

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

SPECIAL SESSION II

June 26, 1982

The fifth meeting of the Senate Finance and Claims Committee for Special Session II met in room 108 of the State Capitol at 7:45 p.m. on the above date. The meeting was called to order by Senator Himsl for consideration of House Bill 20.

Senator Himsl read through the amended form to give the committee the changes in the bill. Representative Mike Keedy, House District 18, Kalispell, sponsor of the bill, said he would apologize since he recognized the lateness of the hour. He explained the changes in the bill and said there had been a lot of talk in making it better. If we could raise a wand and have sufficient housing, we would not have come to grips with the crime and the recidivism problem. They will all be released and come back to society. The sex offenders will be back also, and if pre-dispositioned to violence, then the Legislature will not have accomplished anything in helping safeguard the people of Montana without a program of treatment for these people. The \$71,000 is not much, but it is a baby step in the right direction. It will assist the Department in treating the underlying causes that give the revolving door effect.

Warden Risley, MSP spoke in favor of the bill. He said, I find the Legislature again working on a problem we did not ask them to address. We speak strongly in support of dealing with sex offenders. We do not have a program to treat this now. We don't have enough case workers to cover the area. The prison is very much in support of this bill.

Representative Robert Anderson, District 16, spoke in favor of the bill. He said he was from Big Fork, but being in Helena where there had been a recent sex offense of a young youth had brought home some truths. 80 to 90% of the people incarcerated are chemically dependent or sex violators. Most average 14.2 months until they are eligible for parole.

Representative Andreason, House District 24 said we have talked about a new building to house and stow them away, yet we know most of the individuals will get out anyway. We would be very remiss in letting them out if we did not give them some sort of treatment program.

There were no further proponents, no opponents, and Chairman Himsl called for questions from the committee.

Senator Smith: How many inmates at the prison presently are sex offenders? Are they classified?

Warden Risley: I don't have that information.

Senator Smith: Keedy?

Representative Keedy: I don't know.

Senator Smith: I was wondering if it would require a full time counselor.

Senator Van Valkenburg: Mr. Russel, are you familiar with any situations where district judges are trying to give orders for treatment to offenders?

Mr. Dan Russel, Administrator for the corrections division, answered: Judge Bennett has alluded to it. Also, I think one in Missoula.

Representative Keating: I would like to comment. When I first saw this bill early in the session, I was opposed to part of it. The chemical dependency treatment and those counselors, because I have been involved in Mental Health and Chemically dependent people in the past. The treatment for chemical dependents and mental health are as distinct as black and white. I thought if the bill got here I would oppose that part. When I heard that mental health was back in it, I was ready to vote against it. In the amendment from their \$77,000 for two and a sex counselor, we need some sort of classification to find what sort of treatment we need over there. Some get out. I know of one sex offender who was released, went down town and threw a brick through a window to get back in. He said he could not handle it outside. I recognize that we were lucky. I say let us vote for the bill and get it through.

Senator Smith: Even if you had a sex counselor and had given treatment could you assure us he would not have done something again?

Senator Keating: It would be better than nothing.

Senator Van Valkenburg: It is clear that one counselor is for treatment of sex offenders. What about the other two? Are they more general?

Representative Keedy: More general, I think. It would depend on who was hired to fill those positions.

Senator Van Valkenburg: Would you have any problem with following the intent of this bill, and if necessary put all of them to work on the sex offense issue and taking a look at what kind of treatment we might need so that the information could be available to us next January?

Representative Keedy: No.

Senator Van Valkenburg: I think in just talking around to judges around the state and to county attorneys, they are as frustrated as you by not dealing with sex offenders. They don't want them to go and get out later if nothing has been done for them--That is especially true of those who have gone for a repulsive offense. I think eventually we are going to get stuck with paying back bills in sending them to Arizona or somewhere. I think this is money well spent to find out if we can get some sort of treatment for them in the state.

Senator Himsl: Do you know anyone who has come through this sexual offender treatment?

Senator Van Valkenburg: Yes, I do. I have some clients who have been through it. They have a treatment center in California, Ohio and Florida, and I think there is one other state that has one.

Senator Himsl: Are there any cases of reformation?

Senator Van Valkenburg: Two at the present time that I know of. Our success rate at the present time are sort of like cancer--they go through about 2 to 5 years to reach a success rate.

