

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIR JAN BROWN, on February 15, 1991, at 8:05 a.m.

ROLL CALL

Members Present:

Jan Brown, Chair (D)
Vicki Cocchiarella, Vice-Chair (D)
Beverly Barnhart (D)
Gary Beck (D)
Ernest Bergsagel (R)
Fred "Fritz" Daily (D)
Ervin Davis (D)
Jane DeBruycker (D)
Roger DeBruycker (R)
Gary Feland (R)
Gary Forrester (D)
Patrick Galvin (D)
Harriet Hayne (R)
Betty Lou Kasten (R)
John Phillips (R)
Richard Simpkins (R)
Jim Southworth (D)
Wilbur Spring (R)
Carolyn Squires (D)

Staff Present: Sheri Heffelfinger, Legislative Council
Judy Burggraff, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: The subcommittee on campaign bills will meet in Room 312-1 at noon. Monday morning the Committee will meet at 8:00 a.m. to hear seven bills.

HEARING ON HJR 22

Presentation and Opening Statement by Sponsor:

REP. DAVE BROWN, House District 72, Butte, introduced HJR 22 to urge the Montana State Library and the Montana Legislative Council to work together to produce guidelines for the use of acid-free paper for publication of state documents. Originally he had looked at a "much broader application" of the use of acid-free paper, but decided to take a slow step to see the type of

framework that should be used. The Legislative Council functions as a major publisher of state documents. State libraries are a repository for major state documents, and they and the State Historical Society have a cooperative working relationship. Acid-free paper will not cost more. It can be obtained in recycled and new varieties. The technology has broadened to where any of the "normal" paper can also be obtained in an acid-free form. All standards nation-wide have not been established, but the process is ongoing at the federal level. This resolution will allow Montana to "move along" with the national process.

Proponents' Testimony:

Richard Miller, Montana State Librarian, distributed a brochure entitled, "A Handful of Dust, Going, Going, Gone." EXHIBIT 1 The brochure depicts a book falling to pieces on the front cover which is the reality of the situation. He also distributed two reports from the Historical Society to show what happens to paper over time. The pages were yellow due to the acid content of the paper. The acid content is in the paper because of alum which is used for sizing. Sizing is used so that when print is put on the paper, it will not feather out and get fuzzy. "Progress has not resulted in progress in the last fifty years, when it comes to saving our culture." In earlier paper making, cotton and cloth were used. When it was discovered that paper fiber could be used, a process was found that was cheaper and easier than cutting cloth. When the paper process changed, no one knew that the acid used in the process would contain the "seeds of destruction" for books. The resolution will take us a "step forward" in studying the process. There are state documents which should be preserved for all time. There is no plan to save all state documents on acid-free paper because some of them are of an ephemeral nature and replaced yearly.

Robert M. Clark, Librarian, Montana Historical Society, said the Society feels a study needs to be made and they will cooperate with it. He passed an old book to the Committee and requested they try and bend the pages back as "one does when they put a book down and try to hold their place." The book was a House journal from the third session of the Legislative Assembly of Montana. The Historical Society has kept their collection of books air conditioned for the last three decades with closed stacks that receive relatively little use.

Debra Schlesinger, Montana Chair, Montana Library Association, said that libraries depend on state documents as an important source of reference.

Opponents' Testimony: None

Questions From Committee Members:

REP. GARY FORRESTER said he thinks the resolution is laudable but the following statement in the pamphlet bothered him: "You can

start by writing to your local, state and national legislators and let them know of your concern and the need for legislation that would require the use of alkaline paper." He asked if the resolution would require manufacturers to change the process. **REP. DAVE BROWN** said that is not what the resolution says, but that he thought it might do that "eventually." We are not trying to make that "mandate," and he suggested that "we shouldn't." **REP. FORRESTER** said he had heard how much it costs to have a bill printed and put into law. "Why do we need a House Joint Resolution rather than just asking the Governor to issue an Executive Order to study (the problem)." **Rep. Brown** said, "You could, but I think the Legislature should be on record leading the charge for this kind of legislation to take better care of historical documents . . ." This resolution is worth more than the rest you see. This is how we put our policy in print concerning what goes on in the state. Without these kinds of resolutions, the Governor essentially runs "the show" for the balance of the two years. We are limited in our input "policy wise."

REP. JIM SOUTHWORTH asked if recycled paper could be used. **REP. BROWN** said recycled paper is made from acid-free products now and it is cost effective.

REP. BEVERLY BARNHART asked if the resolution is like a study that is voted on. **REP. BROWN** said "this won't be in that capacity." It sets Legislative policy and directs the Library and the Legislative Council to endeavor to work cooperatively.

REP. JOHN PHILLIPS said if acid-free paper does not cost any more, why isn't it currently being used? **Mr. Miller** replied that the paper-making process that has been set up for the past fifty years is acid based. Many plants have converted now because they found it is "environmentally more stable and also cheaper once they switch over. The switch-over cost is what is costing money." He contacted a paper company in Great Falls and asked the question about the cost involved. He was told, "it was pretty much the same." By next session, he thinks acid-free paper will be less expensive than acidic paper because the process costs less once the switch over is made.

REP. RICHARD SIMPKINS said when he talked to the Great Falls paper company, who has a large contract with the state to supply paper, he was told that the "paper in front of us is more expensive in the recycled form and they can produce the bond paper for the same cost as recycled paper without the water mark. It will cost considerably more to produce the volume we use for (Legislative) bills." We are talking about two different items. One is preservation of data. It seems like we should be using microfilm and similar methods of storing data. To store the document itself is another problem. It seems we should be pursuing storing data as our primary goal. There are other ways to preserve documents such as plasticizing them or by putting them in plastic covers. Aren't there better ways to handle this

than by mandating something as that is what this resolution will lead to? Mr. Miller said there are a number of different issues. What is useful about having acid-free paper "up front," is that it is the cheapest way to preserve the books. When information is digitized or microfilmed, access is to a degree limited more than with printed information. We are responsible for sending state documents to the twenty depository libraries in the state so people have access to them. There are 82 public libraries with 111 branches and 5 academic libraries that also need the information. We are limited to digitizing information because of the cost involved. There are new ways and methods of preserving documents and those would be studied. There is a preservation going on now in state records because some documents are microfilmed. Even microfilm will deteriorate over time if certain standards are not adhered to.

Closing by Sponsor:

REP. DAVE BROWN reminded the Committee that Pg. 3 of the resolution states: The state library and the Montana Legislative Council (MLC) will work together to produce guidelines in the use of acid-free paper for publication of state documents. The MLC and the state library are to report to the 53rd Legislature with recommendations on the use of acid-free paper by agencies of state government. It is expected that acid-free paper will be substantially cheaper than anything available now. This is not the case now. This resolution does not intend to direct any changeover in the way printing is now done. "Let's get on the leading edge of what is going on in this field so we can take advantage of saving money in another area of state government."

EXECUTIVE ACTION ON HJR 22

Motion: REP. JIM SOUTHWORTH MOVED HJR 22 DO PASS.

Discussion:

REP. RICHARD SIMPKINS said he does not think the bill is necessary because they are already investigating the paper. This could best be done by the library.

Vote: HJR 22 DO PASS. Motion carried 16 to 2 with Reps. Simpkins and Roger DeBruycker voting no. Rep. Squires was not present for the vote.

HEARING ON HB 357

Presentation and Opening Statement by Sponsor:

REP. FRED THOMAS, House District 62, Stevensville, introduced HB 357 "the split sessions proposal" to submit to the qualified

electors of Montana an amendment to the Constitution that the Legislature meet once a year in regular session; to limit the number of regular session legislative days; to require the Legislature to apportion allowable legislative days between sessions and to provide limitations on the business that may be conducted in certain regular sessions. This proposal is very similar to the one passed by the 1987 session as a referendum to the public for the 1988 ballot. There are two differences. One is there was a provision of 100 days versus the current 90 days. The second difference is the two sessions together could total no more than 90 days, which means the Legislature would meet for the same total number of days as it does now. This would "tighten down" the new proposal. The 1988 ballot issue was rejected by the voters by a very slim margin of 49 percent voting yes and 51 percent voting no. He distributed a listing of the county seats' tally of voting for and against Constitutional Amendment No. 20 requiring the legislature to meet each year. EXHIBIT 2 It was thought that the 10 additional days and the fiscal statement adding money may have been the reason the issue did not pass. Lawmakers, by the rules they adopt, would decide how to apportion the 90 days. There is a two-thirds threshold in the bill so an issue may not be brought in that is outside the "call" of that session. The Legislature could meet no more than 60 days in the longer of the two sessions. The session held in even-numbered years would be to consider issues related to budgeting and appropriations. (On Pg. 2, Ln. 3 - 5, even should be amended to odd. Rep. Thomas distributed an amendment to strike "even-numbered" and insert "odd-numbered." EXHIBIT 3 Rep. Thomas distributed a flow chart showing the session being split into two. EXHIBIT 4 The following year there would be a general session with review of the appropriations and the fiscal situation. A bill introduced in one session cannot be carried over to the next session as this was a primary problem when there were annual sessions in 1975 and 1977. A bill could then be tabled in one session and brought off the table for the following session. During those sessions, no bill would die. Split sessions would: 1) allow Legislators to become more involved in and more knowledgeable about the state budget; 2) provide more time for thoughtful consideration of general government bills, and 3) relieve the pressure-cooker atmosphere in which legislation is considered in haste. The new scheme would end the increasing trend toward "special" sessions -- seven in the 1980's alone -- that are called to handle unfinished business or address unforeseen problems that have a "massive" cost tied to them. (He distributed a listing of the special sessions of the Montana Legislature from 1889 - 1990. EXHIBIT 5) The split-session proposal would "divide and conquer. You divide the problems and conquer the work to be done." In the budgeting session there would be a large Appropriations Committee -- probably three tiered. At the top there would be an Executive Committee made up of all the chairmen and vice-chairmen making the final draft of the Appropriations Bill. There would be a tier working on the issues and there would be subcommittees all reporting to the Executive Appropriations Committee. For the first time all the

Legislators would be involved in appropriations and would know what is included in the bills. This would allow more detail work on the budget. There would still be a Tax Committee and a small General Committee made up of chairman of the other major committees, Business, State Administration and Judiciary, to consider a few other items that come into the session. There would be time for Legislators to request drafting of "quality" bills. When the General Session begins the Legislature would hit the ground "running." There would be short sessions each year. This would be a major benefit to most anyone. This bill would eliminate meeting during the months of March and April.

Proponents' Testimony:

Joy Bruck, President, League of Women Voters, Montana, presented written testimony. EXHIBIT 6

C. B. Pearson, Executive Director, Common Cause/Montana, presented written testimony. EXHIBIT 7

Riley Johnson, National Federation of Independent Business, said that one dictate they received on the balloting in 1989 and 1990 is that the Legislature is spending too much time on "income" and not enough on "spending." Both the Legislators and the special interests do not have enough time to get involved in the appropriations process. It is critical that we start looking at how we should spend the money rather than "running around trying to figure out how we're going to raise more (money)."

Opponents' Testimony: None

Questions From Committee Members:

REP. SOUTHWORTH said there are 300 - 400 agency bills this session. The right-wing constituents in his district curse the Legislature regularly. How would all the agency bills be handled in 45 days? REP. THOMAS said the bills would be prepared prior to the general session. There would be time to read the bills and distribute them to the committee chairs and some work may be done on them ahead of time. A Legislator may know just where the bill stands prior to introduction. The bills would also be concentrated.

REP. PATRICK GALVIN said his first reaction was that to restrict at any time is not palatable. This arrangement would put freshmen to a greater disadvantage. Those Legislators who had already served would know how to push their legislation through, but freshmen would not. Their constituents would not be represented. REP. THOMAS replied that during the first session when a freshman arrived, he would work on the budget. Under the current situation, a freshman will really not learn what is in the budget. During the learning process, a freshman would become knowledgeable about the broad scope of the Legislature. In the meantime, they would work on drafting bills. A freshman

then would have a "better leg up" than having everything thrown at him all at once.

REP. WILBUR SPRING questioned how transmittal would be handled. REP. THOMAS said it would be done as it is now being handled -- by the rules.

REP. PHILLIPS said he supports the bill, but he does not think that appropriations could be handled in 45 days. REP. THOMAS said that the Executive Committee of the Appropriations Committee would definitely be meeting during the general session to review supplements, see where the budget "is" and view trends. Taxation would probably meet as well to see from where the revenue is coming.

REP. GARY BECK asked Rep. Thomas if he had any other statistical data from other states that have gone to annual sessions to see whether they have increased or decreased in the number of days they were in session. REP. THOMAS said he did not bring the information with him but that he would see that Rep. Beck received it. Idaho meets annually for 60 days. They have "a mess" because they have annual sessions. This bill is not for annual sessions but for split sessions. North Dakota meets for 90 days and quits ahead of time. REP. BECK said that the Legislature passes laws. When they come back in two years, there seems to be discrepancies as to the intent of the law from the agencies' interpretation. REP. THOMAS said we do see that this session. The rules are written in October and the agencies are not seeming to always follow the intent of the law. If the Legislature was to come back in January there could possibly be a hearing held to review those rules that are "totally out of whack." Then the Legislators could, by a two-thirds vote, say they wish to review that legislation. In two years some of these problems are forgotten and not reviewed.

Closing by Sponsor:

REP. THOMAS said one of the main reasons he feels committed to making the system better by change is because people need a shorter session so they are able to be home in March and April. This should help enhance our citizenry legislature.

EXECUTIVE ACTION ON HB 357

Motion: REP. ROGER DEBRUYCKER MOVED HB 357 DO PASS.

Motion/Vote: REP. SIMPKINS moved the amendment to strike "even-numbered" and insert "odd-numbered." Motion carried unanimously.

Motion/Vote: REP. ROGER DEBRUYCKER MOVED HB 357 AS AMENDED DO PASS.

Discussion:

REP. WILBUR SPRING spoke in support of the bill.

REP. BECK spoke in support of the bill saying, "This might be the first thing he has agreed with Common Cause. . . . It gives other people an opportunity to serve in the Legislature as 90 days is a long time to ask an employer to be away from work. Before he ran, he used to think the Legislature should meet every five years; now I think they should meet every year because big agencies seem to do whatever they want with the laws that are passed and do not follow the intent of the law."

REP. FRITZ DAILY spoke against the bill. "I can't imagine what would happen if we were here every year. I can't imagine what we would do to the state of Montana. I think we should amend this to every ten years."

REP. BETTY LOU KASTEN said she too would oppose the bill if it were "annual sessions and we would have 90 days," but with the limiting language that says 90 days in two years and that certain portions of the work would be addressed in one session and other work in another and with the two-thirds majority in order to bring extraneous subjects to the Interim Committee, I think we should take a look at it.

REP. ROGER DEBRUYCKER said he has heard this all before. That instead of meeting 90 days every two years we should meet two days every 90 years. But is there any other business that has a board of directors meet every two years to try to iron out the business of the state -- one of the biggest businesses that we have? Every two years the state's economy is changing. That is why our budgets don't balance. As long as we only meet 90 days, I think it would be "a good deal to split it up." I would be against the bill if we would extend the days to meet. The special sessions are extremely costly. We play games at those special sessions where nothing "gets out that is worthwhile."

