

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on March 13, 1991,
at 10 A.M. in room 331.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Senator Bernie Swift

Staff Present: David Niss (Legislative Council).

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

Announcements/Discussion: None

HEARING ON HOUSE BILL 848

Presentation and Opening Statement by Sponsor:

Representative Francis Bardonoue, House District 16, said House Bill 848 will change the name of the Department of Institutions and the Director of Institutions to the Department and Director of Corrections and Human Services. It defines and clarifies the components, purpose, powers and duties of the department. The Department of Institutions was created in 1953 under Governor Babcock and was run by the Board of Examiners. Since then its duties have evolved into a huge department. Mr. Connolly, who built all the roads in Deer Lodge County, built the prison to keep the prisoners who worked on the roads incarcerated. Warm Springs, which was called the lunatic asylum, was built in territorial days by a German psychiatrist. In those days the roll of the department was incarceration and confinement. Present duties include treatment programs, and deinstitutionalizing programs, as well. Emphasis is being placed on treatment and care on the local level with the drug treatment program, the alcohol treatment program, and the mentally ill.

treatment program. Developmentally disabled, parole officers, corrections officers, community centers, Women's Facility at Billings and various other facilities are also handled by this department. So a name change is appropriate. Thank you for the hearing.

Proponents' Testimony:

Curt Chisholm, Director of the Department of Institutions, said this legislation proposes 2 changes to the laws that impact his department. The first is to change the name of the department, and secondly, to better articulate the mission of the department. When the department was initially established, it was responsible for institutions, wherever they existed across the state. With the passage of the Mental Health Commitment Act and the Developmental Disabilities Commitment Act, and with the assumption of all chemical dependency programs into the department from the Governor's office, they are expected to manage the affairs of all chemical dependency programs state wide comprehensively for both inpatient and outpatient. He passed out copies of the current law that outlines the purpose of the department. (Exhibit 1) If you check the Mental Health Act, Title 51, Chapter 21, it is very clear what the expectations are. We are to develop comprehensive mental health programs statewide both inpatient and outpatient levels of care. The Alcoholism and Drug Dependence Act, Title 53, Chapter 24, mandates comprehensive treatment, educational prevention responsibilities for the department both on an inpatient basis and the outpatient basis. The Developmental Disabilities Act, Title 53, Chapter 20, mandates the same kind of care. Because we participate in Federal entitlement programs, we are expected to continue care responsibilities for inpatient (institutional) and outpatient modalities in the communities. He believes we should clarify perceptually the role of his department, because it is a human service delivery agency, that has comprehensive responsibility for all adult correctional programs.

Sue L. Wilkins, President of the Montana Corrections Association, lives in Missoula and was unable to appear so she sent written testimony. (Exhibit 2)

Patrick Pope, President of the Helena Alliance for the Mentally Ill, supports House Bill 848.

Mike Ruppert, President of Chemical Dependency Programs of Montana and Executive Director of the Boyd Andrew Chemical Care Center in Helena, supports this bill. Part of their mission is to reduce the impact of the disease of chemical dependency. He thinks a name change will better facilitate their being able to manage their problems in the communities.

Kathy McGowan, Montana Council of Mental Health Centers, supports House Bill 848 because there are so many people who receive these services in communities rather than in institutions. Those in

institutions are being served differently also. A name change would reflect the reality of what the department does.

Kelly Morris, Director of the Board of Visitors, said the Board of Visitors was created as a part of the Mental Commitment and Treatment Act and the Developmental Disabilities Act to serve as a patient advocate. They support this bill.

Joanell McFadden, Mental Health Association of Montana, supports House Bill 848 in its entirety.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Hockett asked why didn't you include the Social and Rehabilitation Service? Mr. Chisholm said there are a number of people concerned about the organization of human services within state government and there might be better efficiency all together. What we are trying to do is get our own department in order. The Governor has suggested we look at that.

Senator Pipinich asked are we going to make our centers better so that they won't be closed down in the future? Mr. Chisholm responded this has no impact on the closure or down sizing or modularization of any institution included in his department. Institutions are a necessary anchor at one end of the programs that he administers. Based on the hearings in the budget process that have taken place, the Galen campus will be kept operational for another two years.

Senator Burnett asked if changing the name is going to add to or subtract from the services that you provide? Curt Chisholm responded that a name change will not affect the services. It doesn't diminish the responsibilities or add to them. Senator Burnett wondered about the cost of a name change. Curt Chisholm said he would keep any fiscal impact to an absolute minimum.

Senator Blaylock asked if the two main reasons for doing this would be you hope it changes peoples perceptions and it better describes what you do? Curt Chisholm responded that is correct and thirdly it better describes your expectations of what the department is supposed to be doing.

Closing by Sponsor:

Representative Bardanouve had no closing statement and asked to be excused to return to a finance committee hearing so Senator Vaughn closed the hearing on House Bill 848.

