

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman William E. Farrell, on January 9, 1989, at 10:00 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Eddy McClure

HEARING ON SB 38

Presentation and Opening Statement by Sponsor:

Senator Pat Regan stated that she felt the Women's Correctional Center was placed in Warm Springs because it was the expedient thing to do. Senator Regan indicated she felt it is improperly placed, and totally inadequate both in size and services offered. She noted that, when it was placed there, it was with the understanding it was a temporary solution; a decision made, Senator Regan believes, with the cost factor being the primary factor. Senator Regan further reported that the original proposal was to place it at Mountain View School, but there was great opposition on the part of the Senate to place it there because of its nearness to the troubled youth there and it was not a very good role model. The Women's Correctional Center has operated since 1982 and, in each subsequent year, has seen a steady growth of inmates. Senator Regan indicated she was appalled at a report given to the Legislative Finance Committee in November of last year which indicated the Department of Institutions was looking to convert the old forensic unit at the State Hospital into a second unit to house more inmates. Senator Regan reported that, while the original plan was to house 30 inmates in the old nurses' dormitory, the population has grown so that the average daily population is 44.8 inmates. The absolute maximum is 46. The proposal to open the old forensic unit is a make-shift solution and there are no long-term plans to address the problem of how to deal with the female inmate population. Senator Regan stated it is a disaster, and it would be a disaster to further commit to Warm Springs because, by opening a second unit, a piece-meal slapstick approach, we

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further entrench that facility at Warm Springs campus. Senator Regan indicated she did not think that is where it properly belongs. She stated it is unfortunate that the population can not be controlled. Admission can be denied, or inmates can be arbitrarily released, but neither of those solutions are acceptable. Prerelease beds are available, but those are filled and the prerelease beds are at 21% of the total inmate population, which is much higher than the male population, at only 10%.

Senator Regan indicated that physical expansion of the facility at Warm Springs is not practical, and a second unit would be costly, labor intensive, and completely inappropriate. Senator Regan indicated SB38 requires the Department of Institutions to develop a comprehensive plan for housing female inmates, and asks them to submit that plan to the following Legislature. She noted the department would work in cooperation with the Criminal Justice and Advisory Council, and she thinks it is proper that it be done by professionals. Senator Regan indicated she would hope that we do not appoint a select committee from the Legislature because the issue can get embroiled in political and side issues, which may be detrimental to developing the kind of comprehensive plan for housing these adult female inmates that is needed. Senator Regan indicated they are asking that the need for a new building, as well as other alternatives, be considered and that, in considering placement, they provide for adequate educational, treatment, training and employment opportunities. Senator Regan stated she felt this is one of the drawbacks of Warm Springs. She further indicated the new facility must be located close to a population center. Senator Regan interjected that she is not advocating Billings, in particular, and further stated that whatever is proposed should comply with the standards that are published by the American Correctional Association Commission on Accreditation. Senator Regan said what we have now does not, and she felt some kind of law suit has not been filed because she does not think that the facility is appropriate. The department would then be asked to submit this comprehensive plan to the 52nd Legislature. She indicated she understood putting it off for 2 years was a delay, but she felt it has to be done right, and we can not continue doing what is expedient.

Senator Regan submitted a letter from Mike Lavin, formerly of the Department of Institutions, who is now Deputy Director of the Attorney General's office. She indicated Mr. Lavin asked her to submit his letter to the committee, and that there were sufficient copies for each of the committee members.

List of Testifying Proponents and What Group they Represent:

Dan Russell, Administrator, Division of Corrections
Representative William Menahan
Brenda Nordlund, Montana Women's Lobby
Kelly Moore, Mental Disabilities Board of Visitors
Mignon Waterman, Montana Association of Churches

Testimony:

Mr. Dan Russell indicated he has developed 2 amendments however, he and Senator Regan agreed not to propose one of them. The other is a request that the bill be effective upon passage and approval. Mr. Russell stated he did not have a handout for the committee members at this time for that amendment. The Governor's Council on Criminal Justice and Corrections has funding through September 30th of this year, and there is a chance it will continue beyond that point but, if we were to get started on it right away, that would help in terms of their involvement in this study.

The remainder of Mr. Russell's testimony is attached as Exhibit 2.

Testimony:

Representative William Menahan stated he felt that something has to be done in this area. He further stated that, when they tried to fund 2 additional security positions, the Legislature could not afford it. When you are talking about a study, and what it's going to cost, he would hope that the people who have been appointed realize that this Legislature has funding limitations, and we should make them cognizant of the fact that the long-range building program has veterans proposals, university proposals, and other prison proposals at the men's prison. Representative Menahan indicated he is wondering what we can afford and, in this direction, where are we going to put it. Representative Menahan indicated that, in a rural setting, escapees head for the highway and are quickly picked up. Whereas, in a community-based location, escapees are never found. He further indicated there are some advantages to a community-based location, but there are also some advantages to the rural setting. He stated he did not feel it had to be in a major city, and that is his only disagreement. Representative Menahan stressed that the Legislature should be cognizant of how much money we have got for new buildings and additional programs. He stated that he hopes we are going to do something, and he thinks it should be done this session in regard to the overcrowding.