REP. SIMPKINS said each year when we arrive we are "going to start 'micromanaging' every section of government. We are going to tell the cities how to do it, the counties how to do it, every department how to do it, and as we 'micromanage' we keep taking more and more time. . . . The problem is not the number of bills, it is the fast compression . . . we all of a sudden go from nothing to do to overloading the staff . . . where we only get a half product. I think we need time to look over the bills and hit the floor running hard in the even-numbered years."

REP. JOHN PHILLIPS said he did not care "one way or another." But he pointed out that appropriations and revenue would be "a dominating factor" every year the Legislature met because this is what causes special sessions.

Vote: HB 357 AS AMENDED DO PASS. Motion carried 15 - 4 with Reps. Daily, Galvin, Southworth and Jane DeBruycker voting no.

HEARING ON HB 500

Presentation and Opening Statement by Sponsor:

REP. TIMOTHY WHALEN, House District 93, Billings, introduced HB 500 to create a Capitol Restoration Commission to raise money for the ongoing restoration of the Capitol, to suggest Capitol Improvements and to plan Capitol centennial events. In approximately seven years, in 1998, we will be celebrating the centennial of the state capitol building. HB 500 will set up a mechanism to plan for the centennial celebration and to attempt to get the capitol ready as the building needs a "little work." The state does not have the money. We should ask the people of Montana to donate their effort and time to do this.

Proponents' Testimony:

Mike Cooney, Secretary of State, appearing as a private citizen, said he has spent a "good deal of time" in the capitol both as a representative and as secretary of state. He worked on HB 500 as he said "we should start on the process" of planning for the celebration now as "times are hard and money is tight." The Committee is not going to find the money to do "those things in this building that need to be done." HB 500 proposes a commission making the state-wide elected officials ex officio members, who would then appoint commission members to do the work. The purpose of the commission would be to raise private money to preserve and to restore the capitol to its historical integrity. The capitol building has seen many changes. There has been a lot of renovation. During that time items have been removed and sold. Those items need to be identified and retrieved. Some amendments will be submitted by both Rep. Whalen and the Department of Administration (DA).

Bob Marks, Director, DA, distributed an amendment. EXHIBIT 8 The amendment would define "who appoints how many." The secretary of the commission should be the director of the DA because the commission is allocated to the DA. General Services will be working with the committee and the architectural and engineering division of the DA. He said he has spent considerable time in the building during the past 22 years. The DA are the custodians of the capitol building and are interested in its preservation. In the 1985 legislative session there was a proposal by the state to renovate the capitol building and to take care of the "miserable conditions in committee rooms and other areas." There was several million dollars available to support the renovation project. This project would have removed the catacombs from the vault area of the prior secretary of state's office. Disagreements occurred between the Senate and

the House and the money was spent elsewhere. The capitol was adorned on a temporary basis just prior to and during the big 1989 Centennial Celebration. This stimulated thoughts for its renovation. Rep. Bradley and Mr. Marks requested the architectural students at Montana State University come to the capitol and obtain ideas of what should be done. They made a model which is now located by the capitol post office. It shows what can happen when "some good minds get together."

Marcella Sherfy, State Historical Preservation Officer, Montana Historical Society, presented written testimony. EXHIBIT 9

Vern Erickson, Montana State Firemen's Association, said the firemen appreciate the building. "I think I can guarantee some volunteer efforts, if the bill were to succeed, from the firemen around the state. He urged the Committee's concurrence.

Opponents' Testimony: None

Questions From Committee Members:

REP. ROGER DEBRUYCKER said he could not understand Bob Marks' amendment on Pg. 2, Ln. 24. **Mr. Marks** said the amendment should be for Pg. 1, Ln. 23 and 24.

REP. PATRICK GALVIN questioned if the bill would include the capitol building and grounds. **REP. WHALEN** said he presumed the bill would include the entire one square-block area.

CHAIR BROWN said the researcher had a question regarding the amendment proposed by the Department of Administration. You do not have the director of the Department as an ex officio member or the commission. Should the director be named on the amendment? **REP. WHALEN** said that rather than have the secretary of state act as the head of the commission, the Department of Administration would do that. It is his understanding they presently do that on boards and commissions in the state now. **Sheri Heffelfinger** asked if the director of the DA would be appointed to the commission as there are two types of members -- ex officio members and appointed members. In order to "tighten up the bill" it may be better to make the director of the DA an ex officio member by virtue of being in the office. **Mr. Cooney** said the bill was modeled after the Board of Examiners whose membership is: the Governor, the Attorney General, and the Secretary of State. It says that the Secretary of State shall serve as the secretary, technically the director of DA serves as staff and secretary to the Board of Examiners. The intent was to have the members similar only not listing the Secretary of State as the secretary, as they would never act in that capacity, but say the director of the DA would serve as secretary. "Does that help to clarify that?" **Ms. Heffelfinger** said, yes, if you don't intend the secretary to be a voting member. **Mr. Cooney** said because of the "technicalities" and because of the way the DA participates and their importance in this type of a project, they

would serve in essence as secretary of that Commission. **REP. BROWN** asked if Mr. Cooney wanted them to do the work but not have a vote. **Mr. Cooney** said the DA will be represented through the amendment that will be presented where we ask that the state architect be made a member of the commission. Administratively the commission would be assigned to the DA. "Certainly, we need to have a very close tie with the work the commission would be doing and the DA."

REP. RICHARD SIMPKINS said he thought the bill a "super idea," but for a working commission it appeared there were "too many chiefs and not enough Indians." Is the commission just supposed to set policy or would it be a working commission? **REP. WHALEN** said there will not be, necessarily, 21 ex officio members on the commission. Pg. 1 of the bill does provide that you can have "up to that number." The concept is to have all state-wide elected officials on the commission. The other members' roles would basically be people who represent major contributors. The role of the board is basically "to go out and try and raise the money and help necessary to put it all together." The board would then work with the Historical Society and the DA for any planning to do the necessary restoration work. It is mainly a fund-raising board -- not 20 people sitting around the table fighting with each other but planning and being collaborative to each other.

CHAIR BROWN remarked that she had been involved with the Tobin Mansion effort. She asked Mr. Cooney if he thought it was possible to do all of this with a volunteer board without a staff person. **Mr. Cooney** said that he had the Tobin Mansion in mind when he started working on the bill. "This is the sort of thing we want to avoid." There were many dynamics of that effort which drastically differ from what we are trying to do with this bill. That is why I suggested all state elected officials be ex officio members. The Tobin Mansion was a Helena mansion; many from around the state found it hard to participate in that project. The state capitol is our state building so I think people will have an easier time working under this sort of a situation. Without having all state elected officials you have a much harder time raising the appropriate funds. The commission will be composed of persons from around the state who are interested in the state capitol and are willing to donate their time and effort and, of course, their money to see the building restored and maintained historically. The other purpose of the commission would be to identify the items that have been removed from the Capitol -- everything from the doorknobs that have slowly disappeared to the chandeliers that have been taken from different chambers, to the barrel-vault stained glass skylight that used to be over the main stairway. "I do not see the commission sitting down and saying this is what this room should be and that is what that room should be, but identifying the historical items that had been removed and how best to recover them. (The Commission might) possibly discuss the idea of making the dome shine once again." Sect. 4 of the bill clearly states what the commission would do.

Closing by Sponsor:

REP. WHALEN distributed an amendment to set up a situation where each one of the state-elected officials may pick up to three ex officio members. EXHIBIT 10 The amendment also allows the state architect and director of the Montana Historical Society to also be ex officio members and requested it be added to the bill. "If we're going to do something like this for the capitol's centennial, we are going to have to do it now, these things take a lot of time from conception to completion." He had in mind something similar to what took place with the Ellis Island project where everyone in the U.S. got together to restore a building with historic significance to the people of the country. Everyone was made to feel a part of that project since everyone was made to feel "that was part of our heritage and we have a stake in the building and the island. I would like to see something like this happen to the state Capitol of Montana. . . . It could draw us closer in a collaborative process, not something where we are arguing back and forth but something to bring us all together."

EXECUTIVE ACTION ON HB 500

Motion: REP. ROGER DEBRUYCKER MOVED HB 500 DO PASS.

Motion/Vote: REP. ROGER DEBRUYCKER moved the Department of Administration amendment that would make the secretary the director of the department of administration. EXHIBIT 11 Motion carried unanimously.

Discussion: Ms. Heffelfinger explained Rep. Whalen's amendment. It would add to the ex officio members the director of the Montana historical society and the state architect. It would also allow each ex officio member to appoint up to three other members instead of up to 20.

REP. KASTEN said she would like to propose a substitute amendment within the amendment to insert two members rather than three. If there are six people appointing people -- six times two is twelve, plus the six, that would be eighteen, plus two, would equal twenty. Twenty would be a "fairly unwieldy committee," twenty-six would be even more so.

Vote: The KASTEN substitute amendment carried 17 - 2 with Rep. Vicki Cocchiarella and Rep. Beverly Barnhart voting no.

Motion/Vote: REP. SOUTHWORTH MOVED HB 500 AS AMENDED DO PASS.

Discussion: REP. SIMPKINS said he is voting against the bill because he does not think the "committee can ever function -- there will be too many chiefs and no Indians. . . . It would be better off to set up a committee and leave a lot more latitude

for whoever is going to be executive director of the committee to make it work."

Vote: HB 500 AS AMENDED DO PASS. The motion carried 18 - 1 with Rep. Simpkins voting no.

HEARING ON HB 679

Presentation and Opening Statement by Sponsor:

REP. JOHN SCOTT, House District 97, Ballantine, introduced HB 679 to revise the rates at which annual leave benefits and sick leave credits are earned by firefighters. The current statute provides that public employees will accrue annual leave based on 40 hours a week or 2080 hours a year. Only the communities of Anaconda and Havre have firefighters who work 40 hours a week -- most of the others will exceed 40 hours a week (the most would be 49). It is difficult with "times the way they are now" to keep qualified firefighters. It is only fair that they be credited for their vacation and sick leave for the actual hours they serve. The fiscal note has not been signed. Rep. Scott distributed an amendment. EXHIBIT 12 Firefighters are the only employee groups that are exempt from mandatory overtime provisions through the application of the Fair Labor Standards Act. The average work week in Montana for cities of the 1st class is 42.9 hours. The average work week for cities of the 2nd class is an average of 42 hours. The statewide-average for all city municipal firefighters is 42.45. Currently a firefighter that works a 42-hour work week accrues 12 8-hour days of sick leave per year. With the passage of the bill, that firefighter would accrue 12.59 8-hour days of sick leave per year. The sick leave would be increased by .59 hours on an annual basis. In the late 60's and early 70's many of the states' firefighters went off of 3 8-hour shifts to a 24-hour shift or a split shift -- a 10-hour day and a 14-hour night shift. These shift changes were made for economic reasons as cities could have fewer employees and incur less use of sick leave.

Proponents' Testimony:

Steve Johnson, Chief, State Labor Relations Bureau, and Chief, Labor Negotiator in Collective Bargaining in Executive Branch, said his comments would be directed to 30 employees that work in the Department of Military Affairs in the Great Falls airport for the Air National Guard Fire Department. During collective bargaining with those employees, there was considerable discussion about "leave credit accruals for employees." These employees are regularly scheduled to work more than the 40-hour week that the current statute presupposes. This makes a "gray area in the law." They do not receive overtime for working more than 40 hours. We negotiated a concept where they would receive leave credits on a prorated basis in accordance with the 2080-hour work year. He is concerned with the way the bill is worded

as follows: 1) Accrual should be based on regularly scheduled hours, not actual hours worked. At present even though many state employees work more than 2080 hours a year, they only accrue leave at the rates listed in the statute. 2) A potential problem would be in state agencies where there are employees in military affairs accruing rates at those listed in the bill and then transferring to another state agency to work as there may be problems with transferring those credits into another state agency. It might be simpler to just include a brief caveat in the law that addresses those employees working more than 2080 hours a year with an administrative rule.

Opponents' Testimony:

Phil Hauck, City of Helena, said the city of Helena opposes the bill because it feels that all employees should be treated equally in regards to earning vacation and sick leave credits. "We don't understand why fire departments should be operating on a different schedule. Our current contract states that the current shift, 24 hours on - 24 hours off, results in approximately 3.5 hours of overtime per week per man. It also states that the parties agree that this 24-hour shift is for the mutual benefit of the employer and employee and will not be used as a basis for overtime claims. I don't know if that exists in contracts throughout the state, but I imagine it does." Many city employees work overtime and are not granted additional vacation and sick leave. "This bill would result in more vacation and sick leave for firefighters than for other government employees."

CHAIR BROWN requested Donna Warner, Deputy Director, State Payroll, State Auditor's Office, to explain the amendment. She said it is a "technical one. The current payroll system and the current (State of Montana Operating Manual) lists the hourly rates for accrual at three decimals. The bill lists it at four."

Questions From Committee Members:

REP. BETTY LOU KASTEN questioned if rounding up the figure made it larger. Ms. Warner said, "no, it is very, very minute."

REP. RICHARD SIMPKINS asked Tim Bergstrom if "this would be a negotiated item in a contract rather than a law." Mr. Bergstrom said he believed that in some cases firefighters have negotiated in some instances hours in excess of those listed in statute. The Air National Guard Firefighters do have a provision that allows them to accrue annual leave as the bill proposes. It is a negotiable item, but the ability to do that is limited from jurisdiction to jurisdiction. The firefighters from Billings have been trying to place this issue in negotiations "over the years." The assistant city administrator indicated this was not a subject for negotiation and the firefighters would have to take the issue up with the Legislature. The statewide membership indicated the issue be brought before the Legislature.

Closing by Sponsor:

REP. SCOTT said "this is a fairness bill. Firefighters are people we never see until we need them, and then we appreciate having them around. ... We can't pay them enough when we need them, but we can make life more bearable"

HEARING ON 605Presentation and Opening Statement by Sponsor:

REP. BEN COHEN, House District 3, Whitefish, introduced HB 605 to limit to six years the amount of time that a Legislator may serve on statutory committees, including the Montana-Western Canadian Provinces Boundary Advisory Committee, the Gaming Advisory Council, the Legislative Council, the Legislative Finance Committee, the Legislative Audit Committee, the Administrative Code Committee, the Legislative Consumer Committee, the Capitol Building and Planning Committee, the Revenue Oversight Committee, the Coal Tax Oversight Subcommittee, the Committee on Indian Affairs, the Lottery Legislative Liaison Committee, the Water Policy Committee, and the Energy Policy Committee. The purpose of the bill is to ensure that each position is shared among the members of the House and provide a unique opportunity to guarantee a tradition of shared leadership. This bill would allow a greater number of Legislators to become knowledgeable about various areas of special concern. He has been told the benefits of a fixed term create a desire to produce meaningful change for the state. The constant rollover in the Environmental Quality Council (EQC) has provided dynamic bipartisan leadership for the state. When people become better informed on the issues and return as members of the Legislature and others do likewise, "we end up with a body of Legislators that are well informed and can share the knowledge they gain with (others)." He distributed a handout that was circulated at both caucuses for those who did not receive a copy. EXHIBIT 13 He said when he came to the Legislature in 1985, he didn't even know about interim committees and their importance. "Even though this is an internal matter, I think it will have long-range implications for the people of the state because the more informed we are the better we can serve the state." The bill is not meant to be punitive nor to attack those who have served on interim committees for a long time.