EXECUTIVE ACTION ON HOUSE BILL 848

Motion:

Senator Blaylock moved that we DO CONCUR IN HOUSE BILL 848.

Discussion:

Senator Fritz said he doesn't like this new name. Corrections and human services are two different things. It seems they are in opposition. He suggested corrections and community services.

Senator Burnett said he likes the name they presently have.

Senator Rea asked will this help their money supply? No.

Senator Fritz said there is considerable overlap in social rehabilitating services.

Senator Hockett said they say in the statutes human services and why haven't they thought the name through further.

Recommendation and Vote:

The VOTE was 7 yes and Senator Burnett voted no. The motion to do concur in House Bill 848 carried. Senator Blaylock will carry it to the Senate floor.

HEARING ON HOUSE BILL 902

Presentation and Opening Statement by Sponsor:

Representative Ed Grady, House District 47, said House Bill 902 authorizes the sale of state land to, or the exchange of state land with other public entities. Any lands may be sold or exchanged for other land or for other consideration with another public entity on terms or in the manner as the Board, after consultation with the appropriate legislative committee, may determine to be in the state's best interest, subject to the enabling act of the Constitutional restrictions. This clears up some state lands that are sitting beneath the fair grounds in Lewis and Clark County and Jefferson County in Boulder, plus there is other property around the state. The leases are given at very low income. Because of the liability and the recurring cost the state may have to this property, we need to transfer it to the cities and counties that have built fair ground complexes. They can make better public use, they can invest more local funds and they can apply for other funds, if they own the land their buildings are built upon.

Proponents' Testimony:

Representative Larry Grinde, House District 30, Lewistown, believes this legislation will help communities throughout the state. They have isolated parcels that they would like to use for the public.

Linda Stoll-Anderson, County Commissioner of Lewis and Clark County, said that in 1958 Lewis and Clark County entered into a contract with the state, so that they could run a county fair in a setting that had been abandoned by the state fair. They pay \$1.00 for the use of most of the fair grounds land. In the 1980s they discovered there was a big chunk of that land that isn't covered in the lease agreement. The state charges fair market value (\$1300 per year) for the piece that includes the duck pond, the parking lot, and the sports complex for small fry football. They would like to have other considerations be the funds that Lewis and Clark County has spent over the years improving those grounds. A review by the County Extension Service revealed that the County has spent \$1.3 million on that facility. One drawback in the terms of private fund raising is the fact that they don't own the land. The county could try obligation bonds to make improvements, if they owned the land. Please support this bill.

Paula Grossman said that in 1982-83 she was a member of the Board of Helena Trailriders. The west bleachers had been condemned and torn down. They wanted to build another bleacher and a concession building. They asked concessionaires to give toward this building, and the Trailriders decided not to give because they knew that the lease would expire and they might stand to lose the fair grounds. Now, the 4H Clubs of the county are building a Bill Hamilton Memorial Educational facility at the fair grounds. The cost for the building will be around \$94 thousand to \$110 thousand. This bill will solve a big problem. People want to do this, but they don't want to risk losing everything they have invested.

David Hemion, Helena Chamber of Commerce, supports House Bill 902 because it will provide local governments an avenue to negotiate fairly with the state in the best interests of the taxpayers.

Dale Lundquist, from KIKR Radio, Helena, tried to hire a country act for the Last Chance Stampede. He's been trying, and they won't come because we don't have enough seats. He tried to raise money to put an addition on the grandstand, but the community doesn't want to help until this matter is cleared up. This bill is designed to help make Montana stronger. The philosophy is individual commitment to a group effort makes a team work, a company work, a society work, and a civilization work. Thank you for giving us a hand with solving this problem.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Blaylock asked if that land is a school section? Linda Stoll Anderson said no, it was a state fair ground and the rent money goes to the general fund.

Senator Blaylock asked if this bill would affect state school sections? Representative Grady said he didn't know there was a difference between state lands and school lands and thought it all had to go at fair market value. Attorney John North said all land owned by the State, under the Constitution, has to be sold at fair market value. School trust land has an additional requirement that it has to be sold at public auction. Statutes reflect that and provide guidelines for that. This bill removes the public auction requirement.

Senator Rea asked if the appraisal would be done on the best potential use idea? Attorney North said they are required in the state land laws, if the land is within 3 to 5 miles of a city or town, to subdivide the property into plots of 5 acres or less before they sell. This bill would exempt the counties from that requirement. He believes they could sell the fair grounds as a single parcel of land. Linda Stoll-Anderson said Lewis & Clark County Fair Grounds has high ground waters and is not suitable for a subdivision.

Senator Rea asked Attorney North to explain the laws regarding school sections. In his area there is land being leased at \$12,000 per year. There is a group that wants to put a landfill there. This would be in the millions instead of \$12,000. The town couldn't compete with the potential market value appraisal. John North said they would appraise it for its highest and best use. John North said that under this bill they could get an appraisal and sell it to Lewis & Clark County for that appraisal without putting it up for bid.