Testimony:

Ms. Brenda Nordlund indicated she is a lawyer with 5 years private practice experience in Kalispell, Montana. She stated she speaks in support of SB 38. She indicated it is time women are not treated as an after thought in the criminal justice system and, as earlier evidence has pointed out, they are a growing population and there is no indication that trend will not continue into the future. She noted that we have reached the present institutional limits, and it is time that we take a measured and considered approach at what we should do in the future. Initially, the Warm Springs decision was a temporary decision made, as Senator Regan said, out of expediency. We understand one of the results of that decision is that, at this time, there are some restrictions on visitation between women inmates and their children because of lack of facilities at the current facility. Ms. Nordlund indicated they would like to see that change, and the only way that will change is if we take a long-term, measured approach at what we should do with the women inmates within the State of Montana.

Ms. Nordlund stated that she previously worked with the Department of Justice in Washington, D. C. in the office of Justice Assistance and Research Statistics. In the course of her employment, she was involved in a survey of prison litigation throughout the United States. Her observation was that, if you don't take a considered studied approach to long-term planning in the penal population, you are more likely to beg litigation under the 8th Amendment, and other correctional standard problems. Therefore, Ms. Nordlund stated, as a proponent to the Women's Lobby Fund, they would urge the committee's support of SB 38.

Testimony:

Ms. Kelly Moorse stated that she was asked to attend this hearing to specifically address the conditions of the Forensic Unit, as they exist at the Montana State campus. The remainder of Ms. Moorse's testimony is attached as Exhibit 5.

Testimony:

Ms. Mignon Waterman's testimony is attached as Exhibit 7. Ms. Waterman added that the Montana Association of Churches would support the amendment that this bill be effective upon passage so that the funding that is available could be used. She indicated the Criminal Justice and Corrections Advisory

Council has experience in similar and related issues from a study this past year relating to the men's facility.

Ms. Waterman also submitted written testimony from John Ortwein of the Montana Catholic Conference. Said testimony is attached as Exhibit 9.

Closing by Sponsor:

Senator Regan closed by indicating she was pleased there is support that she had not been aware of, and indicated she felt it further proves this is a serious problem. She addressed the question regarding financing for this study by indicating the money exists already through the federal grant that was awarded to the Criminal Justice and Corrections Advisory Council, and it's partially because of the availability of that resource, as well as the fact that they have just completed a study of the men's prison, that she thought it appropriate that the Council take up the matter of the women's prison. Senator Regan stated the question is not can we afford it; the question is how can we not afford it. When the proposal was made to use the old Forensic Unit, Senator Regan indicated she was horrified, and she asked the person who was speaking what would happen if it was not used to house these inmates, what would it be used for. The response was that it would be used for storage. Senator Regan submitted to the committee that, no matter what they use it for, even if they put women there, it is still just plain storage, and it can not be permitted.

As to the question by Representative Menahan regarding whether we are embarking on a costly program, Senator Regan indicated we have got a costly program, and we have a costly problem. We have got to address it. She noted that page 2, lines 3 and 4 in the bill speaks to consideration of the need for building a new correctional facility, and that she thinks that is what must be done. She noted that there is, as well, other incarceration alternatives so that it is better left to the Council and the Department of Institutions, and the new administration, to study this program in depth. Senator Regan stated she supports, very much, the need for the amendment, and would ask that one of the members of the committee offer the amendment which will make it effective upon passage, so that Council will have time to do their work and be able to finish in due time.

Chairman Farrell announced the hearing on SB 38 as closed.

HEARING ON SB 25

Chairman Farrell announced that, at the request of the sponsor, the hearing on SB 25 which was scheduled for today has been postponed until further notice.

GOVERNOR'S APPOINTMENTS

With regard to the Governor's appointments, Chairman Farrell asked for advice from the committee on how to proceed on the Governor's appointments. Chairman Farrell asked the committee if they would like to vote on the confirmations one at a time, and take committee action at this time.

Discussion:

There was discussion regarding segregating the names out. Senator Bengtson indicated she thought there should be a motion if the committee wishes to segregate one appointee out for separate vote. Chairman Farrell responded that, after the committee goes through all the names, motions will then be entertained to segregate individual appointments.

Chairman Farrell then directed the committee to turn to Mr. Errol Galt's appointment as Chairman of the Montana Fish and Game Commission. Chairman Farrell indicated that, although he is proposing executive action on the appointments, he asked that the members of the committee realize that there is no reason for him to question their authority to ask questions in executive action. He did caution the committee members that they try to keep all questions germane to the qualifications of the appointee being discussed. Hearing no objections, Chairman Farrell indicated he would reserve the right to stop testimony if he felt discussion was getting away from the subject at hand.

Senator Bengtson asked Tony Schunan, President of the Montana Wildlife Federation, what he considers the qualifications of Errol Galt for appointment to the Fish and Game Commission.

Mr. Schunan indicated the Federation has some grave concerns about the potential conflict of interest with this appointment, and feels that, due to the importance of the appointment, the potential conflict of interest so far as sportsmen are concerned is something the committee should consider.

Senator Hofman offered a motion to confirm the appointment of Errol Galt as Chairman of the Montana Fish and Game Commis-

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sion. The vote was unclear, and Chairman Farrell asked for a roll call vote on the motion.

The roll call vote indicated 6 for and 3 against the appointment of Errol Galt as Chairman of the Montana Fish and Game Commission.

Senator Rapp-Svrcek asked if a motion would be entertained at this time to segregate this nomination. Chairman Farrell requested that this motion be offered after the remainder of the appointments have been further discussed, unless the committee preferred to take that action now. Chairman Farrell then invited Senator Rapp-Svrcek to offer the motion, if he so desired. There was general discussion regarding the procedure, and possible outcome of a motion at this time.