Proponents' Testimony:

REP. BOB GILBERT, from Sidney, co-sponsored the bill. He said he is just completing his sixth year on the EQC and is the current chairman. Even though he likes the Council, he sees the new members are coming in with "great ability." It is time for him to move off and let "the new thoughts come up." He said he has learned a lot in the past six years about environmental concerns and is looking forward to learning about revenue projections and estimates. "This is a good piece of legislation as it allows the

new members a chance to get on committees and broaden their knowledge."

Jim Jensen, Montana Environmental Information Center Action Fund, said he has been acting as a lobbyist or as a Legislator since 1977 and would like to echo the comments of Rep. Gilbert and Rep. Cohen. "I've seen a lot of knowledge being collected by a relatively small number of people over a long period of time. . . . Over time I think this works to the disadvantage of the good operation of the (Legislature)." The better informed (you are) the better off the whole institution is.

Opponents' Testimony: None

Questions From Committee Members:

REP. JOHN PHILLIPS asked if Rep. Cohen had done any research to see just who this would affect and when the bill would take effect. REP. COHEN said there are more committees in the handout than would be affected. His intern listed all committees not just the statutory interim committees. These committees begin on page 11 in the packet. Only committees included in the title of the bill would be included. The bill is not retroactive. If someone has already served on a committee, they could still serve for an additional six years.

CHAIR BROWN requested Ms. Heffelfinger address the question. Ms. Heffelfinger said the effective date of the act would be on passage and approval. The clock would start then.

CHAIR BROWN asked if the sixth year limit on the EQC is in statute now. REP. GILBERT said it is. When the National Environmental Protection Act laws were passed in 1973 or 1974 the EQC was created. It was put into statute then.

REP. VICKI COCCHIARELLA asked if there was a reason for saying "more than six consecutive years." Is there ever a situation when someone should be reappointed to a committee after they have been off of it for awhile? REP. COHEN said he could not see why that would be necessary with 150 Legislators. REP. GILBERT said that in 1985, Sen. Halligan had been on the EQC for two years. He chaired a large interim committee which made his duties "so much" that he resigned from EQC in his fourth year. In 1987 the EQC requested he be back on EQC again. "I think merely saying six years is the proper way to do it rather than saying six years in a row. There may be a case where a good person needs to get off for a few years."

Closing by Sponsor:

REP. COHEN asked the Committee to "seriously consider the benefits for providing this experience, training and leadership for the Legislature by having a greater number of knowledgeable Legislators."

EXECUTIVE ACTION ON HB 605

Motion/ Vote: REP. ERNEST BERGSAGEL MOVED HB 605 DO PASS.

Motion carried 17 - 2 with Reps. Daily and Phillips voting no.

HEARING ON HB 578

Presentation and Opening Statement by Sponsor:

REP. GARY BECK, House District 48, Deer Lodge, introduced HB 578 to provide hazardous duty pay to employees at the Montana State Prison and the Women's Correctional Center by raising their position a pay grade by recognizing the need for a higher pay because of the hazardous duty and environment. He said it is a costly bill, but it is something "that is desperately needed." The Legislators and the judges are responsible for "overfill of the prisons." The number of crimes and types of crimes have not increased significantly. What has "gone up significantly" is the fact that people are being sentenced for longer times due to laws that have been enacted requiring this. The Legislators have not taken care of those who have the task of keeping prisoners locked up. "That is a dangerous job with a great deal of stress to them and to their families." He distributed photocopies of news articles addressing the dangers at prison. EXHIBIT 14

Proponents' Testimony:

Terry Minnow, Montana Federation of State Employees, said she represents the employees of the Women's Correctional Center and Montana State Prison. "We strongly support HB 578. Hazardous duty pay is a fair and necessary form of compensation for correctional officers." There is another group of employees, Fish and Wildlife Biologists, who might also fall under this category. They are often required to fly to count elk and deer. Several of them have been killed and others injured in the course of their duties. Fisheries biologists are also required to electro-shock fish; this is very hazardous.

Jerry Guthrie, President, Local 4700, Montana State Prison, distributed some letters from people at the prison and others for the Committee to read. EXHIBIT 15 He said he has been employed at the prison for ten years. He has personally dealt with assaults against himself and other staff members. He related an incident where an inmate obtained some PCP. It took six officers to control the inmate after he was in restraints. During the process of removing the inmate, he kicked three or four officers giving them bruises. On March 24, 1982, officer John E. Jones reported that inmates began a disturbance. The inmates ripped a table, made of solid cement and welded to the floor, off of the day room floor. They used the table to break the door. The officers locked themselves in the Sergeant's office. The inmates attempted to get out of the blocks and some achieved that goal. Inmates broke the glass from the door where the guards were

located. The guards covered the door with a mattress which the inmates slashed and started on fire. Only one officer involved in this incident remains working at the prison due to too much stress. Many incidents involving stress to the officers are not reported in the paper. When an inmate comes into the prison with a 390-year sentence he doesn't really care if he receives more time. When some inmates with long prison terms assault an officer, they are told by the judges that they will not waste the court's money and time to hear the case as the prisoner will never be released from prison. This bill would add an incentive for officers to stay at the prison.

Kenny Neubauer, employee, Montana State Prison, said he was stabbed five times on October 19, 1984. Inmates used foot-long mop bucket handles, which had been taped in their hands to stab him. He ran from the inmates, but he fell. One inmate was given a life sentence, but he was already doing two life sentences of 200 years -- one hundred years more made no difference. The incident caused Mr. Neubauer to be out of work initially for two months. Upon his return, he was only able to work 1.5 days before he had to leave due to all the threats. He was then off work for eight more months. He slowly worked his way back to working on the floor after 3.5 years of therapy. He has worked at the prison a "little over ten years." He related many incidents of numerous assaults on prison staff.

Craig Winter, Sergeant, Montana State Prison, employee for approximately nine years, said he was working with officer Neubauer the day he was stabbed. At that time, another officer was stabbed. Mr. Winter was able to leave the building without being stabbed. He said the T Dorm has twenty sets of bunks with forty inmates and two officers. At times there is only one officer on duty. When inmates get in a fight, there isn't much the guards are able to do until help arrives. He has dealt with inmates with aids in this unit. The danger is real.

Greg Budd, Sergeant, Montana State Prison, presented written testimony. EXHIBIT 16

Lisa Hewitt, employee, Women's Correctional Center, said the women's prison differs "a lot" from the men's prison. "We deal with (many) violent women. I was assaulted by an inmate who had assaulted numerous officers before assaulting me. She was charged with assault and received a one-year sentence. Since then she has assaulted other officers." Policy allows the inmates access to items such as knitting needles, crochet hooks and very large scissors. Unlike the men's prison, the women are allowed to have these items where their guards are located. The women guards are not "locked away" from the prisoners. Two officers deal with three floors of prisoners. The upstairs living quarters are "very alarming" as there are five women housed in a normal-size bedroom. Their beds are right next to each other. The main floor has also been turned into living quarters. There are two officers running the maximum security

unit with one on the floor and the other locked in the control room. "If something breaks out on the floor, the officer is allowed to leave the control room. That is the only backup." Due to lack of staff, this is an unsafe condition. The backup used to be Montana State Prison, but they left two weeks ago. There are people in the prison with "very deviant behavior problems." One lady is in prison for beating her mother to death with a tire iron. She has no remorse; she talks about it each and every day. Whenever we tell her to do something, one of the first things she tells us is, "I'll kill you just like I killed my mother -- blood don't bother me." She requested that members of the Committee come and spend eight hours with them at the prison.

Kara Hust, employee, Women's Correctional Center, said the job of a correctional officer is by nature one of constant stress and risk. The rewards are few. The hours of work and days off often vary from those of your spouses. The holidays are not spent with your family. There is no sense of accomplishment in the job. A job well done just means that the shift went well -- without incident. As a career field, it ranks among the highest for divorce and alcohol abuse. The average term of a correctional officer is 2.5 years; some don't even make it through the first day. Most inmates have an ingrained sense of resentment towards authority figures. Five percent of the prisoners in the Women's Correctional Center are labeled dangerous offenders. Approximately 10 percent used a weapon in their crime; 16.6 percent are in for homicide related charges; 16 percent are serving time for robbery. Many of these statistics are above national averages. Nine out of ten inmates will be found guilty on disciplinary charges involving a major disruption to the institution. One in three will be found guilty of insolence -- this is directing profanity to an officer's face. One in four will be found guilty of making threats. One in eight will be found guilty of an assault. All of this occurs in two buildings that were not designed for a prison. The main unit is a "security nightmare" as there are too many places that propose "potential setups and no ability to lock down." Other states offer hazardous pay to their correctional staff who work in newer and more secure prisons with better staffing and equipment.

Opponents' Testimony:

Steve Johnson, Chief, State Labor Relations Bureau, presented written testimony. EXHIBIT 17

Questions From Committee Members:

REP. JOHN PHILLIPS asked Steve Johnson to inform the Committee of how the classification system works. Mr. Johnson said the State Classification Bureau classifies and evaluates state jobs. The Classification Bureau is in the process of "totally revamping its system of classifying state jobs." The Bureau is now implementing a point factor system, where points are allotted to

certain factors which are used to evaluate jobs. Job analysts analyze jobs and try to compare work with factors involved to arrive at a point total. One factor considered is working conditions which takes in the hazards and conditions associated with the work. Prison guards currently receive the highest number of points available for that particular factor.

REP. JIM SOUTHWORTH asked Steve Johnson if he felt the turnover in the guards was a problem, and if he felt the guards were adequately being compensated for the type of work they do. **Mr. Johnson** said he "really couldn't offer an opinion on that as he is not familiar enough with the day to day work they do. I am not familiar enough with the specifics of how much weight is given to the danger involved in that work to arrive at a classification." "We are concerned about turnover as a general compensation issue."

REP. JANE DEBRUYCKER asked at what pay grade are those testifying. **Mr. Guthrie** said the pay grade for correctional officers is Grade 9 for two years. They must then test for a Grade 10. The sergeants testifying today are at a Grade 12. Clerks and secretaries are at Grade 9 and Grade 10. "If the classification system takes (into consideration) the hazard, what is the hazard for a clerk or secretary compared to an officer?"

REP. JANE DEBRUYCKER asked what the starting pay would be at Grade 9. **Mr. Guthrie** said his taxable income last year was \$18,000. **REP. JANE DEBRUYCKER** asked **Ms. Minnow** how the Fish and Wildlife Biologists got in the bill. **Ms. Minnow** said "they are another group of employees who also could need hazardous duty pay. . . . There are probably other employees who also should qualify for hazardous duty. This bill just talks about correctional officers. The starting wage for the first six months is \$6.83 an hour. A Grade 9 makes \$7.47 an hour. That is what a prison guard would make for the first two years."

REP. PHILLIPS asked if "this case had been made to the (Classification Bureau)?" He thought the Committee would be getting in their "business if we dictated this." **Ms. Minnow** said she didn't know but there have been "a lot of classification appeals." Part of the problem is that you can appeal on behalf of an individual, but you cannot necessarily appeal on behalf of a whole class. Very few appeals are successful.

Closing by Sponsor:

REP. BECK said **Mr. Johnson** is a representative of the State Administration from the Governor's office. "We all know that the state pay system is in a shambles" because we treat all people equally. It is not good for state workers' interests to do this. We have to accept the fact that certain people do different jobs and certain people have very dangerous jobs. Hazardous-duty pay is a big cost item. It takes into consideration everyone from the warden on down. The bill could be amended to address the needs of the people on a day-to-day basis, who are on the firing

line. An inmate broke a counselor's jaw because he wouldn't let the inmate make a call. One woman received obscene phone calls from an inmate on the state phone system. This was extremely upsetting to that woman. This continued for two or three weeks before this was stopped. It is difficult to hire people to work at the prisons due to the stress and low pay. "I do not want to put this bill into the state pay plan. This is above and beyond the state pay plan. I want this bill out on the House floor."

EXECUTIVE ACTION ON HB 578

Discussion:

CHAIR BROWN said she wished to know if the Committee wanted to act on HB 578 when there are so many bills in the pay plan subcommittee even though Rep. Beck said he would like to have the Committee act on the bill.

REP. FORRESTER said he did not think it should go to the subcommittee.

CHAIR BROWN said we could just hold onto the bill or re-refer it to the Appropriations Committee without any action being taken.

REP. BECK said the bill has a large fiscal note with it. He would like to get the bill out on the floor of the House to let people "start talking about it."

REP. COCCHIARELLA said she is afraid that "in the end their hazardous duty pay would get lost." She thinks it should be put into the subcommittee or refer it to Appropriations.

REP. BECK said he would feel better about putting it into the subcommittee.

REP. JANE DEBRUYCKER said, "We are talking about the Montana State Prison workers. We are not discussing Fish and Wildlife Biologists. I want to go on record as saying those guys don't belong in there anyplace."

It was decided to hold the bill over.

HOUSE STATE ADMINISTRATION COMMITTEE

February 15, 1991

Page 22 of 22

ADJOURNMENT

Adjournment: 11:15 a.m.



JAN BROWN, Chair



JUDY BURGGRAEF, Secretary

JB/jb

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 2/15/91

NAME	PRESENT	ABSENT	EXCUSED
REP. JAN BROWN, CHAIR	✓		
REP. VICKI COCCHIARELLA, VICE-CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. GARY BECK	✓		
REP. ERNEST BERGSAGEL	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ERVIN DAVIS	✓		
REP. JANE DEBRUYCKER	✓		
REP. ROGER DEBRUYCKER	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. PATRICK GALVIN	✓		
REP. HARRIET HAYNE	✓		
REP. BETTY LOU KASTEN	✓		
REP. JOHN PHILLIPS	✓		
REP. RICHARD SIMPKINS	✓		
REP. JIM SOUTHWORTH	✓		
REP. WILBUR SPRING	✓		
REP. CAROLYN SQUIRES	✓		

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report
that House Joint Resolution 22 (first reading copy -- white)
do pass.

Signed: Jan Brown
Jan Brown, Chairman

3:50
2-15-91
TDB


HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 357 (first reading copy -- white) do pass as amended .

Signed: _____


Jan Brown, Chairman

And, that such amendments read:

1. Page 2, line 4.
Strike: "even-numbered"
Insert: "odd-numbered"

3:50
2-15-91
JDB

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 500 (first reading copy -- white) do pass as amended .

Signed: Jan Brown
Jan Brown, Chairman

And, that such amendments read:

1. Page 1, line 15.

Following: "of"

Strike: ":"

2. Page 1, line 16.

Strike: "(a)"

3. Page 1, line 18.

Following: "instruction,"

Strike: "and"

Following: "auditor,"

Insert: "state architect, and the director of the Montana historical society,"

4. Page 1, line 19.

Strike: "; and"

Insert: ". Each ex officio member may appoint"

5. Page 1, line 20.

Strike: "(b)"

Strike: "20"

Insert: "2"

6. Page 1, lines 23 and 24.

Following: "and the"

Strike: the remainder of line 23 through "state" on line 24

Insert: "director of the department of administration"

CLERICAL

House Bill No. 500
Date: 2/16/91

Time: 11:30 am
And-Bred
(Legislative Council Staff)

☒ State Admin.
S / H Standing Committee
Jan Brown
(Chairman)

☐ S / H Committee of the Whole
(Sponsor)

In accordance with the Rules of the Montana Legislature, the following clerical errors may be corrected:

Amendment No. 5
Insert: "~~2~~ two"

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report
that House Bill 605 (first reading copy -- white) do pass .