Senator Himsl: In my experience, no one has been corrected that has not gone back in for repetition. It is a little like kidnapping or murder or something like that as to the type of crime.

Senator Van Valkenburg: In the past few years people are beginning to see you can do something for these people.

Senator Smith: The effective date is July 1, 1982. Are there counselors that can be put on immediately?

Senator Van Valkenburg: The vacancy savings factor could be put in this bill because of getting someone on board.

Senator Thomas: Are there other programs in the nation? If you recognize the problem, is there any proven method that is working?

Representative Keedy: There are individual instances that seem to bear out the value of the treatment. There are no assurances that in any given case it will work. I think myself that in many cases it will not.

Senator Thomas: Where do you get the trained counselors?

Senator Van Valkenburg: Dr. Moses, present chemical psychologist, appeared before the committee. He has a masters degree in psychology. He talked in specifics about how it would be done and will probably know who.

Senator Boylan: My question was answered. I was going to ask the warden if they know if the people are available at other places in the United States.

Senator Himsl: There are all kinds of counselors. You are asking about a special kind.

DISPOSITION OF HOUSE BILL 20: Motion by Senator Keating that House Bill 20 be concurred in. Voted, failed.

Motion by Senator Wolf that House Bill 20 be not concurred in. Voted, carried. Roll call reverse.

The meeting was adjourned.

Senator Matt Himsl, Chairman

47th LEGISLATIVE SPECIAL SESSION # II

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

--- 47th LEGISLATIVE SESSION -- 1981 --- Date 6-26-82

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

STANDING COMMITTEE REPORT

June 19 82

MR. PRESIDENT

We, your committee on FINANCE AND CLAIMS

having had under consideration HOUSE Bill No. 1

Respectfully report as follows: That HOUSE Bill No. 1

BE CONCURRED IN
~~DOUBT~~

SENATE COMMITTEE

FINANCE AND CLAIMSDate 6/22/82 H Bill No. 1 Time _____

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

Sylvia Kinsey
SecretarySenator Himsl
ChairmanMotion: Be Concurredall present

STANDING COMMITTEE REPORT

..... June 19 82

MR. **President**

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

having had under consideration **House** Bill No. **0002**

(Hims1)

Respectfully report as follows: That **House** Bill No. **0002**

third reading bill, be amended as follows:

See attached sheets.

~~XXXXX~~

y/c.

1. Title, line 7.

Following: "1983;"

Insert: "CLARIFYING THE USE OF PAY PLAN FUNDS AND THEREBY
PROVIDING A SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 1982;"

2. Page 2.

Following: line 21

Insert: "Section 6. Pay plan funds. (1) Funds appropriated in Chapter No. 421, of the session laws of the 47th Legislature for increases in a pay matrix over and above the level of a pay matrix provided for in Chapter No. 678 of the session laws of the 46th Legislature, may be used for expenditures that are related solely to increases in a pay matrix and transfer of such funds to expenditures for operating expenses in or between any agency of state government is prohibited.

(2) Operating expenses are all those expenses that do not include any expense for personal services."

Renumber: subsequent sections

3. Page 3, line 2.

Following: "for"

Insert: "the stated"

Following: "year"

Strike: "1983"

4. Page 3, lines 3 through 8.

Amend as shown:

	Fiscal Year 1982	Fiscal Year 1983
MONTANA STATE PRISON		
1. General Operations	<u>\$103,000</u>	\$967,507
		<u>\$879,376</u>
2. Utilities Expense		
--Supplement		11,880
3. Disturbance Control	<u> </u>	<u>43,066</u>
TOTAL MONTANA STATE PRISON	\$103,000	\$1,922,453
		934,322

June 25, 1982

Page 3

..... June 25 19 82

5. Page 3, line 13.

Following: "services"

Insert: "in fiscal year 1983"

6. Page 3.

Following: line 13

Insert: " Personal services and utilities for Montana state prison may exceed the amount restricted in H.B. 2, Laws of 1981, first special session, for fiscal year 1982."