Senator Rapp-Svrcek moved to separate all of the appointments. He indicated there would be other motions to separate other individuals and, rather than go through it one at a time, it might make it easier for the committee members to separate them all. Senator Abrams seconded the motion.

Senator Rapp-Svrcek then revised his motion, and indicated he moved to separate only the appointment of Errol Galt as Chairman of the Montana Fish and Game Commission.

Senator Bengtson indicated she felt all of the appointments should be segregated, and suggested some discussion by the committee. She further indicated there have been questions about a number of these appointments, and the committee has not had a lot of time to consider them. She indicated she felt it would be in the best interest of everyone to separate them all so that it doesn't appear that the committee is being more attentive to just one of the appointments.

Senator Rapp-Svrcek indicated it was his understanding, originally, that all it took was a request from a Senator to segregate a name. Chairman Farrell responded that this procedure is under the proposed rules that we are trying to adopt.

There was discussion regarding separating all of the appointments, and Chairman Farrell indicated that, if all of the appointments were separated, he would have to read each one, individually, on the floor and this is what they are trying to avoid. Senator Bengtson indicated that, since the rules have not been adopted, that would probably be the best way to do it.

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Senator Rasmussen indicated it would be well to segregate the ones that there is question about. If there are no questions, the committee should bring the others through as a group. Senator Rasmussen said he felt that would not be pointing any fingers, and it seems like it would expedite things. He indicated he has a concern about one other appointment, but that no one has a concern about 80% of them, and it would seem like the committee could send them through.

Chairman Farrell asked the committee if they would agree, as they go through each name, to entertain a motion to segregate, and then vote.

Senator Anderson asked if the proposed rules, should they go into effect, would allow a Senator on the floor to ask for segregation. Chairman Farrell responded that the Senator's always have the right to ask for a separation. Senator Anderson further asked if the proposed rules would apply to the committee, and Senator Farrell indicated they would.

Senator Vaughn asked, if the committee proposes to segregate just one, and it is voted down in committee, will it have to wait until it gets to the floor for someone to segregate it. Chairman Farrell clarified that a motion would have to be made on the floor to segregate.

Chairman Farrell reminded the committee there is a motion to segregate the appointment of Errol Galt on the committee's report. Seeing no further questions, Chairman Farrell asked for a roll call vote on the motion.

The roll call vote indicated 7 for and 2 against segregation of the appointment of Errol Galt on the committee's report.

Chairman Farrell then indicated he would entertain a motion on the appointment of Leon Houglum as Director of Family Services.

Senator Rapp-Svrcek indicated that, over the weekend, some information was made known to him about Mr. Houglum that is of a fairly serious nature which might affect how the committee might vote on that nomination. He indicated he is expecting the written documentation of this information at any time, and respectfully requested that the committee delay action on this nomination until that information arrives.

Chairman Farrell asked Senator Rapp-Svrcek if he thought the information would arrive before the committee adjourns. Senator Rapp-Svrcek indicated that he thought it would arrive

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before the committee adjourns today. Chairman Farrell suggested the committee discuss the other appointments, indicating this was a reasonable request by Senator Rapp-Svrcek.

Chairman Farrell then indicated he would entertain a motion on the appointment of Ken Nordtvedt as Director of the Department of Revenue. Senator Bengtson offered a motion to confirm the appointment of Ken Nordtvedt.

Motion was passed to confirm the appointment of Ken Nordtvedt as Director of the Department of Revenue.

Chairman Farrell indicated he would entertain a motion to confirm the appointment of Curtis Chisholm as Director of the Department of Institutions. Senator Rapp-Svrcek offered a motion that the appointment of Curtis Chisholm be confirmed.

Motion was passed to confirm the appointment of Curtis Chisholm as Director of the Department of Institutions.

Chairman Farrell indicated he would entertain a motion to confirm the appointment of Mike Micone as Director of the Department of Labor and Industry. Senator Hofman offered a motion that the appointment of Mike Micone be confirmed.

Motion was passed to confirm the appointment of Mike Micone as Director of the Department of Labor and Industry.

Chairman Farrell indicated he would entertain a motion to confirm the appointment of Dr. Terry Anderson to the Board of Natural Resources and Conservation. Senator Rasmussen offered a motion that the appointment of Dr. Terry Anderson be confirmed.

Motion was passed to confirm the appointment of Dr. Terry Anderson to the Board of Natural Resources and Conservation.

Chairman Farrell indicated he would entertain a motion to confirm the appointment of Lorents Grosfield to the Board of Natural Resources and Conservation. Senator Hofman offered a motion that the appointment of Lorents Grosfield be confirmed.

Motion was passed to confirm the appointment of Lorents Grosfield to the Board of Natural Resources and Conservation, with Senator Rapp-Svrcek opposed.

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Senator Rapp-Svrcek offered a motion that the appointment of Lorents Grosfield to the Board of Natural Resources and Conservation be reported on a separate committee report. He indicated there are some members of the Senate, who are not on this committee, who would like the opportunity to vote on that nomination separately.

The vote was unclear, and Chairman Farrell asked for a roll call vote on the motion.

The roll call vote indicated 4 for and 5 against a separate committee report on the appointment of Lorents Grosfield to the Board of Natural Resources and Conservation.