Senator Blaylock said this is fair to the counties, because public bid might entice someone to put the bid to include the buildings that might be there. The county would have to pay twice in order to get ownership.

Senator Anderson asked if this bill allows a direct sale outside the competitive bid process? Attorney Anderson said that is correct.

Senator Rea asked if we can work school trust land into this preference? John North replied that the enabling act (The federal law that created the state of Montana) says all school trust lands have to be put up for competitive bid.

Closing by Sponsor:

Representative Grady said we're trying to help cities and counties get this property. Volunteer money, 4H, all are willing to try to revitalize fairs, and this would partially smooth the way. Senator Anderson will carry HB 902 to the Senate.

EXECUTIVE ACTION ON HOUSE BILL 902

Motion:

Senator Rea moved that we DO CONCUR IN HOUSE BILL 902.

Discussion:

Senator Fritz said we're writing a law to please one county and this law remains on the books for people all around the state to use.

Senator Anderson said there are other places around the state where this applies. Jefferson County has a fair ground where this applies.

There was discussion about a sunset clause on this bill.

Senator Rea said the state lands can make exceptions to this whether they admit that or not. He said his area problem the state is going to trade private ground for public ground for a landfill. That is not putting it up for the bidding process, it is made with a company from Chicago, and they are making an exception to what they are testifying to here as to what their policy is. The state has decided they will trade a school trust section of ground for a section of private ground for the purpose of establishing a regional land fill.

Senator Fritz said this bill only applies to governments.

There was discussion about school trust lands, state lands, whose using it and how others are trying to get Montana land.

Senator Blaylock said that we have swapped lands with the Federal government also. Most of Daniels County is state school land because we made a swap with lumber companies in the west. Senator Fritz remarked that much of Montana was Indian Reservations at one time.

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of House Bill 902. Motion carried and Senator Anderson will carry it to the Senate floor.

HEARING ON HOUSE BILL 945Presentation and Opening Statement by Sponsor:

Representative Dorothy Bradley, House District 79, Bozeman, said House Bill 945 authorizes state employees to contribute annual vacation leave to an annual vacation leave pool for employees called to active military duty. It authorizes local governments to establish an annual vacation leave fund. The idea is that if their salary is less in the military, the vacation leave fund would supplement the salary up to the state salary. If the committee wishes to create a subcommittee to study all of the military benefits together, she is agreeable to that idea.

Proponents' Testimony:

George O. Posten, United Veterans Committee of Montana, this should lessen the hardship placed on these people who are disrupted from their lives and sent to the war zone.

John Connor, Chief of the County Prosecutor Services' Bureau, Department of Justice, said he appears for himself and took compensation time in order to come before this committee. He has accumulated 13 weeks of time off between vacation and compensation time. He's happy with his job, happy with his salary, and is a state employee without any complaints. It would be nice to be able to do something with that excess annual leave, and he would like to benefit someone else. He said there are more willing to do this.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Hockett said we're doing this for a very select group of people and he thinks it leaves the door open to expand it to another group of people. Representative Bradley responded that this is modelled after another law that allows sick leave to be given to state employees who suffer from a catastrophic illness. He asked about the differential between salaries of state employees. These funds would go into a pool. The state employees who proposed this legislation had veterans specifically in mind. This is a wonderful gesture on the part of state employees.

Senator Pipinich said we have 4 other bills coming through and perhaps we can hold this and make 1 out of them.

Senator Blaylock said this vacation leave should be calculated into all budgets at this time, and if some gave it away, we're not increasing our spending, are we?

Dorothy Bradley responded that is correct, and the present salaries are calculated into the budget also.

Closing by Sponsor:

Representative Bradley closed the hearing.

HEARING ON HOUSE JOINT RESOLUTION 34

Presentation and Opening Statement by Sponsor:

Representative Jessica Stickney, House District 26, Miles City, is a House Local Government Resolution which indicates that we want the Secretary of State and other state agencies and local governments to work together to draft legislation to combine voter lists, drivers' license lists, motor vehicle registration lists, and other pertinent list of individuals for the purpose of creating jury pools and for compiling any other statistical information the state agencies or local governments may find useful or necessary. Many states already do this. When she campaigned she found many people didn't register to vote because they did not want to be called to jury duty.

Proponents' Testimony:

Nancy Hart, Bureau Chief of the Elections and Legislative Bureau, Secretary of State's office, testified in support of House Joint Resolution 34 concerning the creation of larger jury pools. (Exhibit 3)

Shawn Gun Shows, Montana Alliance For Progressive Policy, a coalition that support measures that help to increase voter participation. This includes breaking down barriers that keep the public from voting. By combining the voter, motor vehicle registration and drivers' license lists for choosing jurors, it will eliminate one reason for not voting. Please support HJR 34.