Signed: Jan Brown
Jan Brown, Chairman

Historical Publications and Records Commission. Let Congress know that money spent on book preservation is well spent.

Write to publishers urging the use of alkaline (acid-free) paper.

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If you are a published writer, insist that your work be printed on alkaline paper. Voice your concern that books be bound in a way that will ensure their existence for future generations.

If you are a librarian, archivist or other custodian of research materials, you can read and attend workshops to learn more about the problem of deteriorating books and documents and what must be done to extend their lives. There are a number of simple but effective measures that an institution can take, such as using alkaline file folders for storing papers and installing air conditioning.

If you are a book buyer, check to see if the books you buy are printed on alkaline paper. Let bookstore owners know that you are aware of the problem and that your book-buying habits reflect this concern.

Above all, begin to think about books and documents not as "disposables" but as perishables which may not survive without your active support.

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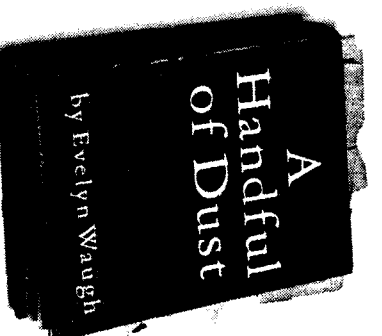
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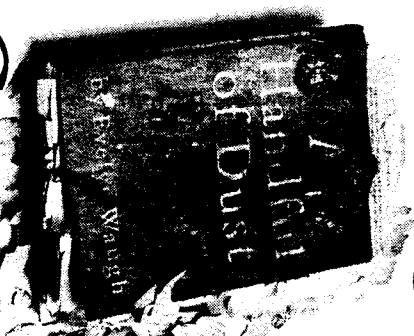
EXHIBIT

DATE

HJR 22



Going,



Going,



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Vote Cast 11/8/88
Pub. by Sec. of State

DATE 2/15/91
HB 357
Exhibit 2

JUDGES AND PUBLIC SERVICE COMMISSION RESULTS ON REVERSE SIDE)										
CONSTITUTIONAL AMENDMENT NO. 19 Allowing the legislature to establish specific residency requirements for certain judges, etc.		CONSTITUTIONAL AMENDMENT NO. 20 Requiring the legislature to meet each year, etc.		LEGISLATIVE REFERENDUM NO. 106 Giving the legislature authority to levy up to 6 mills for Montana University System		INITIATIVE NO. 110 Repealing the Montana Seat-belt Use Act.		INITIATIVE NO. 113 Requiring refundable deposits on all beverage containers sold in Montana.		COUNTY SEATS *First Congressional District
For	Against	For	Against	For	Against	For	Against	For	Against	
2,455	1,258	1,735	2,041	2,723	1,178	1,892	2,121	862	3,150	*Dillon
2,437	1,275	2,071	1,718	2,217	1,580	1,972	2,019	953	3,045	Hardin
1,840	928	1,370	1,424	2,031	820	1,655	1,279	514	2,410	Chinook
1,036	581	738	920	1,046	627	850	866	330	1,383	*Townsend
2,604	1,492	1,905	2,277	2,745	1,552	2,094	2,364	952	3,529	Red Lodge
544	307	329	530	528	375	585	344	191	725	Ekalaka
19,356	10,292	14,026	16,388	19,886	11,038	13,586	18,788	5,592	26,821	Great Falls
2,030	968	1,221	1,859	2,180	983	1,727	1,535	461	2,825	Fort Benton
3,561	1,652	2,813	2,521	3,531	1,909	2,876	2,727	813	4,788	Miles City
694	458	485	716	836	440	787	579	201	1,168	Scobey
2,969	1,575	2,353	2,308	2,926	1,873	2,950	1,996	614	4,291	Glendive
2,651	1,528	2,012	2,244	2,665	1,697	1,964	2,558	650	3,933	*Anaconda
872	583	788	709	979	591	985	691	293	1,341	Baker
3,691	2,097	2,549	3,397	4,071	1,995	3,011	2,800	1,006	5,089	Lewistown
16,663	7,543	13,988	10,385	15,048	9,983	9,126	16,602	5,245	18,999	*Kalispell
15,372	6,334	12,352	9,572	15,237	5,674	7,174	15,740	8,393	14,336	*Bozeman
435	306	296	479	450	354	571	284	82	766	Jordan
2,479	1,375	2,149	1,758	2,682	1,292	1,932	1,886	1,085	3,099	*Cut Bank
293	188	210	287	313	199	321	219	83	462	Ryegate
796	384	550	695	778	488	582	738	218	1,122	*Phillipsburg
4,984	2,416	3,950	3,620	5,466	2,239	4,113	3,827	1,268	6,531	Havre
2,337	1,311	1,643	2,062	2,410	1,288	1,634	2,199	812	3,035	*Boulder
905	497	538	913	1,038	438	841	677	219	1,307	Stanford
5,448	2,958	3,713	4,894	4,958	3,840	3,713	5,413	2,448	6,692	*Polson
14,280	8,089	10,107	12,853	14,405	8,809	8,858	14,793	6,310	17,225	*Helena
713	386	513	668	846	339	630	597	182	1,045	Chester
4,665	2,242	3,612	3,332	4,019	3,101	3,414	4,023	1,806	5,520	*Libby
1,734	1,058	1,111	1,718	1,766	1,161	1,264	1,757	652	2,345	*Virginia City
787	496	582	727	824	529	793	619	185	1,244	Circle
643	273	400	547	760	222	597	421	144	866	White Sulphur Springs
922	449	765	607	806	542	652	801	291	1,171	*Superior
22,182	11,495	17,570	16,747	23,555	11,571	11,367	24,646	10,958	25,367	*Missoula
1,189	803	922	1,136	1,276	809	1,195	927	362	1,823	Roundup
4,352	1,857	3,100	3,180	4,147	2,234	2,695	3,853	1,542	5,063	*Livingston
182	93	102	189	198	98	176	128	43	263	Winnett
1,411	770	980	1,311	1,732	603	1,373	1,082	288	2,142	Malta
1,927	987	1,364	1,620	2,027	1,023	1,493	1,451	457	2,624	Conrad
703	419	549	602	764	420	690	547	243	989	Broadus
1,543	992	1,324	1,283	1,567	1,081	1,310	1,443	537	2,225	*Deer Lodge
548	255	375	446	564	298	547	360	105	815	Terry
7,632	3,925	5,627	6,091	6,917	5,140	5,296	7,136	2,932	9,540	*Hamilton
2,863	1,354	2,093	2,175	2,846	1,570	2,820	1,615	534	4,041	Sidney
2,441	1,349	2,030	1,842	2,548	1,418	1,984	1,900	902	3,094	Wolf Point
2,401	1,254	2,027	1,658	2,578	1,167	1,612	2,059	787	2,968	Forsyth
2,571	1,292	2,064	1,825	2,368	1,658	1,984	2,147	1,174	2,992	*Thompson Falls
1,704	690	1,246	1,223	1,940	646	1,448	1,334	350	2,414	Plentywood
9,458	6,105	6,520	9,529	10,601	5,955	7,062	9,878	2,659	14,412	*Butte
1,993	1,168	1,455	1,751	2,086	1,205	1,587	1,812	570	2,839	Columbus
994	574	709	910	1,035	621	817	894	385	1,329	Big Timber
1,862	1,050	1,118	1,904	1,915	1,162	1,698	1,521	436	2,390	Choteau
1,602	831	1,108	1,377	1,674	871	1,518	1,048	398	2,179	Shelby
300	182	248	250	319	191	272	267	66	481	Hysham
2,630	1,422	1,920	2,201	2,706	1,513	2,406	2,139	740	3,813	Glasgow
659	400	448	639	734	379	623	514	189	953	Harlowton
362	193	231	349	354	247	404	231	100	533	Wibaux
31,232	15,741	23,487	24,448	31,017	18,223	19,955	30,895	8,897	41,909	Billings
224,937	116,500	169,491	178,855	227,638	127,259	155,481	211,090	78,509	287,461	TOTAL

EXHIBIT 3
DATE 2/15/91
HB 357

Amendments to House Bill No. 357
First Reading Copy

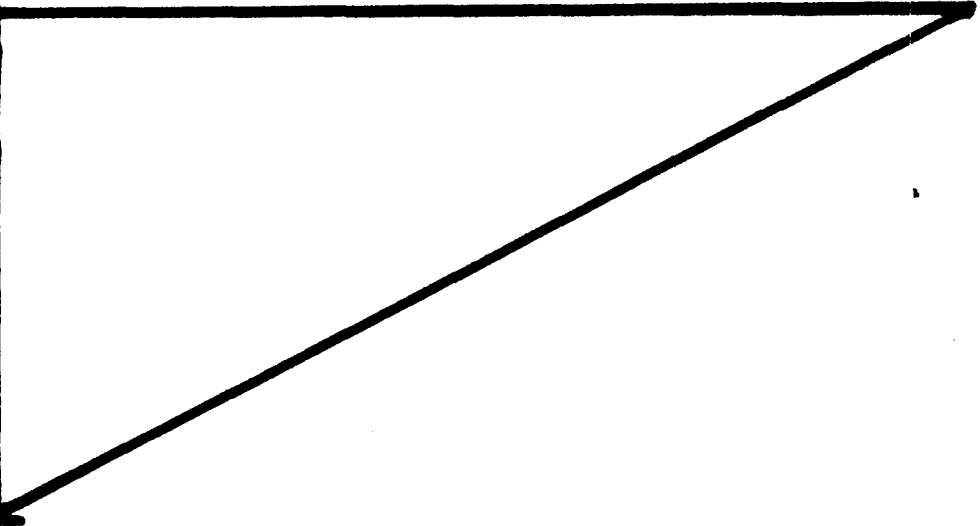
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
February 15, 1991

1. Page 2, line 4.
Strike: "even-numbered"
Insert: "odd-numbered"

BUDGET

SESSION



BILL REQUESTING

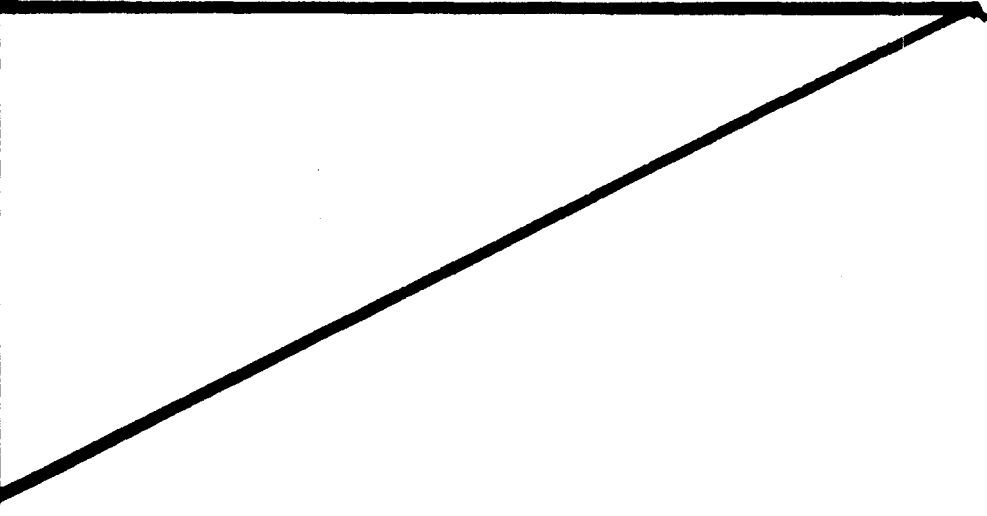
1-1-93

45 days

JAN + FEB

GENERAL

SESSION



1-1-94

45 days

SPECIAL SESSIONS OF THE MONTANA LEGISLATURE

EXHIBIT 5
DATE 2/15/91

1889 - 1990

HB 357

Legislature	Called by Governor	Duration	Subject
Eighth	Joseph Toole	May 26, 1903	Louisiana Purchase Exposition.
	Joseph Toole	Dec. 1-11, 1903	Labor disputes, mining litigation, district judges.
Eleventh	Edwin Norris	Dec. 27-30, 1909	Additional bonds for construction of Capitol wings. Appropriation for Publicity Department. Department of Agriculture, Labor, and Industry.
Fifteenth	Sam Stewart	Feb. 14-25, 1918 ⁹	Seed grain law. To protect soldiers' and sailors' rights in their absence. State council of defense and state home guard. To enact legislation to punish treasonable, seditious and disloyal utterances and acts.
Seventeenth	Joseph Dixon	Mar. 5-22, 1921	Tuberculosis sanitarium, tax collection system, school funding, inheritance tax.
Eighteenth	Joseph Dixon	Jan. 22-29, 1924	Legislative appropriations null and void due to Supreme Court decision on gubernatorial veto.
Twenty-Third	Frank Cooney	Nov. 27, 1933 Jan. 19, 1934	Depression and federal programs for relief and recovery. Impeachment brought against Governor and Secretary of State

Special Session Continued

Legislature	Called by Governor	Duration	Subject
Fortieth	Tim Babcock	Mar. 3-18, 1967	Miscellaneous appropriations.
Forty-First	Forrest Anderson	Mar. 10-19, 1969	Supplemental appropriation.
Forty-Second	Forrest Anderson	Mar. 8-Apr. 3, 1971	Long-range building program. Sales tax appropriations.
	Forrest Anderson	June 7-25, 1971	Continuation of topics from previous special session.
Forty-Third	Legislature	Mar. 12-24, 1973	To finish work of the regular session.
Forty-Fourth	Thomas L. Judge	Aug. 4, 1975	Six mill levy for University System.
Forty-Seventh	Ted Schwinden	Nov. 16-24, 1981 8 DAYS	Appropriation of federal block grant funds.
	Ted Schwinden	June 21-26, 1982 6 DAYS	Problems at Montana State Prison and in adult corrections programs.
Forty-Eighth	Ted Schwinden	Dec. 12-17, 1983 6 DAYS	Veterans' and Disabled Civilians' Law.
Forty-Ninth	Ted Schwinden	June 28, 1985 1 DAY	To correct action on vehicle fees.
	Ted Schwinden	March 24-29, 1986 6 DAYS	Liability limits. Revenue bonds. Special elections. Economic assistance.
	Ted Schwinden	June 16-July 1, 1986 14 DAYS	State appropriations and budget changes. Taxes on fuels and regulated utilities.