Senator Rapp-Svrcek apologized for not bringing to the committee sooner the results of his conversation with Mr. Grosfield. Senator Rapp-Svrcek indicated he met with Mr. Grosfield on Friday, and Mr. Grosfield indicated that, after consultation with one of the attorneys on the Board, and the Board members, that he would refrain from any discussion or vote on any matter regarding either the Sweetgrass Conservation District petition, or his own personal petition, when it comes before the Board, should he be confirmed. Senator Rapp-Svrcek again apologized for not bringing this information to the committee prior to their vote, but indicated he felt it would have made no difference.

Chairman Farrell indicated he would entertain a motion to confirm the appointment of Ray Shackelford as Director of the Office of Budget and Program Planning. Senator Harding offered a motion that the appointment of Ray Shackelford be confirmed.

Motion was passed to confirm the appointment of Ray Shackelford as Director of the Office of Budget and Program Planning.

Chairman Farrell indicated he would entertain a motion to confirm the appointment of Colonel Gary Blair as Adjutant General, Department of Military Affairs. Senator Abrams offered a motion to confirm the appointment of Colonel Gary Blair.

Motion was passed to confirm the appointment of Colonel Gary Blair as Adjutant General, Department of Military Affairs.

Senator Rapp-Svrcek indicated that some information has been relayed to him and some of the other committee members regarding Mr. Houglum which is of a serious nature. Since the

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documentation has not yet arrived, he asked Chairman Farrell what procedure should be followed. Chairman Farrell responded that he would entertain a motion to allow the committee to decide.

Senator Rasmussen offered a motion that the vote on Mr. Houglum's appointment be postponed until Wednesday.

Chairman Farrell indicated there is a motion to postpone the vote on the appointment of Leon Houglum until Wednesday, January 11, 1989.

Motion was passed to postpone vote on the appointment of Leon Houglum as Director of the Department of Family Services until Wednesday, January 11, 1989.

Recommendation and Vote:

Roll call vote on the appointment of Errol Galt as Chairman of the Montana Fish and Game Commission indicated 6 for and 3 against the appointment. Motion passed.

Roll call vote to segregate the appointment of Errol Galt on the committee's report indicated 7 for and 2 against segregation of the appointment of Errol Galt on the committee's report. Motion passed.

Motion was passed to confirm the appointment of Ken Nordtvedt as Director of the Department of Revenue.

Motion was passed to confirm the appointment of Curtis Chisholm as Director of the Department of Institutions.

Motion was passed to confirm the appointment of Mike Micone as Director of the Department of Labor and Industry.

Motion was passed to confirm the appointment of Dr. Terry Anderson to the Board of Natural Resources and Conservation.

Motion was passed to confirm the appointment of Lorents Grosfield to the Board of Natural Resources and Conservation, with Senator Rapp-Svrcek opposed.

Roll call vote to segregate the appointment of Lorents Grosfield on the committee's report indicated 4 for and 5 against segregation of the appointment on the committee's report. Motion not passed.

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Motion was passed to confirm the appointment of Ray Shackelford as Director of the Office of Budget and Program Planning.

Motion was passed to confirm the appointment of Colonel Gary Blair as Adjutant General, Department of Military Affairs.

Motion was passed to postpone vote on the appointment of Leon Houglum as Director of the Department of Family Services until Wednesday, January 11, 1989.

SB 9

Discussion:

Chairman Farrell asked the advice of the members of the committee regarding how to proceed regarding a letter from Mr. C. B. Pearson of Common Cause/Montana opposing SB 9, which Chairman Farrell indicated he believes each of the committee members has received. The letter was distributed to committee members after the hearing on SB 9 had been closed. Chairman Farrell indicated he asked the staff attorney to give an opinion, and further indicated that whatever was allowed here would have to be allowed for the remainder of the session. Chairman Farrell stated that, if the committee allows testimony to be given after a hearing has been closed, the proponents and opponents are not able to respond to that testimony without reopening the hearing, and Chairman Farrell further indicated he is inclined to say it will not be allowed, but would leave the decision up to the committee. Chairman Farrell asked the committee to make a recommendation on how to proceed in the face of testimony coming in after the hearing has been closed.

There was extensive discussion regarding this situation. Several members indicated their interest in having the information in the record. Eddy McClure indicated that, if such testimony is included in the minutes, it should be noted that such testimony was not considered as part of the vote.

Chairman Farrell indicated that, if the committee agrees, he would like to establish the policy that testimony will not be accepted after a hearing has been closed.

Senator Bengtson offered a motion that no testimony will be put in the minutes nor will cause a hearing to be reopened after it has been closed.

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The motion to not allow testimony, either written or oral, after the hearing has been closed, passed.

Chairman Farrell indicated that he would like to take executive action on some of the bills that have been previously heard by the committee. He further indicated that if a committee member has concerns, and would prefer not to take action on a particular bill, he would grant that courtesy. Chairman Farrell reminded the committee, however, that the work load is beginning to stack up in this committee, and he would urge the committee to move some of the bills as quickly as possible, if they feel comfortable with it.

Chairman Farrell then indicated he would entertain a motion regarding SB 9.

Senator Bengtson offered a motion that SB 9 do not pass.

Senator Rasmussen commented that he would not mind seeing the percentage changed to 20%, but he thinks 30% is high. Senator Bengtson stated that she has thought of raising the number but, since the option has never been used, it seems to her that we are dealing with fear of something happening rather than trusting people to do the right thing. We haven't had any problems, and she asked why should we worry that people will exercise that option on a reasonable referendum. She stated she felt that people will not stop action on something they think is worthwhile.