John McCarthy, lobbyist for Common Cause/MT, appeared in support of House Joint Resolution 34 and read his testimony into the record.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Rea asked if all of these are public information at the present time? Nancy Hart responded that those lists are public record.

Closing by Sponsor:

Representative Stickney closed by saying HJR 34 suggests some good changes, and it will be interesting to see if these ideas go forward in 2 years.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 34

Motion:

Senator Blaylock moved that we DO CONCUR IN HOUSE JOINT RESOLUTION 34.

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of HJR 34. Motion carried and Senator Vaughn will carry it to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 758

Discussion:

David Niss, Attorney for Legislative Council, handed the committee the amendments they had requested at the hearing as outlined in Exhibit 8. They include the suggested amendments as presented by Representative Barnhart during the hearing as shown in exhibits 5 and 6.

Amendments, Discussion, and Votes:

Senator Pipinich moved to accept the amendments presented by Representative Barnhart as shown in exhibits 5 and 6. The VOTE to AMEND HOUSE BILL 758 was UNANIMOUS. Senator Burnett said that we should amend it so the leave time would have to be deducted from their vacation time or sick leave time. Otherwise he wouldn't support this bill. Senator Vaughn asked if that is what it means that they have to take that leave to be granted this?

Senator Blaylock said maternity leave regulations now provide that maternity leave is based solely on a state employees disability due to pregnancy but do not require proof of medical disability for the first 6 weeks after birth.

Senator Hockett said that the top of page 2, line 3 addresses the use of sick leave. If you run out of sick leave you have to take leave without pay or vacation leave. This broadens the law to include birth fathers and adoptive parents.

Senator Rea asked about the limits. He said at the top of page 2 the Department of Administration shall develop an adoptive parental leave policy. Senator Vaughn asked Attorney Niss the answer of whether it authorizes a full 6 weeks or just the amount of accrued sick leave and vacation time?

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Attorney Niss said the bill will authorize a state employee to take reasonable leave of absence. That would be leave without pay or the use of annual leave and permit the employee to use sick leave, however much is accumulated for the same amount of time as authorized for maternal leave due to disability following birth. The father can use any combination of those to the same extent the mother can now do so.

Senator Hockett called attention to page 1, lines 13 and 14. He believes that mothers presently can take 6 weeks of sick leave for the birth of a child. If they wanted more, it was leave without pay. This was given in case of severe problems in the pregnancy and birth of the child and was not necessarily a right. This was only in the amount of accumulated earned leave.

Recommendation and Vote:

Senator Blaylock moved that we DO CONCUR AS AMENDED IN HOUSE BILL 758. The VOTE was UNANIMOUS in favor of HB 758 and Senator Blaylock will carry it to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 829

Discussion:

Senator Vaughn said House Bill 829 was to provide members of the armed forces on active duty who are absent to register and vote by absentee ballot. She had Attorney Niss draft an amendment to include electors in the United States service so that it agrees with current law. (Exhibit 7)

Attorney Niss explained that the most important part are on page 2. The purpose of this bill was to exempt from the 30 day registration and absentee ballot requirements only those in the armed forces. That creates an exception from the definitions and provisions regarding uniformed and all other overseas citizens, which includes many other persons. This amendment will apply to all uniformed and overseas citizens, and not just those on active duty.

Senator Fritz said amendment number 5 doesn't make sense. Attorney Niss asked the drafter if they were 2 different documents, and she told him that the federal write in absentee ballot and the federal post card application are the same document.

Nancy Hart said those are two different documents. She had samples of the federal write in ballot and the federal post card application with her. On the application there is no place to write in anyone and no ballot provision on it. They are two different documents.

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Senator Vaughn asked about page 1, line 22, where it says the form in the federal post card application, which may be used both as an application for registration and for a ballot, shall be prescribed by the Secretary of State. That is current law.

Nancy Hart said it's an application for registration and an application for a ballot. But it isn't the ballot itself. When that post card arrives that person is registering to vote and asking for an absentee ballot.

The committee instructed Attorney Niss to delete amendment 5 on exhibit 7.

Amendments, Discussion, and Votes:

Senator Blaylock moved that we use amendments 1,2,3,4, and 6 of exhibit 7. The VOTE was UNANIMOUS to amend House Bill 829. (Attorney Niss wrote a corrected set of amendments in exhibit 9)

Recommendation and Vote:

Senator Burnett moved we DO CONCUR IN AS AMENDED HOUSE BILL 829. The VOTE was UNANIMOUS in favor of the motion. Senator Farrell will carry HB 829 to the Senate floor.

ADJOURNMENT

Adjournment At: 11:45 A.M.


ELEANOR VAUGHN, Chairman


DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 3-13-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT			<i>excused</i>

Each day attach to minutes.

