

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN ETHEL HARDING**, on March 21, 1995,
at 10:35 AM

ROLL CALL

Members Present:

Sen. Ethel M. Harding, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Mike Foster (R)
Sen. Don Hargrove (R)
Sen. Vivian M. Brooke (D)
Sen. Bob Pipinich (D)
Sen. Jeff Weldon (D)

Members Excused: N/A

Members Absent: N/A

Staff Present: David Niss, Legislative Council
Gail Moser, Committee Secretary

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

Committee Business Summary:

Hearing: N/A
Executive Action: HB 304 BE CONCURRED IN

{Tape: 1; Side: A; Approx. Counter: 39.8}

Discussion: The Committee briefly discussed the progress being
made on the current assignment of investigations of Governor's
appointments.

Discussion: **SEN. JEFF WELDON** commented that he would like to
propose to the Committee that Representative Harper's bill
regarding campaign expenditure limits (HB 423) be removed from
the table and reconsidered by the Committee on Tuesday.
SEN. WELDON said he is trying to design amendments that will
address some of the concerns the Committee had at the Hearing.

EXECUTIVE ACTION ON HB 304

Motion: SEN. KEN MESAROS moved that HB 304 BE CONCURRED IN.

David Niss handed out amendments to HB 304 (EXHIBIT 1).

Motion: SEN. JEFF WELDON moved TO ACCEPT AMENDMENTS TO HB 304.

Discussion: SEN. WELDON said HB 304 currently requires that before the state can enter into a contract with a community, the regional facility has to be approved of by the local governing board. Next, the local governing board, for new facility that requires bonding, would have to go to the electorate for approval of that bonding. Based on an experience in Missoula, he believes local approval is a good idea as it provides proof of the community's endorsement of a project. SEN. WELDON said part of the frustration in the Missoula situation was that people did not feel there was any specific way to have their voice heard. He said the amendments provide voter approval be accomplished either in the form of a bonding issue or approval on a referendum.

SEN. MESAROS said he is involved in the on-going negotiations for the Cascade County proposed regional pod. He stated that in order to have the local vote, there would have to be one specific point identified, and through negotiations of arriving at a regional correction center, there may not be a concise point to vote on at that given time. He added that there have been other methods to ensure public input in their process.

SEN. BOB PIPINICH referred to the situation in Missoula where a facility had been planned to house 80 pre-release people. He questioned how the public could stop the process.

SEN. MESAROS said his experience in participating in the process has shown that the community involvement weighed very heavily in the process. He agrees community support behind projects such as this is an integral part of the process, but it is an on-going process and various parts may require different levels of approval.

SEN. PIPINICH said he and others had been told that the pre-release center "would proceed and there was nothing they could do about it." He said it took a great deal of effort to have that process stopped.

SEN. WELDON commented that ultimately, the local government will have to put a bonding issue to the people, and he believes the local government could not approve a final contract without approval by the electorate. SEN. MESAROS said in Cascade County's situation, it had been put into a bond issue, but it is not necessarily mandated that every location would have to do that, and he is trying to consider situations as they may vary throughout the state. SEN. WELDON said in instances where a bond

is required, the process cannot continue without approval by the electorate, so regarding the financial aspect, there are delays anyway.

SEN. VIVIAN BROOKE commented that HB 304 allows for private and private-for-profit organizations to participate, and she believes that takes on a different tenor than working with public entities as Cascade County was involved with. She believes a private-for-profit organization would choose the level of community acceptance acceptable to them. **SEN. MESAROS** said he didn't believe that there could be comparisons drawn between K-Mart type organizations and prison facilities. He said when dealing with any organization regarding correctional issues, it will be interrelated with governmental requirements.

SEN. BROOKE said she disagreed with Senator Mesaros' comments and she thinks a private-for-profit organization would proceed anyway. She added that she doesn't believe anybody wants prison facilities anywhere.

SEN. DON HARGROVE commented that based on another bill that was passed regarding combining elections, he believes the amendment would cause delays. He asked Senator Brooke if a bond issue would not be required when dealing with a private entity.

SEN. BROOKE said she thinks there are entities in the business who could build a facility and provide a turn-key operation.

SEN. HARGROVE said he believes HB 304 is a long-term planning authorization for the Department of Corrections and the state. He said a number of communities could be under consideration and be at various levels in the negotiations process. He asked Senator Mesaros if he views HB 304 that way and does that take away the importance of time in the process. **SEN. MESAROS** said, considering the current population at the State Prison and at the same time passing more stringent legislation that will require additional space, he believes the problems at hand are more immediate and the opportunity to respond without delays should exist.