Senator Anderson indicated it is surprising to him that the option has never been used, but he does have some concerns because, in the last 2 sessions, threats were made in regard to this, especially in regard to a sales tax. Senator Anderson indicated that, on most issues, it would not take too much to get 15%, and he personally feels it should be raised.

Senator Harding indicated that, if the Legislature enacted something the people objected to, the people would still obtain enough signatures, whether it were 15% or 30%.

Senator Rapp-Svrcek indicated that Montana has a legacy of its government being accessible to its people. 15% may seem small, but it constitutes a large number of people. He further indicated that threats were made on both sides of the taxation issue by powerful groups, but nothing came of it. He stated that, since the option has never been used, he supports Senator Bengtson's motion to kill SB 9.

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Motion that SB 9 do not pass, passed by the committee.

Chairman Farrell requested that Senator Bengtson carry the adverse committee report on SB 9 to the Senate floor.

Recommendation and Vote:

Motion passed to not allow testimony, either written or oral, after the hearing has been closed.

Motion passed that SB 9 do not pass.

SB 11

Chairman Farrell indicated he would entertain a motion regarding SB 11. Senator Rapp-Svrcek moved that SB 11 do pass.

Motion that SB 11 do pass, passed by the committee.

Recommendation and Vote:

Motion passed that SB 11 do pass.

SB 19

Chairman Farrell announced that the sponsor of SB 19 has requested that committee action be postponed until a later date.

SB 41

Chairman Farrell then indicated he would entertain a motion regarding SB 41. Senator Bengtson moved that SB 41 do pass.

Senator Rapp-Svrcek moved to correct an error on page 1, line 17, changing the word "transition" to "transaction".

Motion to change the word "transition" to "transaction" on page 1, line 17, passed.

Senator Bengtson amended her motion, and moved that SB 41 do pass as amended.

Motion that SB 41 do pass as amended, passed by the committee.

Recommendation and Vote:

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Motion passed to change the word "transition" to "trans-action" on page 1, line 17.

Motion passed that SB 41 do pass as amended.

SB 38

Chairman Farrell indicated he would entertain a motion regarding SB 38.

Senator Bengtson indicated she really likes the format of the bill in asking the Department of Institutions and the Advisory Council to come up with a comprehensive plan, rather than a committee from the Legislature, so that it is de-politicized. She further stated she felt the whole approach was well done. Senator Bengtson moved that the bill be amended so that it will be effective upon passage.

Motion to amend SB 38 to effective date upon passage and approval, passed.

Senator Bengtson offered a motion that SB 38 do pass as amended.

Senator Harding indicated she thought that SB 38 is a good bill due to the fact that Senator Regan has included consideration of a new building, but other alternatives will be considered also.

Motion that SB 38 do pass as amended, passed by the committee.

Recommendation and Vote:

Motion passed to amend SB 38 to effective date upon passage and approval.

Motion passed that SB 38 do pass as amended.

ADJOURNMENT

Adjournment At: 11:20 a.m.


WILLIAM E. FARRELL, Chairman

ROLL CALL

STATE ADMINISTRATION COMMITTEE

51ST LEGISLATIVE SESSION

DATE:

January 9, 1989

NAME	PRESENT	ABSENT	EXCUSED
HUBERT ABRAMS	✓		
JOHN ANDERSON, JR.	✓		
ESTHER BENGTSO	✓		
WILLIAM E. FARRELL	✓		
ETHEL HARDING	✓		
SAM HOFMAN	✓		
PAUL RAPP-SVRCEK	✓		
TOM RASMUSSEN	✓		
ELEANOR VAUGHN	✓		


STANDING COMMITTEE REPORT

January 9, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 9 (first reading copy -- white), respectfully report that SB 9 do not pass.

DO NOT PASS

Signed: 

William E. Farrell, Chairman

J. C.
1/9/89
4:05 P.M.

STANDING COMMITTEE REPORT

January 9, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 11 (first reading copy -- white), respectfully report that SB 11 do pass.

DO PASS

Signed: William E. Farrell
William E. Farrell, Chairman

W.E. Farrell
1/9/89
4:05 P.

STANDING COMMITTEE REPORT

January 9, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 41 (first reading copy -- white), respectfully report that SB 41 be amended and as so amended do pass:

1. Page 1, line 17.
Following: "than a"
Strike: "transition"
Insert: "transaction"

DO PASS AS AMENDED

Signed: *William E. Farrell*

William E. Farrell, Chairman

W.E.F.
1/9/89
4:05 p.m.

STANDING COMMITTEE REPORT

January 9, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 38 (first reading copy -- white), respectfully report that SB 38 be amended and as so amended do pass:

1. Title, line 6.

Following: "INMATES;"

Strike: "AND"

2. Title, line 7.

Following: "LEGISLATURE"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.

Following: line 13

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

DO PASS AS AMENDED

Signed: William E. Farrell

William E. Farrell, Chairman

STATE OF MONTANA
ATTORNEY GENERAL
MARC RACICOT

JUSTICE BUILDING, 215 N. SANDERS, HELENA, MONTANA 59620
TELEPHONE (406) 444-2026

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 1/9/89

BILL NO. SB 38

January 6, 1989

William E. Farrell, Chairman
State Administration Committee
Room 331
State Capitol
Helena MT 59620

Dear Senator Farrell and Members of the Committee:

I had hoped to be able to personally testify on behalf of S.B. 38, "An Act Requiring The Department Of Institutions To Develop A Comprehensive Plan For Housing Adult Female Inmates; And Requiring The Department To Submit The Plan To The 52nd Legislature", but a previously scheduled Departmental meeting prevents me from doing so.