DATE March 13, 1991

COMMITTEE ON State Administration

VISITORS' REGISTER

(Please leave prepared statement with Secretary)

53-1-106. Exchange of offenders under treaty. If a treaty in effect between the United States and a foreign country provides for the transfer, by exchange or otherwise, of convicted offenders to the country of which they are citizens or nationals, the governor may, on behalf of the state and subject to the terms of the treaty, authorize the director of the department of institutions to consent to the transfer or exchange of offenders in Montana institutions and take any other action necessary to initiate the participation of this state in the treaty.

History: En. Sec. 1, Ch. 300, L. 1985.

Cross-References

Powers and duties of Governor, 2-15-201.

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 3-13-91

BILL NO. HB 848

Part 2

Department of Institutions

Part Cross-References

Department of Institutions — head, boards, 7-22-2151.
2-15-2301.

Cooperative agreements with district weed

53-1-201. Purpose of department. The department shall utilize at maximum efficiency the resources of state government in a coordinated effort to:

- (1) restore the physically or mentally disabled;
- (2) rehabilitate the violators of law;
- (3) sustain the vigor and dignity of the aged;
- (4) train children of limited mental capacity to their best potential;
- (5) rededicate the resources of the state to the productive independence of its now dependent citizens; and
- (6) coordinate and apply the principles of modern institutional administration to the institutions of the state.

History: En. Sec. 1, Ch. 199, L. 1965; amd. Sec. 38, Ch. 120, L. 1974; R.C.M. 1947, 80-1401; amd. Sec. 69, Ch. 609, L. 1987.

53-1-202. Institutions in department. (1) The following institutions are in the department:

- (a) Montana state hospital;
- (b) Montana veterans' home at Columbia Falls;
- (c) Montana veterans' home in eastern Montana;
- (d) state prison;
- (e) Montana developmental center;
- (f) Montana center for the aged;
- (g) Swan River forest camp; and
- (h) Eastmont human services center.

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature.

History: En. Sec. 3, Ch. 199, L. 1965; amd. Sec. 1, Ch. 320, L. 1967; amd. Sec. 1, Ch. 280, L. 1969; amd. Sec. 40, Ch. 120, L. 1974; R.C.M. 1947, 80-1403; amd. Sec. 174, Ch. 575, L. 1981; amd. Sec. 1, Ch. 132, L. 1983; amd. Sec. 11, Ch. 361, L. 1983; amd. Sec. 10, Ch. 363, L. 1983; amd. Sec. 2, Ch. 151, L. 1985; amd. Sec. 10, Ch. 14, Sp. L. June 1986; amd. Sec. 70, Ch. 609, L. 1987; amd. Sec. 15, Ch. 683, L. 1989.

Compiler's Comments

1989 Amendment: In (1)(b) inserted "at Columbia Falls"; and inserted (1)(c) that read:

"(c) Montana veterans' home in eastern Montana". Amendment effective May 16, 1989.

53-1-203. Powers and duties of department. The department shall:

(1) adopt rules for the admission, custody, transfer, and release of residents of institutions except as otherwise provided by law; however, no such rules may amend or alter the statutory powers and duties of the state board of pardons;

(2) subject to the functions of the department of administration, lease or purchase lands for use by institutions and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration the needs of all institutions for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions;

(3) contract with private nonprofit Montana corporations to establish and maintain community based prerelease centers for purposes of preparing inmates of the Montana state prison who are approaching parole eligibility or discharge for release into the community; the centers shall provide a less restrictive environment than the prison while maintaining adequate security; the centers shall be operated in coordination with other department correctional programs, including the supervised release program provided for in Title 46, chapter 23, part 4. Nothing in this subsection shall affect the department's authority to operate and maintain community based prerelease centers in existence on July 14, 1982.

(4) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

(5) propose programs to the legislature to meet the projected long-range needs of institutions, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

(6) encourage the establishment of programs at the local level for the prevention and rehabilitation of physical and mental disability.

History: En. Sec. 5, Ch. 199, L. 1965; amd. Sec. 3, Ch. 320, L. 1967; amd. Sec. 33, Ch. 93, L. 1969; amd. Sec. 41, Ch. 120, L. 1974; amd. Sec. 43, Ch. 37, L. 1977; R.C.M. 1947, 80-1405; amd. Sec. 1, Ch. 4, Sp. L. 1982.

Compiler's Comments

Effective Date: Section 2, Ch. 518, L. 1989, provided that this act is effective April 13, 1989.

Plan for Housing Female Inmates Required — Submission to 52nd Legislature: Chapter 518, L. 1989, requiring development of a plan for housing female inmates, provided: "(1) The department of institutions, in cooperation with the criminal justice and corrections advisory council, shall develop a comprehensive plan for housing adult female inmates. The plan must:

(a) consider the need for building a new correctional facility, as well as other incarceration alternatives;

(b) provide for adequate educational, treatment, training, and employment opportunities for female inmates;

(c) comply with the standards published by the American correctional association's commis-

sion on accreditation for corrections, whenever feasible; and

(d) contain proposed legislation for implementing the plan, if appropriate.