DATE 2/15/91
HB 357

Special Session Continued

Legislature	Called by Governor	Duration	Subject
Fifty-First	Stan Stephens	6/19--7/14 1989 18 DAYS	Education equalization; matters related to academic & fiscal accountability in MT's public education system; elementary & secondary reducing & reforming MT's income taxes & property taxes; referring constitutional amendments to the people to limit the growth of state spending & to require a vote of the people of MT on proposed increases in a statewide sales tax; addressing new and ongoing revenue sources to replace part of property taxes in the funding of public elementary & secondary education; consider office hours for cities and towns; disband litigation bureau in the Dept. of Commerce & transfer to the Justice Dept.; revise MT's law on taxation of retirement income.
Fifty-first	Stan Stephens	5/21-5/25/90 5 DAYS	Exemptions on natural gas production erroneously allowed during the June 1989 special sessions for flat rate for local government severance tax; Workers' Compensation unfunded liability by continuing the employer tax, segregating old and new obligations, and authorizing the Board of Investments to make loans to the State Compensation Mutual Insurance Fund created in 1989 to administer Plan No. 3 under the Workers' Compensation Laws; prison construction issues.



EXHIBIT 6
DATE 2/15/91
HB 357

HB 357 ANNUAL SESSIONS

The League of Women Voters of Montana supports HB 357. We have supported annual sessions for many years. The return to annual legislative sessions is long overdue. If biennial sessions were an effective and efficient way to run our state, there would not be a need for special sessions almost every interim.

The League believes that the cost difference would be minimal when you consider the activity that goes on during the biennial interim plus the cost of special sessions.

We ask that you send this constitutional amendment to the floor with a "Do Pass" and that when it appears on the ballot, you not only support it, but let your constituents know of the need for annual sessions so they, too, will support with their vote.

Joy Bruck, President

League of Women Voters of Montana

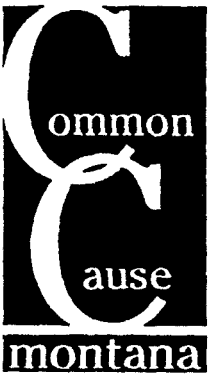


EXHIBIT 7
DATE 2/15/91
HB 357

TESTIMONY OF COMMON CAUSE/MONTANA

IN SUPPORT OF HOUSE BILL 357

15 FEBRUARY 1991

P.O. Box 623
Helena, MT
59624
406/442-9251

Madame Chairwoman and members of the House State Administration Committee for the record my name is C.B. Pearson, Executive Director of Common Cause/Montana. We would like to go on record in support of House Bill 357.

The Legislature, with the support and endorsement of a number of citizen groups, decided in 1987 to place a constitutional amendment on the ballot that would have allowed for the Legislature to meet yearly. Unfortunately, that amendment failed, but by a very close vote 49% for and 51% against. Common Cause and variety of citizen groups and legislators worked hard to support the constitutional amendment.

The constitutional amendment (CI-20) was designed to address the increased responsibilities placed on the Legislature and several shortcomings in the biennial session system. This bill is also designed to address those shortcomings. As part of my testimony I have prepared some background and reasons for passing HB 357.

As state populations have grown and the running of governments have become more complex, the national trend has been toward annual or split sessions. According to information compiled by Common Cause, in 1939, 44 states

had biennial sessions. However by 1961, the number had decreased to 31 states and today, only seven states, including Montana have biennial sessions.

The environment for legislative decision making has changed so dramatically in the 1980s that it is no longer practical to have a biennial legislative system in the current era of deregulation and new federalism. Examples of the new federalism include expanded state roles in job creation, health care, prison reform, and education. Budget cuts that came in the early 1980's have also forced many states to take responsibility for social services that were previously funded by the federal government.

As state legislatures have needed to take on more responsibility biennial meetings of legislatures have become increasingly archaic. While there is clearly no need for a full-time legislature in Montana, there is a need to give the people of Montana a more timely and responsive method of law making that meets the increased demands placed upon the Legislature.

Legislators realized the need for a change from the current legislative pressure cooker. During the 1987 session over two-thirds of the legislators voted for the amendment. They understood that the current process fails to provide a good environment for law making; it demands more than people can give.

Special sessions, however, are not the answer to the new demands placed on the Legislature. Special sessions hurt public involvement in the legislative process. In addition, irregular and

emergency meetings of the Legislature do not always allow legislators enough time to understand a major policy issue nor does it allow the public an effective way to be involved in the policy making. They are also expensive.

A review of the use of special sessions shows that prior to 1981 they were used on a limited basis. In the years 1981-87 the Legislature met in special sessions for 44 days at a cost of approximately \$1.5 million over and beyond the costs of regular sessions. The 1985 Legislature, including special sessions, met 109 days as opposed to the scheduled 90 days.

To change this situation, the constitutional amendment proposes the Legislature meet each year during a two-year legislative cycle and "split" the activity of the Legislature. In odd years the Legislature would meet to discuss general policy matters. In even years, revenue and appropriation matters would be debated.

The Legislature will be more effective, and more people will be able to run. Some major occupations will be able to be included in the make-up of the Legislature that where previously unable to participate because of the long three month session.

The split sessions constitutional amendment makes sense. It is important that our citizens' legislature have the opportunity to provide the best possible leadership for Montana. Therefore we urge a do pass on House Bill 357.

Amendments to HB 500

1. Amend page 1, Section 2, line 20,

Following: "(1)"

Insert: "each ex-officio member of the committee may appoint"

2. Amend page 1, Section 2, line 20,

Following: "to"

Strike: "20"

Insert "3"

3. Amend Page 1, Section 2, line 21,

Following: "sector"

Strike: "whom the ex officio members shall appoint"

4. Amend page 1, Section 2, line 22,

Following: "years"

Insert: "(c) the director of the Montana Historical Society, and the state architect, shall serve on the committee and assist the committee with technical support."

EXHIBIT _____
DATE 2/15/91
HB 500



State Historic Preservation Office

Montana Historical Society

Mailing Address: 225 North Roberts • Helena, MT 59620-9990

Office Address: 102 Broadway • Helena, MT • (406) 444-7715

February 14, 1991

TESTIMONY IN SUPPORT OF HOUSE BILL 500, AS AMENDED FOR THE STATE ADMINISTRATION COMMITTEE

Madame Chairman, members of the Committee, I am Marcella Sherfy. I am Montana's State Historic Preservation Officer, working within the Montana Historical Society.

We enthusiastically support this effort to organize and begin a thoughtful effort to rehabilitate and restore Montana's State Capitol Building. The Capitol is listed in the National Register of Historic Places. It is clearly the architectural and historical centerpiece of Montana's political history and life. It is the most historically important and architecturally elegant and sophisticated building that many Montana school children see until they travel out-of-state. We believe that the Capitol should be accorded greater respect, the benefits of conscious, professional architectural planning, and the focused attention of our political leadership.

We support, as well, the concept that private monies can be raised to assist with restoration--that the Capitol should be so important to many Montanans that they will help with its care. But we also believe that, in coming years, the Capitol warrants adequate expenditure of public monies as well. This building and these grounds are photographed by many Montana visitors. I'm afraid that they have already recorded too many of our quick fixes and piecemeal solutions. Our own state care of the Capitol should reflect the stewardship we ask of other Montanans in their care of other historic buildings.

Having talked with the sponsors of this legislation, we believe that this legislation offers a foundation for the needed cohesive and sensitive treatment of our Capitol. We welcome, then, this legislation and urge your support for it.

Thank you.

EXHIBIT 10
DATE 2/15/91
HB 500

PROPOSED AMENDMENT TO HB 500

Mr. Chairman and members of the Committee, we respectfully request that HB 500 (the introduced bill--white) be amended as follows:

1. Page 1, line 23.

Following: "and the"

Strike: "secretary of"

2. Page 2, line 24.

Strike: "state"

Insert: "director, department of administration"

Amendments to House Bill No. 500
First Reading Copy

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
February 15, 1991

1. Page 1, line 15.
Following: "of"
Strike: ":"

2. Page 1, line 16.
Strike: "(a)"

3. Page 1, line 18.
Following: "instruction,"
Strike: "and"
Following: "auditor,"
Insert: "state architect, and the director of the Montana
historical society,"

4. Page 1, line 19.
Strike: ";and"
Insert: ". Each ex officio member may appoint"

5. Page 1, line 20.
Strike: "(b)"
Strike: "20"
Insert: "2"

6. Page 1, lines 23 and 24.
Following: "and the"
Strike: the remainder of line 23 through "state" on line 24
Insert: "director of the department of administration"

Amendments to House Bill 679
Introduced Copy
Submitted By The State Auditor

EXHIBIT 12

DATE 2/15/96

HB 679

1. Page 1, line 25.

Following: "years"

Strike: ".0576"

Insert: ".058"

2. Page 2, line 1.

Following: "years"

Strike: ".0692"

Insert: ".069"

3. Page 2, line 2.

Following: "years"

Strike: ".0807"

Insert: ".081"

4. Page 2, line 3.

Following: "on"

Strike: ".0923"

Insert: ".092"

5. page 3, line 13.

Following: "of"

Strike: ".0461"

Insert: ".046"

EXHIBIT 13
DATE 2/15/91
HB 605
February 12, 1991

Dear Fellow House Member:

House Bill 605 provides that no member of a statutory interim committee may serve for more than 6 years. The purpose of this bill is to insure that each of these positions is shared among the members of the House. In this way, a greater number of legislators can become knowledgeable about these various areas of special concern.

Members and former members of the Environmental Quality Council, an interim committee which now has the 6 year limitation, have told me of the benefits of the fixed term. They told me it created within them a desire to produce meaningful change for the Montana community as a result of the term that they spent on that council.

This constant rollover has provided a dynamic quality to the Environmental Quality Council and it has offered bipartisan leadership to the legislature in coming to grips with the realities of the human interface with nature.

The statutory committees are listed in the title of the Bill. (attached) Some of the legislators who serve on these committees have been on them since their inception. (See attached membership lists)

House Bill 605 provides a unique opportunity for us to guarantee a tradition of shared leadership for the Montana Legislature.

Exhibit 13 contains pages 5 - 56 of the 1989-1991 Montana Interim Directory of Legislative Committees. The entire exhibit is available at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)

Killing Montana Convicts Kill Officer, 18 Guards Hostage; Warden Freed

EX-114
 DATE 2/15/91
 FB 578

GREAT FALLS TRIBUNE

MONTANA'S BEST NEWS GATHERER
 GREAT FALLS, MONTANA, FRIDAY, APRIL 17, 1939
 PRICE TEN CENTS

Plarls Take 00 From e-in Bank

two teller cages in the drive-in section
 s National Bank of \$1,400 Wednesday
 burglary or robbery of a local bank.
 containing two money bags, one with
 her with \$170, was abandoned on the
 d Federal Bureau of Investigation
 ad been left as the burglars fled.
 ger, bank vice president, said all the
 er and was left in fireproof safes in the
 teller cages at First avenue
 north and Third street,
 across the avenue from the
 main bank.
 FBI agents and police are
 working together in the investiga-
 tion. The FBI entered the case
 because the bank is a national
 institution and its monies are in-
 sured through federal agencies.
 Entrance was through the roof.



WARDEN TELLS OF ESCAPE—State Prison Warden Floyd E. Powell
 is shown talking on the telephone with state officials Thursday night

Convicts Get Three-Point Ultimatum

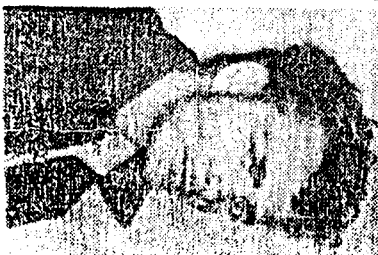
DEER LODGE (AP) — A three-
 point ultimatum was issued to riot-
 ing Montana Prison inmates
 Thursday night by Warden Floyd
 E. Powell.
 He demanded:
 1. Release of the 18 hostages held
 within the prison walls.
 2. The two principal ringleaders
 give themselves up to officers at
 the main gate.
 3. Those who do not want to take
 part in the hostilities segregate
 themselves in the far corner of the
 block-square prison yard.
 The warden, himself a hostage
 for a time, said that unless these
 demands are met, troops and jaw-
 men armed with rifles, machine
 guns and tear gas will storm the
 prison.

Five Kills Four

NEW YORK (UPI)—Four men
 died in a flash, gasoline-fueled fire
 in a garage, trampled by flames

Laummen, Troops Set To Storm Prison With Guns, Tear Gas

DEER LODGE (AP) — Rampaging inmates at the Montana Prison held 18 guards
 as hostages Thursday night after killing the deputy warden and stabbing one guard.
 Nearly 150 National Guardsmen, prison guards, police and other officers stood poised
 to storm the walls at a zero hour tentatively set for 4:30 a.m. Authorities warned the
 insurgent inmates to surrender two ringleaders and to return to their cells or face a
 charge by officers armed with Tommy guns, rifles and tear gas.
 Warden Floyd E. Powell, who took his job only eight months ago, bluntly
 warned the inmates to release the hostages and send out a negotiating committee
 or troops would be sent in. Powell himself was held inside the prison at knife-
 point for nearly three
 hours before winning
 his release.
 Late Thursday night, Pow-
 ell reentered the prison to
 consult with spokesmen for the
 prisoners. Before he walked back
 into the prison, Powell said he did
 not know what demands the pris-
 oners were making. He also said
 he couldn't pin down the exact
 number of convicts involved.
 Deputy Warden Theodore
 Rothe, 39, formerly of Wapuna,
 Wis., was shot in the chest and
 died three hours later in the
 Deer Lodge hospital. A guard,
 William Cox, was stabbed, but
 his condition was not believed
 critical.



Prison slashings prompt changes

By NICK FOOTE
Nov. 1984

Standard Staff Writer

The increasing availability of "shanks" (homemade knives) inside Montana State Prison at Deer Lodge will mean new procedures for handling even routine situations, Warden Hank Risley said Monday.

The facility has had 13 slashings of guards, prisoners and prisoner self-slashings since March 19.

When the the latest round of violence ended Friday, five prisoners in the maximum security unit had slashed their wrists and had slashed the throat of a guard who investigated the incident. Two other prisoners were stabbed, one for the second time since September.

Some of the weapons used, Risley said, indicate that routine procedures for handling dangerous materials aren't working.

For example, inmate Steve Ritchson, one of the self-slashers, also is accused of slashing the throat of guard Ed Williams, a supervisory sergeant who went to maximum security to investigate the disturbance. Williams has returned to work, Risley said.

Ritchson used a standard shank — a toothbrush handle with an embedded razor blade.

Risley said guards distribute and collect each razor blade used by prisoners. He admitted, however, that how the prisoners obtain the blades remains a mystery. The procedure for distribution of razor blades will be changed.

OTHER WEAPONS USED in the self-slashings included two sharpened pieces of metal obtained from small towel bars that are part of the toilet-sink combinations in the cells. Risley said the bars will be removed from the cells, if possible. Another weapon appeared to have been a part of a light fixture that had been broken in a previous prisoner disturbance in maximum security, Risley said.

"What it appears we will have to do is call in maintenance personnel every time something gets broken to determine if any pieces are missing. If something appears to be missing, we will have to search until we find it," the warden explained.

No cause has been determined for the prisoner slashings Wednesday. However, Risley speculated that former inmate Wilbur Sargent, suspected of being a ringleader in several prisoner disturbances, might have caused Wednesday's slashings. Sargent has been transferred to a federal prison in Terre Haute, Ind., for

being a continuing disruptive influence.

