPIKER, Bobby	No		Yes		No		Yes			
BRIGGS, Harold	No		Yes		No		Yes			
GOULD, Bud	No		Yes		No		Yes			
HANSON, Ben	No		Yes		No		Yes			
HOLLIDAY, Gay	Yes		No		Yes		Yes			
KANDUCH, Joe	Yes		No		Yes		Yes			
KENNERLY, Roland	Yes		No		Yes		No			
MCBRIDE, Kathleen	No		No		Yes		No			
O'CONNELL, Helen	Yes		No		Yes		No			
PISTORIA, Paul	No		No		Yes		No			