(2) The department shall submit the plan to the 52nd legislature."

Cross-References

Rule defined — applicability of Montana Administrative Procedure Act, 2-4-102.

Adoption and publication of rules, Title 2, ch. 4, part 3.

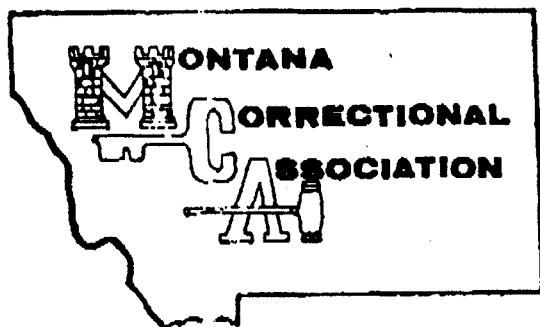
General powers and duties of Department of Administration, 18-2-105.

General provisions of Board of Pardons, Title 46, ch. 23, part 1.

Disposition of contraband in correctional institution, 53-1-105.

Community-based services, Title 53, ch. 20, part 2.

53-1-204. Responsibility of warden and superintendents of institutions. The warden or superintendents of institutions in the department are



SENATE STATE ADMIN.

EXHIBIT NO. 2DATE 3-13-91BILL NO. H.B. 848

February 20, 1991

Dear Madame Chair and Committee Members,

The Montana Correctional Association is composed of approximately 150 individuals involved in virtually all aspects of the correctional system. Our membership includes representatives from law enforcement, adult institutions, State adult parole and probation, adult pre-release centers, Federal probation, juvenile institutions, juvenile aftercare, juvenile probation, the Board of Pardons, county attorneys, public defenders, and judges. The Association recognizes that each area of the correctional field impacts another, that there are many such areas, and that it is important to have knowledge of each area in order to understand the affects the system produces as a whole.

House Bill #848 is proposing that a new name be given to the Department of Institutions, that being the "Department of Corrections and Human Services". The Montana Correctional Association supports this bill as the proposed name gives a more accurate portrayal to the general public of the vast array of services Departmental employees provide. These services include chemical dependency treatment, psychological and mental health services, educational programs, career planning, and basic life skills training. The services are not limited to an institutional setting and in fact, numerous clients are served by the Department who will never enter an institutional facility.

The Montana Correctional Association is pleased that the Department has submitted this Bill as the proposed name recognizes that our membership is a "system" which coordinates its efforts and provides a variety of human services. Your serious consideration of this proposal is appreciated.

Sincerely,

Sue L. Wilkins, President
 Montana Correctional Association
 411 Livingston
 Missoula, MT 59801
 (406) 543-7952 or 728-5610

SECRETARY OF STATE

STATE OF MONTANA



Mike Cooney
Secretary of State

SENATE STATE ADMIN.
EXHIBIT NO. 3
DATE 3-13-91
BRL NO. HJR 34

Montana State Capitol
Helena, MT 59620

TESTIMONY BEFORE THE SENATE STATE ADMINISTRATION COMMITTEE ON HOUSE JOINT RESOLUTION 34 -- March 13, 1991

Mr. Chairman and members of the committee, my name is Nancy Harte; I am the Bureau Chief of the Elections and Legislative Bureau in the Secretary of State's office.

I am testifying today in support of House Joint Resolution 34 concerning the creation of jury pools.

Secretary Cooney himself values highly the importance of serving on a jury; in fact, he considers the time he served on a jury as a worthwhile and educational experience in which all citizens should participate.

However, the interest of Secretary of State Mike Cooney in this resolution lies chiefly in the impact that jury duty has upon voter registration. And the fact is that many citizens refuse to register to vote because it places them on a jury list.

Those of you who, as candidates, have registered people to vote no doubt have stories of individuals who refused to register because it would place them on the jury duty list. The requirement for jury duty is cited by voters throughout the nation as a common excuse for refusing to register.

HJR 34 would allow the Secretary of State and other interested parties to begin exploring a new method of seeking jurors. The method proposed in the resolution -- to expand the list of potential jurors to those other than registered voters -- could encourage unregistered voters to become more active participants in democracy.

The Secretary of State's office met with representatives of the district court clerks, clerks and recorders, Justice Department and justices to begin the discussion. In doing so, it was decided to take a sample of registration and drivers lists to see what sort of impact combining these lists might have.

House Joint Resolution 34

March 13, 1991

Page 2

The clerk and recorder of Lewis & Clark County provided us a list of all registered voters in the county whose last names began with the letter "I". Likewise, the Justice Department produced a list of all drivers 18 years old or older whose last names begin with "I" and who are licensed in Lewis and Clark County.

We counted the number of drivers who are not registered voters, and found that 43 percent of the drivers in our study were not registered to vote in this county. Eighty-five of 149 licensed drivers in the county therefore did not appear on the jury list.