Risley said that the five inmates might have staged the slashings in an attempt to capture a guard as a hostage to make demands. Also, the warden speculated, the prisoners might have wanted to kill a guard, although there apparently wasn't an attempt to kill or capture a particular guard — just any guard who happened to respond to the disturbance.

Also, the maximum security prisoners haven't made any demands, Risley added. "They (the prisoners) aren't going to tell us anything."

The five prisoners involved in the slashings all lived in the same maximum security cell block. The other 35 prisoners in maximum security were not involved in the slashings.

MEANWHILE, THE INVESTIGATION continues into the slashings of inmates Jimmy Spurlock and William Stanton. Spurlock was stabbed in a separate incident Wednesday.

The Associated Press over the weekend reported that Spurlock charged that he was stabbed by another inmate in maximum security. But, Risley said Monday that Spurlock has made no such accusation to prison officials.

Risley said that he asked Idaho authorities to accept Spurlock on transfer. The warden said that request was refused because of Spurlock's past behavior. So, Risley said, he is looking for another prison for the inmate.

Investigation continues into the stabbing of Stanton, who is serving a 300-year sentence from Butte. He was stabbed in the leg in a prison exercise yard. Stanton also was stabbed on Sept. 8. No one is in custody in connection with either stabbing.

Further, one of the inmates involved in Wednesday's slashings is Richard Harthun. Harthun is charged with the Oct. 6 stabbing of guard Lenny Rundle and the Oct. 9 stabbing of guard Terry Tyler. Harthun slashed his own wrists last week.

Risley, who said Harthun and Sargent are close friends, explained that he'll wait to determine if transferring Sargent has any effect on Harthun's behavior before deciding whether to transfer Harthun.

Without prisoner demands, with the hunger strike in Close I security unit over and without any inordinate number of formal prisoner complaints, Risley said: "We are at a loss to explain what spurred this latest round of slashings."

Inmate killed... guard held hostage...

Tense moments at the prison

A Montana State Prison inmate was shot to death Sunday night after he slashed the throat of a correctional officer and then held the bleeding man hostage for two hours.

Dead is Gary Buckley, 30, sentenced in 1975 to 100 years for the Lincoln County murder of John McIntyre, whose bullet-riddled body was found near a cabin in the Eureka area.

Home, after taking 50 stitches, required to close a cut along his throat and one side of his neck, is John Clair, 54, a nine year veteran at the prison who spent the two hours trying to stop the bleeding by holding a rag to his neck and making conversation with Buckley in an effort to calm him down.

Warden Roger Crist, who said he was not present to negotiate with Buckley, gave the order at 10:30 p.m. Sunday, for three groups of prison officials and law enforcement officers to close in on Buckley, who was holding Clair in a glass-enclosed guard cage at the south end of the prison visiting room.

The incident began at 8:30 p.m. when the Bahai's, a religious group at the prison, had just concluded a regular meeting. As 35 inmates and 10 outside visitors filed out of the prison visiting room, Buckley walked back toward Clair, the officer assigned to watch the group, and told him he was going to "hold a hearing."

As Clair reached for a telephone to get outside assistance, Buckley grabbed his

having a nurse enter the area, Buckley gaining a second hostage was too great. In the meantime, a force was formed of several prison administration officials who rushed out to the prison along with Powell County Sheriff Dave Collings.

Deputy Warden Jim Blodgett, Associate Warden Gary Weer and Armorer Boyd Guebier armed with shotguns, crawled on their stomachs around the back of the visiting room and positioned themselves below a window at the room's south end. Another group, armed with scope-mounted .308 rifles, hid behind automobiles parked in the prison parking lot to the west of the room.

Crist and Collings positioned themselves just around the corner of the corridor leading into the visiting room. After attempting several times to negotiate with Buckley, who reportedly became more irrational and vehement in his threats to kill Clair, the warden decided to go ahead with a plan to rush Buckley.

Crist said the plan was to avoid shooting Buckley if possible, with the group hoping to startle him enough that Clair could break away leaving Buckley alone where, at gun point, they could force him to drop his weapon and surrender.

Crist had prison Licensed Practical Nurse Georgia Welch walk down the corridor in an appearance of nonchalance. While walking back to the hospital's maximum security ward after the dance, Buckley

she dived into an alcove and screamed as loud as she could. Collings, Crist and other officers then ran into the corridor, while someone else closed the door behind them, allowing the door into the visiting room to be opened. Crist fired two shots from a pistol into the ceiling.

As he did this, Blodgett, Weer and Guebier jammed their shotguns through the screen and glass on the south window. But out in the parking lot, Lt. John Ruane, leaning against the back-mounted spare tire of a Toyota Land Cruiser, about 60-80 yards away, saw Buckley through the lighted window on the building's southwest corner.

Seeing that Buckley appeared to have an object in his hand and was moving toward Clair, Ruane fired. The .308 slug crashed through the outside window and entered the right side of Buckley's back, passing out of him at an upward angle near his collar bone. The slug smashed through another window on the other side of the cage and lodged in the ceiling.

Crist and Collings rushed into the room but Buckley dropped at their feet. Uttering nothing his last few minutes of life, Buckley died at midnite as Powell County Hospital staff were preparing to transfer him to St. James Hospital in Butte.

While walking back to the hospital's maximum security ward after the dance, Buckley

Wandering overland and apparently hitching a ride with a motorist, Buckley made it to a Dillon where Beaverhead County authorities arrested him six days later.

Deputy Warden Jim Blodgett said prison administrators comprised the assault force largely because the high turnover rate among guards prevents the prison from maintaining an adequately trained force of lower ranking officers.

"When the warden walked in Sunday night, there were 30 correctional officers on duty and he probably barely knew all but 10 of them," Blodgett said.

By using senior administrators who have been at the prison several years and know each other well, "at least we were dealing with a known quantity," he said.

Crist said Monday that he does not anticipate altering any of the rules governing meetings of the Bahai's or other self help groups.

Crist characterized the incident as isolated "although extreme" and said that, since many inmates obtain positive benefits from participating in groups such as the Bahai's, he saw no reason to restrict other inmates because one had used a group meeting for his own illicit purpose.

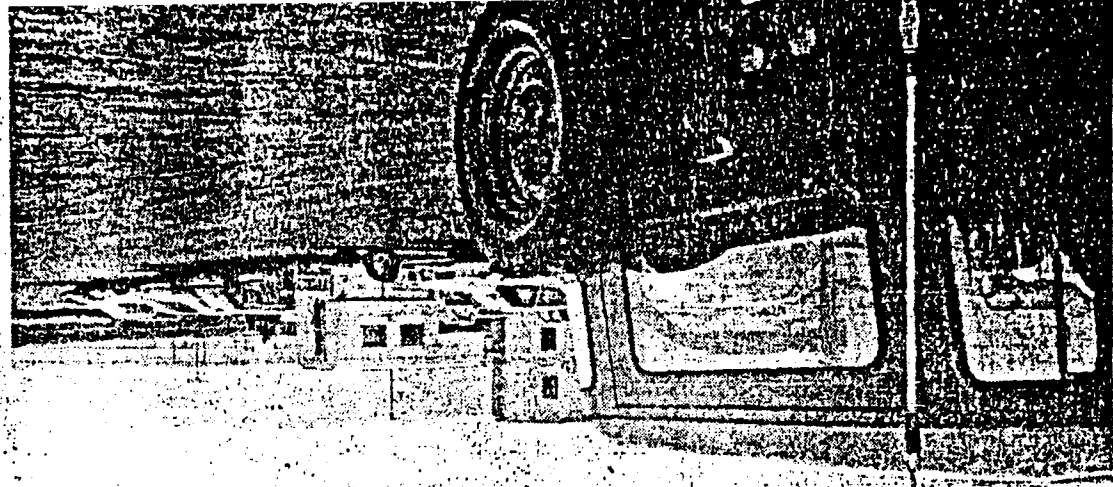
glass-enclosed guard cage at the south end of the prison more irrational and vehement in his threats to kill Clair, the warden decided to go ahead with a plan to rush Buckley. Crist said the plan was to avoid shooting Buckley if possible, with the group hoping to startle him enough that Clair could break away leaving Buckley alone where, at gunpoint, they could force him to drop his weapon and surrender. Crist had prison-licensed Practical Nurse Georgia Welch walk down the corridor in an appearance of answering Buckley's calls for medical aid. No, only would this distract Buckley, Crist said, but it would give them an excuse to open the electronic sliding door nearest As a security precaution, the hallway to the visiting room is controlled by two doors, one at each end. One door will not open unless the other is shut. By allowing the nurse in, they were able to open the first door without making Buckley suspicious. When Welch got near the second door, which opened into the visiting room, he immediately decided against his home, arrived at the prison, When Crist, summoned from attend to Clair's wound. He also asked for a nurse to lawyers, several other people, primarily General Mike Gacey and Police, Montana Attorney Royal Canadian mounted officials he wanted to see the demands. He told prison of Buckley then made a series of and a toothbrush handle- fashioned from a razor blade slashed his neck with a weapon arm, threw him back and assistance. Buckley grabbed his telephone to get outside as As Clair reached for a going to "hold a hearing." group, and told him he was officer assigned to watch the walked back toward Clair, the prison visiting room, Buckley outside visitors filed out of the meeting. As 35 inmates and 10 had just concluded a regular p.m. when the Bahai's, a religious group at the prison, The incident began at 8:30 visiting room.

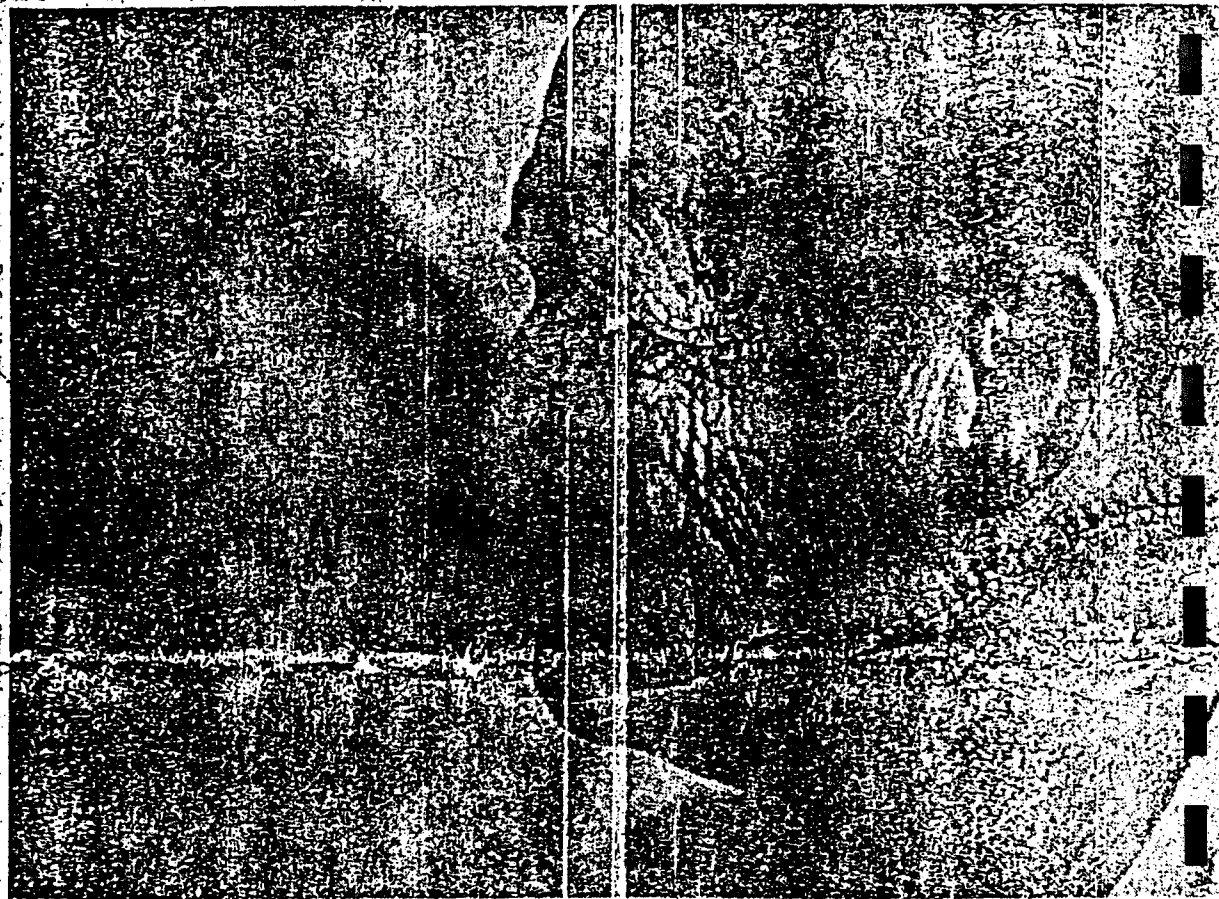
the Bahai's or other self help of the rules governing meetings does not anticipate alerting any of the Bahai's or other self help Crist characterized the incident as isolated "although extreme" and said that, since many inmates obtain positive benefits from participating in groups such as the Bahai's, he saw no reason to restrict other inmates because one had used a group meeting for his own illicit purpose. Buckley had a reputation as a "hard case" at the prison. Often abusive and threatening to prison personnel, rumor had it that he had a black belt in some form of martial arts. Records do show that he was a Marine sniper in Vietnam who deserted during a second tour. At the time of his Lincoln County offense, he was still carried as AWOL by the Marine Corps. In 1976, Buckley was transferred to Warm Springs State Hospital to be treated for psychotic behavior. After he had been there for some time, attendants let him attend a dance held for the patients.



Gary Buckley

EXHIBIT 14
DATE 2/15/91
HB 578





Prison guard John Clair required 50 stitches to close wound

11 SEPT 1979

Prison nurse becomes actress

LODGE (AP) — She was to be a practical nurse, but Mrs. Welch became an actress in the stage situation to take place at Indiana State Prison in 20 years. She says she was scared to death. She probably turned the color of my face, she said.

She played a pivotal role in the drama on Sunday night when inmate Buckley slashed guard John Clair to death by Lt. John Ruane through a window from the parking lot. She refused to allow anyone into the room except a nurse — and Mrs. Welch was the only one on duty at the time.

She made four telephone calls to give first aid to the injured officer.

Warden Roger Crist said he didn't want to send her, but that he had to do something when Buckley continually threatened to kill Clair if a nurse did not appear.

So the warden said Mrs. Welch agreed to walk down the corridor and "jump to the side, lay on the floor and scream" at a certain location. He said the idea was to confuse the convict into thinking the nurse was afraid to enter the visiting room.

"It was a big worry because I'm not a screamer," Mrs. Welch said.

In January 1977, two prison inmates abducted an officer at a checkpoint

building, holding him hostage for four hours. Crist said the officer's face had been split open, but that he recovered. The prisoners were returned to their cells the same night.

The most serious hostage situation at the prison lasted nearly three days. It began April 16, 1959, when several inmates gained control of an exposed walkway with a .30-30-caliber Winchester rifle.

Deputy Warden Jim Blodgett said that during an apparent escape attempt, the prisoners marched up to the administration office and killed the deputy warden, Theodore Rothe, 38, when he tried to defend himself by throwing a file box at the intruders.