SEN. PIPINICH agrees that the current prison populations are of immediate concern. He questioned why the facilities at Warm Springs are not being converted more quickly. **SEN. BROOKE** said legislation was just passed in the House yesterday concerning that issue. **SEN. PIPINICH** expressed concern that the need is great and the current facilities are not being utilized.

SEN. MESAROS asked Senator Pipinich if he felt the use of those facilities should require a public vote. **SEN. PIPINICH** said it has already been approved by communities.

SEN. BROOKE said language in the section that would be amended is very clear that the local government entity needs approval for a project, and that process would establish some type of communication even with a private entity. She believes the amendment would definitely slow down the process.

SEN. WELDON said that as long as people see government as something that is *done unto them*, governmental ideas will be resisted. Regarding the pre-release center issue, the community that would be affected did not feel as though they had a direct say in what was happening in their community. **SEN. WELDON** said if we believe regional correctional facilities are a good idea, then we should be patient and include the electorate in the process.

Vote: The MOTION TO ACCEPT AMENDMENTS TO HB 304 FAILED 3-5 on roll call vote.

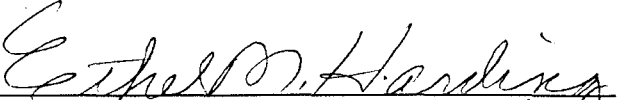
Discussion: **SEN. BROOKE** commented that she believes HB 304 is a good idea and applauds Cascade County for the work they have done. She hears loud and clear the need to get tough on crime, but people need to understand that also means footing the bill for it. She believes HB 304 provides a balance. **SEN. BROOKE** said she is concerned about one of the main thrusts of HB 304 of getting inmates closer to their families. She said major populations of felons are generally in locations where the property involved may be higher in value.

SEN. MESAROS commented that in their planning process they found the property acquisition is one of the *least* expensive portions of the plan.

Vote: The MOTION CARRIED UNANIMOUSLY on roll call vote.
SEN. MESAROS will carry the bill on the Senate floor.

ADJOURNMENT

Adjournment: 11:15 AM


ETHEL M. HARDING, Chairman


GAIL MOSER, Secretary

EMH/gem

MONTANA SENATE
1995 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE _____

E WES 3-21-95

[illegible]

SEN:1995

wp.rollcall.man

CS-09

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 21, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration HB 304 (third reading copy -- blue), respectfully report that HB 304 be concurred in.

Signed: Ethel M. Harding
Senator Ethel M. Harding, Chair

SPV Amd. Coord.

Sec. of Senate

MEZAROS

Senator Carrying Bill

651138SC.SPV

MONTANA SENATE
1995 LEGISLATURE
STATE ADMINISTRATION COMMITTEE
ROLL CALL VOTE

DATE 3-21-95 BILL NO. HB304 NUMBER _____

MOTION: Sen Weldon Moved To Accept Amendments
To HB304

FAU 5-3

[illegible]

MONTANA SENATE
1995 LEGISLATURE
STATE ADMINISTRATION COMMITTEE
ROLL CALL VOTE

DATE 3-21-95 BILL NO. HB304 NUMBER _____

MOTION: SAN MATEOS MOWER TRAIL HB304
BE CONCURRED IN

~~Caerula Unanimously~~

[illegible]

Amendments to House Bill No. 304
Third Reading Copy
Requested by Sen. Weldon
For the Committee on State Administration

SENATE STATE ADMIN.
EXHIBIT NO. 1
DATE 3-21-95
BILL NO. HB 304

Prepared by David S. Niss
March 20, 1995

1. Title, line 8.

Following: "STATE;"

Insert: "REQUIRING APPROVAL OF A REGIONAL CORRECTIONAL FACILITY
BY THE ELECTORATE OF THE LOCAL GOVERNMENTAL ENTITY;"

2. Page 3, line 14.

Strike: "GOVERNMENT"

Insert: "governmental"

3. Page 3.

Following: line 16

Insert: "(8) The department may not enter into a contract with a local governmental entity pursuant to this section unless the electorate of the local governmental entity has approved the regional correctional facility. Approval may be in the form of either approval of bonds to finance the local governmental entity's share of the regional correctional facility costs or approval in a referendum election."