We also counted the number of registered voters who are not licensed to drive in the county, and found that 23 of 87 -- or 26 percent -- of persons registered to vote were not licensed drivers in the county.

Combining these two lists -- registered voters and licensed drivers -- would have insured a larger pool of people from which to select a jury. Selecting from just the registered voters list excludes a substantial percentage of individuals, and selecting jurors from just the drivers list would exclude a significant percentage as well.

Passage of HJR 34 would allow us to develop a plan that can result in greater participation in voting. It can also provide a larger pool from which to choose jurors, resulting in fewer chances that any one individual will be called for jury duty over time.

Thank you for your consideration of House Joint Resolution 34.

*expanded
participation*



SENATE STATE ADMIN.

EXHIBIT NO. 4

DATE 3-13-91

BILL NO. HJR 34

Common Cause\Montana's Testimony
In Support of HJR 34
13 March 1991

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

Madame Chairwoman and members of the Senate State Administration Committee, for the record my name is John McCarthy lobbyist for Common Cause\Montana.

I appear before you today, on behalf of the members of our organization, to speak in favor of passing House Joint Resolution 34.

This resolution is positive in two ways. First it will take away the stigma some citizens of this state feel about registering to vote because they do not wish to serve jury duty. This act may increase the number of registered legally qualified voters now residing in Montana and in turn create a larger turn out at the polls. The importance of the individual voting in a democratic society is an intricate part of our culture's past and a tradition which needs to be revived for our future success as a representative democracy.

Secondly this resolution provides a larger pool of Montanan citizens to call on as part of our judicial system. The role of a juror is a responsibility none should shun. Further, the accused deserves to be heard from all sectors of society, not just those who vote. Being the 'melting pot' nation as we are, there are certainly cases where those who cast ballots are not ones

peers. This resolution helps in guaranteeing ones constitutional right of trial by ones peers.

Please take these points into consideration as we urge your positive response on this resolution. Thank you for your time.

Amendments to House Bill No. 758
Third Reading Copy

Requested by Representative Beverly Barnhart
For the Committee on Senate State Administration

Prepared by Sheri S. Heffelfinger
March 12, 1991

1. Title, line 6.
Following: "ARE"
Strike: "NATURAL"
Insert: "BIRTH"

2. Page 2, line 10.
Strike: "NATURAL"
Insert: "birth"

Amendments to House Bill No. 758
Third Reading Copy

Requested by Representative Beverly Barnhart

Prepared by Sheri S. Heffelfinger
March 11, 1991

1. Title, line 7.
Following: "CHILDREN"
Strike: "UNDER 1 YEAR OF AGE"
2. Page 1, line 25.
Following: "~~children~~."
Insert: "(1)"
3. Page 2, line 1.
Following: "develop"
Strike: "an adoptive"
Insert: "a"
4. Page 2, line 5.
Following: "leave"
Insert: ", immediately following the birth or placement of a child,"
5. Page 2, lines 8 and 9.
Strike: "(1)" on line 8
Insert: "(a)"
Following: "CHILD" on line 8
Strike: "UNDER 1 YEAR OF AGE"
6. Page 2, line 10.
Strike: "(2)"
Insert: "(b)"
7. Page 2.
Following: line 10
Insert: "(2) As used in this section "placement" means placement for adoption as defined in 40-8-103."
8. Page 3, lines 19 and 20.
Following: "employee" on line 19
Strike: "adopting a child under 1 year of age"
Insert: "who is eligible for parental leave under the provisions of [section 1]"

Amendments to House Bill No. 829
Third Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
March 13, 1991

1. Title, lines 4 and 5.

Strike: "MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY"

Insert: "electors in United States service"

2. Page 1, lines 14 and 15.

Strike: "Notwithstanding the provisions of subsection (3), an"

Insert: "An"

3. Page 2, line 1.

Strike: "A member of the armed forces in active service"

Insert: "An elector in the United States service"

4. Page 2, line 2.

Following: "state"

Insert: "and county of which he is a resident"

5. Page 2, line 3.

Following: "by"

Insert: "using the"

Following: "federal"

Insert: "post card application as an"

6. Page 2, lines 8 and 9.

Strike: "Notwithstanding the provisions of 13-2-212(3), unless"

Insert: "Unless"

Amendments to House Bill No. 758
Third Reading Copy

Requested by Representative Beverly Barnhart

Prepared by David S. Niss
March 13, 1991

1. Title, line 6.

Following: "ARE"

Strike: "NATURAL"

Insert: "BIRTH"

2. Title, line 7.

Following: "CHILDREN"

Strike: "UNDER 1 YEAR OF AGE"

3. Page 1, line 25.

Following: "children."