He said about 150 national guards and city policemen from Anderson and Boone were called in to regain control of the prison.

Blodgett said the 150-man force fired a bazooka into the northwest corner of the cell block where the prisoners were holding a total of 18 prisoners of hostage, including Warden Powell.

The incident ended when guardsmen went up to the tower and found two inmates dead moments after the bazooka shell smashed into the building. He said it appeared one inmate shot the other and then killed him. The hostages were unharmed.

expected to be forthcoming. According to law enforcement officials.

As Warden Roger Crist related the details of their escape and capture, it was learned that a security patrol making a routine check Friday night at the check point at Prison Ranch No. 1 discovered that E. D. Simmons, the guard who had gone on duty at 10 p.m., was missing. Investigation indicated a struggle. His glasses, hat, etc., also an inmate's cap, were on the floor and a light fixture was broken. Mr. Simmons' car was also missing.

The patrol called in and from evidence of those who had most recently seen him the time of the escape and hostage-taking was determined.

Prison officials drew a map with Deer Lodge in the middle and estimated the time it would take to get to Dillon, Helena, Billings and Butte. The result was a phone call to Dillon and a request for a roadblock.

"In 10 minutes we had the guys," said the warden.

"Law enforcement has been tremendously cooperative," he commented, "and really reacts in a very positive way."

It was about 12:15 a.m. when the escapees were apprehended.

Mr. Simmons had a long gash from his temple down the side of his face to his chin, which was reported to have taken 30 stitches to close. He was brought to Powell County Memorial Hospital for treatment and has been released.

Warden Crist said the laceration was probably caused in his struggle with a kick in his face while he was down.

He also had bruised ribs and a cut on his forehead and had lost a lot of blood.

Thornell, 26, who was received at the prison in 1974 from Billings for 15 years on a robbery charge, and Kip Lande, 21, sentenced from Yellowstone County (Billings) for 10 years for theft.

Thornell had been at the ranch since last April; Lande, since September.

Warden Crist said an unusual feature of the case is that Lande had received a grant of parole the day before he left. His father is being held on an armed robbery attempt in Great Falls.

Thornell was to see the parole board next month.

Flight ends near Dillon for inmates and hostage

DEER LODGE (AP) — Two State Prison Ranch inmates beat a guard into submission, then abducted him and commandeered a vehicle during an aborted escape attempt that ended when the car was run off the highway into a ditch near Dillon, Warden Roger Crist said Saturday.

The guard suffered numerous injuries and "lost quite a bit of blood," the warden said.

As reconstructed during the pre-dawn hours, the warden said the escape was noted about 11 p.m. Friday when the security patrol stopped at the checkpoint station along the road leading into the ranch complex.

Everett "Pete" Simmons was not there, his walkie-talkie was missing, the telephone was off the hook and the officer's hat and glasses were on the floor, along with a prisoner's cap.

Crist said a check revealed that inmates Kip Lande, 21, and Cecil Thornell, 26, also

out to all regional lawmen and the vehicle was spotted in Dillon at 12:15 a.m. Saturday.

"Local lawmen ran the vehicle off the road and apprehended the two inmates and took the officer to the hospital," Crist said.

The inmates were returned to the prison and placed in detention on charges of escape "but I assume there will be other charges as well," Crist said.

The guard was transferred to a Deer Lodge hospital with head and facial cuts, a sore jaw and sore ribs and sides, the warden said.

Crist said there was no apparent connection between the escape attempt and the fact the prison population was locked up recently following a series of disturbances in the cellblock. Saturday was the first day in nearly two weeks that visitors were allowed into the prison.

Lande was sentenced to prison in August 1975 for 10

Prison fight, guard hurt

DEER LODGE — State Prison guard Donald Cox, 39, was reported in good condition Thursday night in Powell County Memorial Hospital with head injuries he suffered during a fight with an inmate serving a murder sentence.

The incident occurred as prisoners were being transferred from the old prison to the new facility west of Deer Lodge. Inmate Fred Perry of Great Falls was moved to maximum security following the clash with Cox.

Prison Warden Roger Crist said the guard was struck in the face and had his "head bounced off the steel bars behind him" about 9:30 a.m. Crist declined to release details of the incident, which occurred in the lower cell block of the old prison.

Later, Deputy Warden James Blodgett explained that prison officials wanted to confirm only a minimum of information to avoid jeopardizing their case when criminal charges are brought against Perry.

Cox was the second prison guard to be assaulted in less than two weeks. John Clair, 54, was held hostage for two hours Sept. 9 after inmate Gary Lynn Buckley slashed the guard's throat with a razor blade. The incident ended when Buckley, who was serving a 100-year sentence for murdering a Colorado man in a cabin near Eureka, was shot to death by a prison sharpshooter.

Perry and another man were charged with murder in the February 1971 slaying

of Vicky Agnes Renville, 14, of Great Falls. Perry pleaded innocent, but the other defendant pleaded guilty and testified against Perry, who then was found guilty of second-degree murder.

Blodgett said Perry was serving a life term and also an additional sentence for assaulting another prisoner two years ago. At one time, Perry was sent from the Deer Lodge facility to the Idaho State Prison along with a group of other troublesome prisoners, but he later was committed to the federal prison system and was serving time at Marion, Ill., before returning to Deer Lodge about three years ago.

The beating of Cox occurred less than 24 hours after a group of guards calling themselves the Committee for Safe Working Conditions told Department of Institutions staff members in Helena that trouble was brewing at the state institution.

They said that without additional staffing at the prison, the guards and other personnel would quit rather than face the possibility of injury or death in the event of a riot. State officials said they would look at ways of minimizing proposed staff cutbacks this fall at the prison.

The guards said inmates were upset at restrictions caused by a high turnover of correction officers, by untrained guards and by a lack of prison jobs for inmates at the new facility because the industrial arts complex is not completed.

Prison guard shot with dart

DEER LODGE — Sixteen men who were on their way back from maximum security quarters to the routine of prison life were locked in their cells at the state penitentiary Wednesday night after a guard was shot with two homemade darts.

Montana State Prison guard Larry Nord was not hurt seriously and was ready to join the investigation into the incident soon after the darts were removed from his back Tuesday night, Warden Roger Crist said.

"We interviewed the 16 men in the 12 cells in the close security unit wing last night, but, of course, none of them knew anything," Crist said. "We locked the unit down and men were fed in their cells today."

Crist said Nord was making a routine head count about 9 p.m. Tuesday when two darts struck Nord in the upper back, and a third went over a shoulder into a wall. The darts penetrated Nord's shoulder about two inches. The needles were removed in Powell County Memorial Hospital.

The warden said there was no disturbance by the prisoners at the time the darts were shot, nor later. Nord "just walked out of the wing" after he was hit, Crist said.

He said the darts were simple paper cones with needles attached with what appeared to be masking tape. Two of the needles apparently were sewing needles and the third was possibly a mattress needle that had been flattened out, Crist said. Nothing was written on the paper, which was assumed to be regular prison stationery, Crist said. All are being checked in a lab.

Crist said the close security unit is kind of a "halfway" wing where "troublesome" men or prisoners "who have had problems" are placed while being phased back into the general prison population from maximum security.

WARDEN TELLS OF ESCAPE—State Prison Warden Floyd E. Powell is shown talking on the telephone with state officials Thursday night after his escape from death at the hands of rioting prisoners, who held him hostage and at last point for about two and a half hours. Behind him is Montana National Guard Commander Maj. Gen. S. H. Mitchell awaiting further word on plans to quell the riot, which erupted at the Deer Lodge Institution late Thursday afternoon. Others in the picture are unidentified. (Another picture on page 2.) (Tribune Photo via Wirephoto)

Fire Kills Four
NEW YORK (UPI)—Four men died in a flash, gasolene-fueled fire in a garage, trapped by flames from making their way to the home exit. The victims were Jasper Murray, 40, a truck driver, and three garage employees, Clement Drew, 26, Benjamin Judd, 56, and James Liegro, 37.

Honors of Assistant to Papal Throne Bestowed on Bishop Gilmore of Helena

HELENA (AP)—Privileges and honors of assistant to the papal throne were bestowed Friday upon Bishop Ralph Hayes of Helena, by Pope John XXIII.

The bishop plans to leave Monday for Rome.

The award, hitherto unpublished, was made at the close of a pontifical jubilee mass, celebrating the 75th anniversary of the founding of the Helena diocese and the 50th anniversary of the Cathedral of St. Helena.

The event brought together the largest number of high Roman Catholic Church leaders ever assembled in Montana. For John Francis Cardinal McIntyre of Los Angeles, it was his first visit to Montana. His plane arrived in a snow squall.

The cardinal later toured the Capital City. Friday he planned to visit Carroll College and celebrate a special mass at St. Charles Chapel.

In one procession of the jubilee were the cardinal in his scarlet cap and mitre, three archbishops, 27 bishops, 20 monsignors, 200 priests and 100 laymen. The bishops in full ceremonial regalia, dropped through a double wall and emerged at the back of a sale of the cathedral. The bishops then gave up after doing considerable damage. The burglars then went into the office and found the safe unlocked.

At the National Laundry, entry was also gained through the roof.

Officers said at least one of the burglars may have left through the corrugated steel door on the street entrance, which was found Thursday morning to be not fully closed. The door operators electrically and the switch to operate it is by the door. The burglar and a crowbar were found in the building.

Police said it looks like the same burglar was involved in all three burglaries.

At Frank's Cream Depot, a latrine was found on the roof. An axe was used to cut a hole through the roof in two places, one over a boiler, the other allowing the thieves to drop inside. They dropped through a double wall and emerged at the back of a sale of the cathedral. The bishops then gave up after doing considerable damage. The burglars then went into the office and found the safe unlocked.

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HELENA (AP)—Gov. J. Hugo Aronson said he had no objection to the release of the 18 guards still held hostage at the State Prison in Deer Lodge, Thursday night.

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The 39-year-old Rolhe was brought to Montana by Warden Floyd E. Powell from Waupun, Wis., in October, 1955.

Rolhe had eight years' experience in the treatment program at the Wisconsin State Prison and had been industry superintendent there. Powell formerly was Wisconsin deputy warden.

The governor said he sent a telegram to Mrs. Rolhe "expressing the sorrow of myself and of all Montanans to Mrs. Rolhe."

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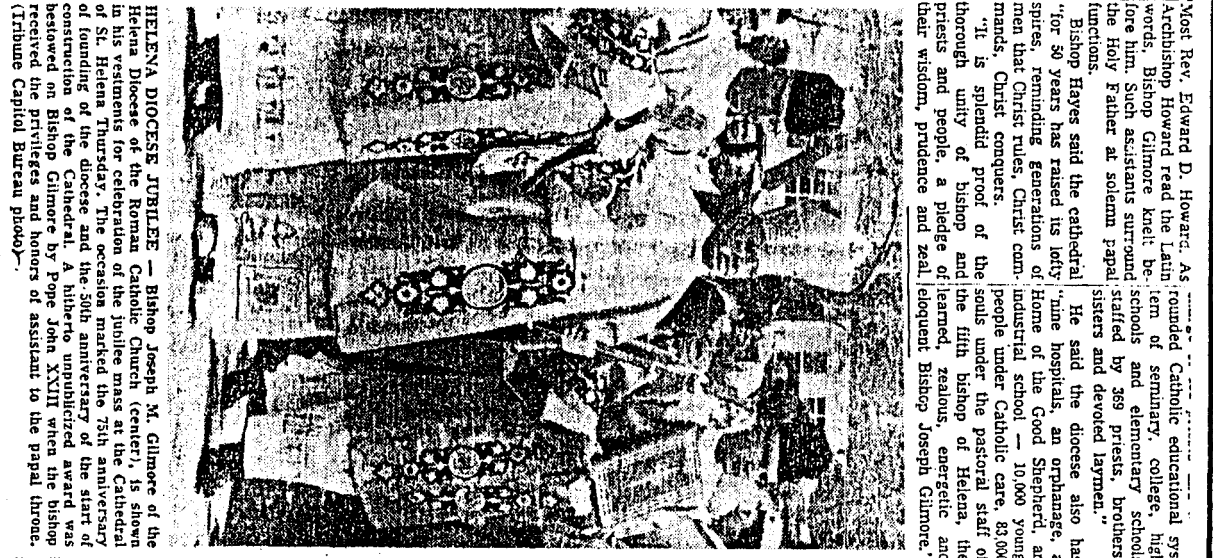
At the National Laundry, entry was also gained through the roof. A trap door was forced open and a ladder fastened to the wall led burglars into the building. They pried a hatch of the storeroom door and entered a women's lunch room behind the safe in the office. Efforts to get at the safe were abandoned after holes were cut through two walls, police said. Tracks by the laundry indicated two persons may have been there, police said.

South America Floods Worst In History

Buenos Aires (UPI) — At least 12 persons have been killed and 300,000 driven from their homes in five nations in the worst floods in modern South American history.

The floods struck large areas of Argentina, Uruguay, Bolivia, Brazil and Paraguay. All the deaths recorded so far were in Argentina and Uruguay.

Francis Cardinal McIntyre of Los Angeles, it was his first visit to Montana. His plane arrived in a snow squall. The cardinal later toured the Capital City. Friday he planned to visit Carroll College and celebrate a special mass at St. Charles Chapel.



Most Rev. Edward D. Howard, Archbishop Howard read the Latin text of the requiem. Bishop Gilmore knelt before him. Such assistants surround schools and elementary schools of the Holy Father at solemn papal staffs by 369 priests, brothers, sisters and devoted laymen.

He said the diocese also has 10,000 young people under the pastoral staff of the diocese. He said the diocese also has 10,000 young people under the pastoral staff of the diocese.

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Prison damage \$135,000

DEER LODGE (AP) — Damage was estimated at nearly \$135,000 Friday from the three-hour disturbance at the state prison Wednesday, but officials said they still did not know what set off the rampage.

Warden Hank Risley blamed overcrowding and said he will not be surprised if more disturbances occur.

Little sign of the destruction remained Friday, and prisoners were quiet.

Broken glass on the floor, shards in some barred windows and telephone wires dangling from a wall — and the presence of numerous guards — were the chief remaining signs of the rampage.

WARDEN HANK RISLEY said the calm resulted from prisoners accepting that they will remain locked in their cells at least until next week. Visiting privileges and other privileges were suspended.

The building, called Close 1, housed 147 inmates Wednesday. Officials estimated 25 to 50 participated in the disturbance.

Risley and Deputy Warden Gary Weer led two representatives of the news media into the ground-floor lobby of the building Friday morning for the public's first view of the scene.

The inmates, locked in their cells and being served breakfast, took little notice of the observers, and few spoke.

Two guards involved in the riot said tension was

beginning to ease, but one, Terry Bohling, said, "I don't see where anyone can put a handle on the mood."

Bohling spent an hour during the melee barricaded inside the building's glass-enclosed control center. He slipped away through a trap door in the ceiling after guards outside fired teargas into the building.

Jack Jones, who also was in the building, called the incident "real scary."

An inmate who was not involved, Michael Rheas, said the inmates are not organized well enough to create a major disturbance. He said he believed Wednesday's episode was an attempt to tell the public about overcrowding in the prison.