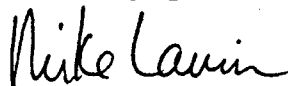
I have served as a member of the Governor's Criminal Justice and Corrections Advisory Council since August, 1987.

During that period of time the Council examined a number of issues related mainly to the overcrowding problem at Montana State Prison in Deer Lodge.

The Council's schedule offered an opportunity to spend some time at the Women's Correctional Center. It was a surprise to some members to discover that Montana in fact houses females in an institutional environment. While I personally was aware of the Center, I was not at all aware of the bulging population, condition of the facility, or lack of adequate programming for those individuals incarcerated at the institution. I cannot imagine that the existing facility meets standards necessary for adequate care, treatment and training female inmates.

As a member of the Corrections Advisory Council, I support and endorse the recommendations contained in S.B. 38.

Sincerely yours,



MIKE LAVIN
Deputy Director

Mr. Chairman and Members of the Committee:

~~For the record my name is Dan Russell, Administrator of the Corrections Division.~~

The Department of Institutions supports S.B.38
[REDACTED]

We now have two facilities which house female inmates. The Billings Pre-Release Center, which was opened in 1978, is a minimum security, community program which houses 12 women. The Women's Correctional Center is our "prison" for female offenders and was opened in May of 1982 using the old nurse's dormitory on the campus of the Montana State Hospital at Warm Springs. The Women's Correctional Center was designed to house 30 inmates. On January 3, 1989, there were 48 women in the facility.

The adult female population has increased steadily since 1981. At calendar year end in 1981, we had 24 female inmates; at the same time in 1988, we had 54 inmates and on January 3 of 1989, there were 58 female inmates in our two facilities. These numbers represent a 141 percent increase in the population of female offenders from 1981 to present. There is no reason to expect that these numbers will not continue to increase. The female population has increased an average of over 14 percent per year since 1981. Given these rates of increase, future female offender populations could be:

<u>Fiscal Year</u>	<u>14.1% increase</u>	<u>14.7% increase</u>
1989	62	62
1990	70	71
1991	79	81

We have outgrown the Women's Correctional Center and expansion in that facility is not possible. There are 20 rooms for our general population, with 18 of them double bunked and 2 rooms with 4 or more women in a single space. The facility is overcrowded with little recreation, dayroom, education or vocational training space and no room to expand. The absolute maximum capacity of the WCC is 45 women and we have exceeded that number several times in the past 3 months.

In November of 1988, ^{the Department} [REDACTED] was asked to provide a report to the Legislative Finance Committee on the Status of our Female Inmate Population. The Director presented recommendations which ^{MAY} need to be implemented in the next biennium. Those recommendations are being re-evaluated by the current administration but were as follows:

1. To divert some female offenders who had been sentenced to the Women's Correctional Center to Intensive Supervision with electronic monitoring.
2. To house 10-12 inmates at the recently vacated Forensic Unit on the Warm Springs campus. This option should be considered a temporary measure which would be implemented when the WCC population averaged 45 inmates for a period of 3 consecutive months. Because there is no way to determine the biennial costs of this option, funding would have to be sought through a supplemental request to the 52nd Legislative Session.

^{now} We consider this last option a temporary solution to the overcrowding problem in our Women's prison. Senator Regan's bill seeks a comprehensive, long term solution which contemplates the need for a new facility combined with other alternatives to provide for the needs of our women offenders.

SB 38

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 1/9/89

BILL NO. SB38 293

The Governor's Council on Criminal Justice and Corrections has determined that one of their next priorities is to study the needs of women offenders and to make recommendations to the Governor on their findings. The department intends to work with the Council on this issue. It would be most helpful to have the force of the Legislature supporting a study through the passage of S.B. 38.

I urge your support of S.B. 38 and assure you that the Department of Institutions will follow through with a comprehensive study of the needs of Montana's women offenders.

SB 38

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 1/9/89

BILL NO. SB38 pg 4

Calendar Year End

Inmate Population

1981	24
1982	30
1983	25
1984	38
1985	41
1986	32
1987	50
1988	54
1989 (January 3, 1989)	58

Copy

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 1/9/89

BILL NO. SB 38 pg 5

Date: 1/4/89

To: _____

From: Don Russell

Bill Number: S. 3. 38

Would the above referenced Bill impact the Department fiscally or programmatically?

Yes [X]

No []

If the above referenced bill impacts the Department, please review the potential impact below:

Sen. Regan consulted with the Department about this bill & we indicated our support. The Governor's Council on Criminal Justice & Corrections has agreed to include this study as a priority in the next six-months.

Cost in \$ to the department will be minimal since we can utilize Council resources. Staff time will be deducted from the Corrections Div. however this is a project we want to address at any rate.

We should provide Sen. Regan with support for SB.38

Draft of Summary
WPC on 1/4/89

EXHIBIT NO. 3

DATE 1/9/89

BILL NO. SB38

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Don Russell

DATE: 1/9/89

Address: 1339 11th Ave
Aclem, Mt.

Phone: 444-3902

Representing whom?
Dept. of Institutions

Appearing on which proposal?
SB38

Do you: SUPPORT? AMEND? OPPOSE?