Insert: "(1)"

4. Page 2, line 1.

Following: "develop"

Strike: "an adoptive"

Insert: "a"

5. Page 2, line 5.

Following: "leave"

Insert: ", immediately following the birth or placement of a
child,"

6. Page 2, lines 8 and 9.

Strike: "(1)" on line 8

Insert: "(a)"

Following: "CHILD" on line 8

Strike: "UNDER 1 YEAR OF AGE"

7. Page 2, line 10.

Strike: "(2)"

Insert: "(b)"

8. Page 2, line 10.

Strike: "NATURAL"

Insert: "birth"

9. Page 2.

Following: line 10

Insert: "(2) As used in this section "placement" means placement for adoption as defined in 40-8-103."

10. Page 3, lines 19 and 20.

Following: "employee" on line 19

Strike: "adopting a child under 1 year of age"

Insert: "who is eligible for parental leave under the provisions of [section 1]"

Amendments to House Bill No. 829
Third Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
March 13, 1991

1. Title, lines 4 and 5.

Strike: "MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY"

Insert: "electors in United States service"

2. Title, line 8.

Strike: "13-2-214,"

3. Page 1, lines 14 and 15.

Strike: "Notwithstanding the provisions of subsection (3), an"

Insert: "An"

4. Page 2, line 1.

Strike: "A member of the armed forces in active service"

Insert: "An elector in the United States service"

5. Page 2, line 2.

Following: "state"

Insert: "and county of which he is a resident"

6. Page 2, line 6 through line 9 on page 3.

Strike: section 2 in its entirety

Renumber: subsequent sections

SENATE STAFFERS' COMMITTEE REPORT

Page 1 of 2
March 11, 1991

MR. PRESIDENT:

We, your committee on State Administration having had due consideration House Bill No. 258 and reading same in public, respectfully report that House Bill No. 258 be amended and so amended be concurred in:

1. Title, line 6,

Following: "ARE"

Strike: "NATURAL"

Insert: "BIRTH"

2. Title, line 7,

Following: "CHILDREN"

Strike: "UNDER 1 YEAR OF AGE"

3. Page 1, line 25,

Following: "children,"

Insert: "(1)"

4. Page 2, line 4,

Following: "develop"

Strike: "an adoptive"

Insert: "a"

5. Page 2, line 5,

Following: "leave"

Insert: ", immediately following the birth or placement of a child,"

6. Page 2, lines 8 and 9,

Strike: "(1)" on line 8,

Insert: "(a)"

Following: "CHILD" on line 9,

Strike: "UNDER 1 YEAR OF AGE"

7. Page 2, line 10,

Strike: "(2)"

Insert: "(b)"

Page 1 of 1
March 13, 1991

8. Page 2, line 10.

Strike: "NATURAL"

Insert: "birth"

9. Page 2.

Following: line 10

Insert: "{2) As used in this section 'placement' means placement for adoption as defined in 45-2-103."

10. Page 2, lines 19 and 20.

Following: "employee" on line 19

Strike: "adopting a child under 18 years of age"

Insert: "who is eligible for parental leave under the provisions of [section 1]"

State of

Robert Vaughn, Chairman

1991 3-14-91
Med. Comm.

21-214
Sec. of Senate

21-1111-11

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 11, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 999 (third reading copy - blue), respectfully report that House Bill No. 999 be amended and the amendments be concurred in:

1. Title, lines 4 and 5.

Strikes: "MEMBERS OF THE ARMY SERVING ON ACTIVE DUTY"

Inserts: "electors in United States service"

2. Title, line 8.

Strikes: "1-2-214,"

3. Page 1, lines 14 and 15.

Strikes: "Notwithstanding the provisions of subsection (3), no"

Inserts: "An"

4. Page 2, line 1.

Strikes: "A member of the armed forces on active service"

Inserts: "An elector in the United States service"

5. Page 2, line 2.

Following: "state"

Inserts: "and county of which he is a resident"

6. Page 2, line 6 through line 2 on page 3.

Strikes: section 2 in its entirety.

Renumber subsequent sections.

REPORT

Eleanor Zaughn, Chairman

And, Coord

Sec. of Senate

25 APR 1991

SENATE STANDARDS COMMITTEE REPORT

Page 1 of 1
March 1, 1994

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 1002, do hereby respectfully report that House Bill No. 1002 be concurred in.

Very truly yours,
Elizabeth Vaughn, Chairman

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Amid

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Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 10, 1954

MR. PRESIDENT:

We, your committee on State Relations having had under consideration House Bill No. 1000 (attached reading copy - blue), respectfully report that same should be concurred in.

Elemer Ziegler, Chairman

And Passed.

Sec. of Senate

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1941

MR. PRESIDENT:

We, your committee on State, having had under consideration House Joint Resolution No. 14 (third reading copy blue), respectfully report that House Joint Resolution No. 14 be concurred in.

Elmer Laughlin, Chairman

LB 3/13/41
And Conced.

LB 3/13 116
Sec. of Senate