RISLEY SAID THE inmates made no "serious" effort to take hostages and could have done so. Four guards and a counselor were in a locked sergeant's office in the building.

Gov. Ted Schwinden said Thursday the news media should not have reported statements by a guard who criticized the way the disturbance was handled by officials.

"You don't interview the privates and sergeants to understand how the war is being fought," Schwinden said.

The guard, Merrill Henderson, said the disturbance might not have occurred if Risley had negotiated with the ringleaders and had responded more quickly.



WARDEN HANK RISLEY, left, and Corrections Officer Terry Bohling survey a damaged door in a cellblock of the high-security Close 1 housing unit at the state prison. Bohling was one of seven staff members trapped inside the unit when about 30 inmates led a disturbance Wednesday morning. (AP Laserphoto)



Warden Hank Risley shows the gun and other contraband found in Friday's search.

Gun found in Bernard Fitzpatrick's cell

By CATHY KRADOFFER
Correspondent

DEER LODGE — A loaded gun prison officials believe was planned for use in an escape attempt was found Friday in the maximum security cell occupied by death row inmate Bernard Fitzpatrick.

The .22-caliber automatic handgun and about 25 rounds of ammunition were discovered by guards after Warden Hank Risley received a tip from another maximum security inmate that the weapon was hidden inside a television set in Fitzpatrick's cell.

The inmate who offered the tip was one of five maximum-security inmates, including Fitzpatrick, who prison officials believe were planning an escape attempt. Risley said the inmate who offered the tip believed Fitzpatrick would betray him after the escape and decided to report the gun to authorities. The inmate is in protective custody awaiting transfer to another state.

"You always hear rumors about guns and other weapons being in the prison just as you always hear rumors of

escape plans," Risley said. "But it's very emotionally stressful to realize that a gun is there and could have been used in an escape attempt where someone could have been seriously injured."

Prison investigator Bob McNally and Powell County Sheriff Dave Collings are investigating three theories about how the gun was brought into the prison, Risley said.

He did not release details but said the theories all involve the gun being brought into the prison as long as 18 months ago — before several security flaws were detected and corrected in the maximum security unit. The prison recently installed metal detectors at all entrances.

Maximum security inmates are allowed to visit only by telephone through glass security screens. They do not come into contact with other inmates because they are fed in their cells and have a separate recreation area.

The cells are also searched once a week. Risley said officers do not always find weapons and contraband in an inmate's cell during searches because the inmates spend nearly 24 hours a day in the cell and they find hiding places where guards are not likely to look. A specially trained team of prison guards removed all

personal property from the 37 maximum security cells Friday afternoon. The property was checked for weapons and other contraband before being returned to the inmates.

Fitzpatrick faces felony charges of possession of a deadly weapon by a prisoner. He and others may be charged with attempted escape.

Risley described Fitzpatrick as a "dangerous, desperate, cold and calculating prisoner."

Fitzpatrick has been in and out of prisons during most of his 40 years. He says he committed his first murder at age 16. During his first stay at the prison on a murder charge, he was convicted of killing an inmate. The conviction was overturned.

Fitzpatrick returned to the prison in 1975 after a Yellowstone County jury found him guilty of murder and other charges in the death of Monte Dyckman, 18, a Hardin grocery clerk. He was sentenced to die and has been appealing the sentence for eight years.

He has worked mopping halls in the maximum security unit, but Risley said he will no longer have that job. In addition, he will be handcuffed and accompanied by two guards whenever he leaves his cell.

SATURDAY

June 18, 1983

Missoulian

Western Montana

Newsstand: 50 cents
Home delivery: 26 cents

Missoula, Montana

EXHIBIT 14
DATE 2/15/91
HB 578

JOHN E. JONES

HB 15
DATE 2/15/91
HB 578

Sargeant

11 yrs

I support Bill 578 because of the many Hazardous Duties we as correctional have to do on our Daily Job. we shakedown & transport Aids victims, get spit on, get urine thrown at us. Numerous officers have been stabbed or threaten, I was in the riot in 1982 see attached, I am the only person left working here that was involved in that riot. All of these Hazardous Duties that we do day in & out, Take its toll on a person.

John E. Jones

Representative Gary Beck

EXHIBIT 15
DATE 2/15/91
HB 578

I wish to express my support for
House Bill # 578

Edward J. Cleary

EXHIBIT 15
DATE 2/15/91
HB 578

To Gary Beck

I support House Bill 578 for
hazard duty pay!

Bob Walter
M. S. P.

2-13-91

EXHIBIT 15
DATE 2/15/91
HB 578

Representative Gary Beck:

I strongly support HB 578 -
to give Hazardous Duty Pay for
employees of Montana State Prison.

Thank you,

Glen A. Romero
Deer Lodge, MT

I Correctional Officer Joe Hodge

EXHIBIT 15
DATE 2/15/91
HB 578

Supports House Bill 578. This is due To

The Conditions Officers at Montana State Prison

have To work in, being around Inmates.

If anyone doesn't believe its hazardous

Tell Them To come Down and spend a Few days.

Thank you for your support

CO. Joe Hodge

EXHIBIT 15
DATE 2/15/91
HB 578

I Richard Sargent Support
House Bill 578. Hazard Duty pay.
Because as a C.O. you put your
life in the hands of convicted felons
every day. Thanks to Gary Beck for
his Support

Thank you

Richard Sargent

EXHIBIT 15
DATE 2/15/91
HB 578

I "Tony Puccirelli" support House Bill 578. Hazard Duty Pay. Most of the time your life is in the hands of the inmate, when you work at Montana State Prison. Thanks to legislators Gary Beck for their support.

Thank You

Tony Puccirelli

EXHIBIT 15
DATE 2/15/91
HB 578

FEB 13, 1991

MR. GARY BECK,

Please consider supporting H-B #578.
I am a correctional officer at MT. ST. Prison.
I feel entitled as the possibility of
violence & life threatening diseases are
of a great risk -

Thanks for your time -

C.O. Thomas H. Olsen M.S.P

EXHIBIT 15
DATE 2/15/91
HB 578

13 FEBRUARY 1991.

MR. GARY BECK.

I WOULD LIKE THIS OPPORTUNITY TO EXPRESS
MY SUPPORT FOR HOUSE BILL #578. I WORK AS
A CORRECTIONS OFFICER AT MONTANA STATE PRISON
AND FEEL WE, OFFICERS, ARE ENTITLED TO HAZARD
DUTY PAY.

THANK-YOU FOR YOUR CONSIDERATION

William J Roberts
WILLIAM J. ROBERTS.
CORRECTIONS OFFICER

EXHIBIT 1
DATE 2/15/91
HB 578

To GARY BECK:

I Support House Bill 578 For
HAZZARDOUS DUTY PAY.

Thomas E. Blodnick
CORRECTIONAL OFFICER
MONTANA STATE PRISON

2/13/91

Rep Gary Beck

EXHIBIT 15
DATE 2/15/91
HB 578

Sir:
As a correctional officer of MSP, I
fully support House Bill 578 for hazardous
Duty pay

cc-r H.B. Patterson

2/13/91

Rep. GARY BECK

EXHIBIT 15
DATE 2/15/91
HB 518

MR. BECK,

As an officer at Montana State Prison I am pleased to see that the state legislature is considering a motion to compensate the employees of MSP for the hazardous work we do.

I am therefore urging you to support the passage of House Bill 518.

Thank you
Dew & Young

EXHIBIT 15
DATE 2/15/91
HB 578

Gary Beck

Please count us as ones who
support, HB 578

as an officer who has delt with
the inmates of Montana State
Prison for over four years I know
that this kind of pay is long over
due.

as we the officers of M.S.P. deal with
all kinds of convicted felons day
after day and never really know what
we will have to face on any shift
or what may happen during the shift
while dealing with these people.

Thank you
Robert Warham
Dave O'Rourke

Rep: Gary Beck.

EXHIBIT 15
DATE 2/5/91
HB 578

I, Paddy Hanson am in full support of H.B. 578. I think that the staff at the Prison should compensated for having to deal with the fact that they could be assaulted at any time. Prison staff have to deal with a lot more danger than most other state employees

Paddy A Hanson
563-6048

Representing Gay Beck

EXHIBIT 15
DATE 2/15/91
HB 578

I wish to express my support of House Bill # 578

Eugene Mason

2/13/91

EXHIBIT 15
DATE 2/15/91
HB 578

HON. GARY BECK

HOUSE OF REPRESENTATIVES

RE: HB 578

Mr. Beck,

I have been employed at Montana State Prison for over 18 years. I presently hold the rank of Correctional Lieutenant.

During my time at MSP I have seen innumerable situations where employees have been assaulted by inmates. This includes attacks with fists or feet, as well as attacks or threats with weapons; i.e. knives, clubs, saws, etc. I myself have had a number of confrontations with inmates and have been slightly injured; punched and a minor cut with a razor that an inmate was using to cut himself.

Also, during my tenure at MSP there has been 3 guns found within the institution that inmates had managed to get smuggled into the prison.

It would also seem that during the last year or so there has been a large increase in the number of weapons being found on inmates, many of which are resulting in criminal charges being filed against the inmates involved.

It has always been apparent that this ~~then~~ is a dangerous place to work and it would seem to me that a law granting MSP

employees Hazardous Duty pay is long over due.

I personally support your measure whole-heartedly
and wish to thank you because you cared
enough to submit the Bill on our behalf.

Respectfully,
Lt. Edwin A Williams
Montana State Prison

Representative Beck.

My name is Greg Budd I live in Anaconda, and have worked at Montana State Prison for 11 years as a correctional officer and Sgt. My Union Affiliation is MFSE.

I am writing in support of H.B. 578. I have personally been assaulted several times in my employment at the prison. I have been punched on 3 separate occasions, been kicked and been bite once by a known homosexual inmate. Also I have been spat upon and had urine thrown at me.

I also have been witness to numerous assaults on staff members by inmates. Along with the assaults I have had my life threatened numerous times during my employment at the prison.

I believe the potential for violence in the prison is greater now, due to the overcrowding, & younger inmates with more ^{time} ~~energy~~.

Physical violence is not the only danger prison employees must face. There is a growing number of HIV positive tested inmates in the prison population, whose identities are unknown to the majority of the prison staff because of the inmates right to confidentiality, so consequently staff must regard every inmate as HIV

Another danger that lies in working in the prison is stress.

Approximately 1 employee a month seeks professional help from prison officials for stress, chemical dependency or marital problems stemming from the job.

Growing tension and danger in the prison can also be reflected by 2 other factors. turnover rates and acts of violence in the prison.

In 1987 the turnover rate was 15% 1988/16.2% 1989 - 14.2%, 1990 - 18.4% and 1991 year to date 22% a steady increase

Violent Acts By inmates in 1990 were as follows:

20 assaults upon staff members, on 58 separate occasions staff members were threatened with bodily harm. 44 times inmates assaulted other inmates, which requires staff to break up the fight exposing staff to further danger.

On 177 separate occasions staff members took verbal assault from inmates.

On one occasion an inmate was murdered with a baseball bat by fellow inmates.

I Believe these Statistics Reflect
A very dangerous environment for
PRISON employees to work in
And accordingly urge the support
And passage of H.B. 578.

Mig Bude

DEPARTMENT OF ADMINISTRATION
STATE PERSONNEL DIVISION

EXHIBIT 11
DATE 2/15/91
HB 578

STAN STEPHENS, GOVERNOR

ROOM 130, MITCHELL BUILDING

STATE OF MONTANA

(406) 444-3871

HELENA, MONTANA 59620

TESTIMONY OF STEVE JOHNSON
IN OPPOSITION TO HB 578

Madam Chair, members of the committee, my name is Steve Johnson. I am Chief of the State Labor Relations Bureau. I also serve as the chief negotiator for the executive branch of state government in collective bargaining. I appear before you today in opposition to HB 578.

During economic negotiations over the last few months, issues such as shift differential, hazard duty pay and longevity have been discussed at some length. These issues were also considered by the Committee on State Employee Compensation.

However, in its year-long study of the state's pay practices, the committee unanimously identified inadequate salary levels as the biggest problem with state pay. My position in collective bargaining with state labor unions has been consistent. Rather than spending available resources on peripheral pay issues, we should channel those resources into employee salaries. That is where I believe we get the biggest bang for the buck. It is also the main reason I oppose HB 578. However, I have two other concerns about the bill.

First, while I recognize the dangers inherent in working in a correctional setting, the state classification system already takes those hazards into account. One of the compensable factors used in evaluating and classifying state jobs is "working conditions." This factor takes into consideration the physical demands, hazards and dangers associated with the work. In reality, prison employees who have contact with inmates already receive additional compensation for the danger involved in their work.

Second, if you are going to implement hazardous duty pay in statute, it isn't fair to single out prison employees as the only beneficiaries of this compensation. While the hazards in a correctional setting are somewhat unique, there are other state employees who work in hazardous conditions. As I mentioned, even though I do not support hazardous duty pay in general, I believe that if the legislature wants to adopt it, it should do it in a comprehensive manner.

So far during this session the administration has consistently opposed bills that single out certain groups of employees for special treatment. We believe this bill does just that. For that reason I urge a "do not pass" recommendation on HB 578. Thank you for your time and consideration.

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO. HJR 22

DATE 2/15/91

SPONSOR(S) REP. DAVE BROWN

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PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Debbie Schlegel	LA LIBRARY ASSOC	✓	
Robert M Clark	ME Historical Society	✓	
DAVE BROWN	HD #72 - sponsor	✓	
Richard Miller	MT State Library Comm.	✓	
Judy Meadows	State Law Library	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 357

DATE 2/15/91

SPONSOR(S) REP. FRED THOMAS

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Loy Deuch	LUV of MT	✓	
Riley Johnson	NFIB	✓	
CB PRAVISA	Common Cause/Montana	✓	

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**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 500

DATE 2/15/91

SPONSOR(S) REP. TIMOTHY WHALEN

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Marvella Shufby	mt 9dist society	✓	
Rita			
Barth Jackson	Sec of State	✓	
Wilma Cooney	Sec of State	✓	
Bob Miskin	Dept of Admin	✓	
Mike Cooney		✓	

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**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO.

HB 679

DATE 2/15/91

SPONSOR(S) REP. JOHN SCOTT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Donna Warner	State Auditor	✓	
Tim Bergstrom	MT. STATE FIREMEN'S ASSOC	✓	
Richard Seddon	MT State Firemen's Assoc	✓	
Steve Johnson	State Labor Relations	✓	
Phil Hawck	City of Helena		✓

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**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 605

DATE 2/15/91

SPONSOR(S) REP. BEN COHEN

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jim Jensen	MEIC	X	
Rep. Willyent		X	
Rep. Cohen		X	

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**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

STATE ADMINISTRATION COMMITTEE BILL NO. HB 578
DATE 2/15/91 SPONSOR(S) REP. GARY BECK

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Steve Johnson	State Labor Relations		X
CRAIG WINTER	MONTANA STATE PRISON	X	
GREG Budd	M S P	X	
Kenny Neufauer	M S P.	X	
Jimmy J. Guthrie	M F S P E	X	
Lisa Thutler	Womens Correctional Center	X	
KARA HUST	WOMANS CORRECTIONAL CENTER	X	
Terry Minow	MT Fed State Employees	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.