7. Page 5, line 1.

Following: "is effective"

Strike: "July"

Insert: "June"

8. Page 5, line 2.

Following: line 1

Strike: "1"

Insert: "25"

And, as so amended,
BE CONCURRED IN

SENATE COMMITTEE

FINANCE AND CLAIMSDate 6-254Bill No. 2

Time

10:58

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart	✓			
Senator Story	✓			
Senator Aklestad	✓			
Senator Nelson	✓			
Senator Smith	✓			
Senator Dover	✓			
Senator Wolf	✓			
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: Dover - eff 1 Amendment

Clarify p. 6 c. 4

SENATE COMMITTEE

FINANCE AND CLAIMSDate B-95-82 H Bill No. 2 Time 10:18

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

10 5

Sylvia Kinsey
Secretary

Senator Himsl
Chairman

Motion: Regan - Sub st motion
to add \$103,000 to 1982

SENATE COMMITTEE

FINANCE AND CLAIMS

Date 6-25 H Bill No. 2 Time 1:12 P

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart	✓			
Senator Story	✓			
Senator Aklestad	✓			
Senator Nelson	✓			
Senator Smith	✓			
Senator Dover	✓			
Senator Wolf		✓		
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: ask 2
Gudy Jacobson
H B 2 90
Keating move

STANDING COMMITTEE REPORT

.....June 25, 1982..... 19.....

Mr. President.....

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

having had under considerationHouse..... Bill No.5.....

(Keating)

Respectfully report as follows: That.....House..... Bill No.5.....
third reading bill, be amended as follows:

1. Page 2, line 21.F

Following: Line 20

Strike: "\$579,100"

Insert: "\$587,100"

2. Page 3, line 15.

Following: Line 14

Strike: Line 15 in its entirety

3. Page 3

Following: Line 15

Insert: "Guard Tower

190,000"

4. Page 3, line 17.

Strike: "\$579,100"

Insert: "\$587,100"

~~XXXX~~

June 25, 1982..... 19.....

5. Page 3, lines 18 through 20.

Following: line 17

Strike: lines 18 through 20 in their entirety

6. Page 3.

Following: line 20

Insert: "The amount of \$190,000 for construction of a guard tower and said guard tower shall be constructed only if no other appropriation shall be made for the construction of an additional maximum security facility at the state prison this special session of the legislature. There will be a reversion of any unexpended funds from this appropriation to the general fund."

And, as so amended,
BE CONCURRED IN

SENATE COMMITTEE

FINANCE AND CLAIMS

Date 6-25-82 14 Bill No. 5 Time 3:22 PM

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart	✓			
Senator Story	✓			
Senator Aklestad	✓			
Senator Nelson	✓			
Senator Smith	✓			
Senator Dover	✓			
Senator Wolf	✓			
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: A Rhetrd
Delete 182 - June 18-20

SENATE COMMITTEE

FINANCE AND CLAIMSDate 6-25-82 H Bill No. 5 Time 4:45

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart	✓			
Senator Story	✓			
Senator Aklestad	✓			
Senator Nelson	✓			
Senator Smith	✓			
Senator Dover	✓			
Senator Wolf	✓			
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:

Make Amendment.
VV

SENATE COMMITTEE

FINANCE AND CLAIMS

Date

6-25

Bill No.

5

Time

4:46

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart	✓			
Senator Story	✓			
Senator Aklestad	✓			
Senator Nelson	✓			
Senator Smith	✓			
Senator Dover	✓			
Senator Wolf	✓			
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:

Down6 25

Carry - Keating

STANDING COMMITTEE REPORT

June 26 19 82

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 8

(Ed Smith)

Respectfully report as follows: That House Bill No. 8

BE CONCURRED IN

XXXXXX
DO PASS

AL

SENATE COMMITTEE

FINANCE AND CLAIMS

Date 6/26Bill NO. 8Time 9:26

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart	✓			
Senator Story	✓			
Senator Aklestad	✓			
Senator Nelson	✓			
Senator Smith	✓			
Senator Dover	✓			
Senator Wolf	✓			
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: 8

(m)

STANDING COMMITTEE REPORT

June 26

19 32

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 16 (2nd SS)

(Dover)

Respectfully report as follows: That House Bill No. 16 (2nd SS) corrected third reading copy, be amended as follows:

1. Page 1, line 25.

Following: "FACILITIES."

Insert: "on the prison ranch"

2. Page 1, line 25 through line 1 page 2.

Following: "FACILITIES."

Strike: "ERECTION AND CONSTRUCTION WILL UTILIZE PRISON LABOR."

And, as so amended,

BE CONCURRED IN

XXXXX