Comments:
See exhibit #2

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE STATE ADMIN.

STATE ADMINISTRATION COMMITTEE

EXHIBIT NO. 4

DATE 1/9/89

BILL NO. SB38

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Brenda Nordlund

DATE: 1-9-88

Address: Women's Lobby
Helena, MT 59601

Phone: 449-7917

Representing whom?
Montana Women's Lobby

Appearing on which proposal?
SB38

Do you: SUPPORT? AMEND? OPPOSE?

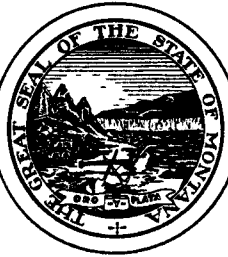
Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

OFFICE OF THE GOVERNOR
 MENTAL DISABILITIES BOARD OF VISITORS

TED SCHWINDEN, GOVERNOR

CAPITOL STATION



STATE OF MONTANA

(406) 444-3955

HELENA, MONTANA 59620

January 8, 1989

Senator Farrell, Chairman
 State Administration Committee

Dear Mr. Chairman and Members of the Committee,

For the record, my name is Kelly Moorse. I am the Executive Director of the Mental Disabilities Board of Visitors. I have been asked to address Senator Regan's bill.

I understand one suggested proposal for the overcrowding of the Woman's Correctional facility is to move some women to the old Forensic Unit on the Warm Springs campus. In my capacity as the director of the Board of Visitors I have had the opportunity to visit and review the Forensic Unit many times. For the past nine years, the Board of Visitors has reported their concerns regarding the abysmal environmental conditions of the Forensic Unit. We, along with the Mental Health Association and the Department of Institutions, worked very hard during the 1985 legislative session to obtain funding for a new unit.

The building that has been proposed has been vacant since September of 1988. Extensive renovation and remodeling would be costly at best. During the Board's last tour of this building we observed holes in the wall plaster exposing the wiring, mineral stained toilets and sinks, faulty plumbing, slippery floors, inadequate ventilation, cracked and dirty walls. In the showers, water drained backwards, leaving puddles and very little paint on the floors. The terrazzo floor was unsealed and unwaxed.

In mid-September, 1988, the Warm Springs administrative staff reported two possible uses for the unit "57" (minimum security) Forensic Unit: 1) storage of house-keeping and maintenance items or 2) relocate the pharmacy to the "57" (minimum security) side. The staff reported that any use of the building would require renovation, but "the other end ["56"] is virtually not usable". The pharmacy, which now serves four other institutions, was suggested because they desperately need additional space.

The old Forensic Unit has been plagued with housekeeping and maintenance problems for the past ten years. It was not suitable for persons with a mental illness, nor is it acceptable for women within the correctional system. I urge you to consider other alternatives. Thank you.

Kelly Moorse
 Executive Director

SENATE STATE ADMIN.

EXHIBIT NO. 6

STATE ADMINISTRATION COMMITTEE

DATE 1/9/89

BILL NO. SB38

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Kelly Moore

DATE: 1/9/89

Address: Capitol Station - 432 Dearborn
Helena

Phone: 442-6202

Representing whom?

Appearing on which proposal?
Senate Bill 38

Do you: SUPPORT? AMEND? OPPOSE?

Comments:
(attached) exhibit 5

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Montana Association of Churches

MONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 745 • Helena, MT 59624

WORKING TOGETHER:

American Baptist Churches
of the Northwest

Christian Churches
of Montana
(Disciples of Christ)

Episcopal Church
Diocese of Montana

Evangelical Lutheran
Church in America
Montana Synod

Presbyterian Church (U. S. A.)
Glacier Presbytery

Presbyterian Church (U. S. A.)
Yellowstone Presbytery

Roman Catholic Diocese
of Great Falls - Billings

Roman Catholic Diocese
of Helena

United Church
of Christ
Mt.-N. Wyo. Cont.

United Methodist Church
Yellowstone Conference

CHAIRMAN FARRELL AND MEMBERS OF THE SENATE STATE ADMINISTRATION COMMITTEE:

I am Mignon Waterman of Helena, representing the Montana Association of Churches.

The Montana Association of Churches supports SB38 to develop a comprehensive plan for housing female inmates because the present facility is overcrowded and inadequate. Also, the Warms Spring facility, because of its location, does not provide adequate opportunities for education, rehabilitation or family therapy.

The study should include a review of community correction alternatives rather than just an expansion of the present facility. If the women's correction facility were located in a community that could provide a wider range of community services, it would be beneficial to the rehabilitation of prisoners. Community correction facilities allow the development of a "bridging plan" between prisoner, the institution and the community to occur. They also provide a better opportunity to focus on the individual's personal and social needs, thus raising the chances of successful rehabilitation.

We would hope that the Criminal Justice and Corrections Advisory Council would be utilized in developing the comprehensive plan for the women's correction facility because the issues that affect the women's prison are similar or related to the corrections issues that the council studied this past year.

The Montana Association of Churches supports SB38.

EXHIBIT NO. 8

DATE 1/9/89

BILL NO. SB38

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Mignon Waterman

DATE: 1/9/89

Address: 530 Hazelgreen
Helena

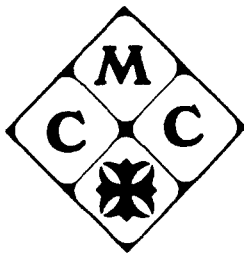
Phone: 2-5761

Representing whom?
MT Assoc of Churches

Appearing on which proposal?
SB38

Do you: SUPPORT? AMEND? OPPOSE?

Comments:
see exhibit 7



Montana Catholic Conference

SENATE STATE ADMIN.

EXHIBIT NO. 9

DATE 1/9/89

BILL NO. SB38

January 9th, 1989

CHAIRMAN FARRELL AND THE SENATE ADMINISTRATION COMMITTEE

I am John Ortwein, representing the Montana Catholic Conference. In this capacity I serve as the liaison for the two Roman Catholic Bishops of Montana on matters of public policy.

In recent years, the "get tough on crime" mentality has resulted in enormous prison population growth. Much attention in recent months was given to the State Prison in Deer Lodge, while the women's facility in Warm Springs was widely overlooked.

We support expanded education, treatment, and employment training opportunities for the women at Warm Springs. We also support other alternatives than confinement for women inmates, including intensive supervision whenever applicable.

Due to the increased inmate population and condition of the facility, we support the drafting of a comprehensive plan to most effectively house female inmates.



Amendments to Senate Bill No. 38
First Reading Copy

For the Committee on Senate State Administration

Prepared by Eddy McClure
January 9, 1989

1. Title, line 6.
Following: "INMATES;"
Strike: "AND"

2. Title, line 7.
Following: "LEGISLATURE"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 13
Insert: "NEW SECTION. Section 2. Effective date. [This act] is
effective on passage and approval."

SENATE SENATE ADMIN.

EXHIBIT NO. 15

DATE 1/9/89

BILL NO. SB41

Amendments to Senate Bill No. 41
First Reading Copy

For the Committee on Senate State Administration

Prepared by Eddy McClure
January 9, 1989

1. Page 1, line 17..
Following: "than a"
Strike: "transition"
Insert: "transaction"

ROLL CALL VOTE

STATE ADMINISTRATION COMMITTEE
51ST LEGISLATIVE SESSION

SENATE STATE ADMIN.

EXHIBIT NO. 10

DATE 1/9/89

BILL NO. Gov. Appt.

DATE: January 9, 1989

BILL NO. Gov. Appt.

TIME: 10:35 AM

NAME	YES	NO
HUBERT ABRAMS	✓	
JOHN ANDERSON, JR.	✓	
ESTHER BENGTON		✓
WILLIAM E. FARRELL	✓	
ETHEL HARDING	✓	
SAM HOFMAN	✓	
PAUL RAPP-SVRCEK		✓
TOM RASMUSSEN	✓	
ELEANOR VAUGHN		✓
	6	3

Mary Upchurch
Secretary

William E. Farrell
Chairman

Motion: AppointMENT of ERROL GALT AS CHAIRMAN
of the MONTANA Fish AND GAME Commission.

ROLL CALL VOTE

STATE ADMINISTRATION COMMITTEE
51ST LEGISLATIVE SESSION

SENATE STATE ADMIN.

EXHIBIT NO. 11

DATE 1/9/89

BILL NO. Gov. Appt.

DATE: January 9, 1989

BILL NO. Gov. Appt.

TIME: 10:45

NAME	YES	NO
HUBERT ABRAMS	✓	
JOHN ANDERSON, JR.		✓
ESTHER BENGTON	✓	
WILLIAM E. FARRELL	✓	
ETHEL HARDING		✓
SAM HOFMAN	✓	
PAUL RAPP-SVRCEK	✓	
TOM RASMUSSEN	✓	
ELEANOR VAUGHN	✓	
	7	2

Mary Upchurch
Secretary

William E. Farrell
Chairman

Motion: to segregate ERROL GALT appointment
from remainder of appointments before
the committee to date.

ROLL CALL VOTESTATE ADMINISTRATION COMMITTEE
51ST LEGISLATIVE SESSIONDATE: January 9, 1989 BILL NO. Gov. Appt. TIME: 10:30am

NAME	YES	NO
HUBERT ABRAMS	✓	
JOHN ANDERSON, JR.		✓
ESTHER BENGTON		✓
WILLIAM E. FARRELL		✓
ETHEL HARDING		✓
SAM HOFMAN		✓
PAUL RAPP-SVRCEK	✓	
TOM RASMUSSEN	✓	
ELEANOR VAUGHN	✓	
	4	5

Mary Upchurch
SecretaryWilliam E. Farrell
ChairmanMotion: to segregate LORENTS GROSFIELD
APPOINTMENT FROM REMAINDER OF
APPOINTMENTS BEFORE THE COMMITTEE
TO DATE.

ROLL CALL VOTE

SENATE STATE ADMIN.

EXHIBIT NO. 13

DATE 1/9/89

BILL NO. 589

STATE ADMINISTRATION COMMITTEE
51ST LEGISLATIVE SESSION

DATE: January 9, 1989

BILL NO. 589

TIME: 11:10AM

NAME	YES	NO
HUBERT ABRAMS	✓	
JOHN ANDERSON, JR.		✓
ESTHER BENGTON	✓	
WILLIAM E. FARRELL		✓
ETHEL HARDING		✓
SAM HOFMAN	✓	
PAUL RAPP-SVRCEK	✓	
TOM RASMUSSEN	✓	
ELEANOR VAUGHN		✓
	5	4

Mary Upchurch
Secretary

William E. Farrell
Chairman

Motion: DO NOT PASS
