

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

#### SUBCOMMITTEE ON LONG-RANGE PLANNING

**Call to Order:** By CHAIR MARY ELLEN CONNELLY, on February 6, 1991, at 10 a.m.

#### ROLL CALL

**Members Present:**

Rep. Mary Ellen Connelly, Chair (D)  
Sen. Bob Hockett, Vice Chairman (D)  
Rep. Francis Bardanouve (D)  
Sen. Ethel Harding (R)  
Sen. J.D. Lynch (D)  
Rep. Bob Thoft (D)

**Staff Present:** Jim Haubein, Principal Fiscal Analyst (LFA)  
Jane Hamman, Senior Budget Analyst (OBPP)  
Claudia Montagne, Secretary

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

**Announcements/Discussion:** This meeting was an informal "semi-hearing" on the subject of the use of prison labor in prison construction projects. Present were members, Long Range Planning Subcommittee, representatives of the Dept. of Institutions, contractors and labor representatives.

**SEN. LYNCH** announced that this was not a hearing on HB 339, but rather a discussion of the issue.

**Ken Dunham** said contractors generally expressed concern about the increasing use of inmate labor, the impact on construction industry and the construction workers in Montana. They wondered if there was a plan for the expanded use of inmates on construction projects. They were not opposed to sitting down and talking.

**Dick Anderson, Dick Anderson Construction**, reiterated the points made by Mr. Dunham. He felt he could work with a percentage, such as 20% prison labor on projects. It would be an advantage to the prisoners in terms of training, development of a work ethic and the possibility of being hired. He doubted the prison was full of skilled craftsmen and said he was against the use of 100% prison labor on these projects.

**Tom O'Connell, Administrator, Architecture and Engineering Division**, distributed letters from the Southwest Building and

Trades Council and the Contractors Association, as well as some comments from the departmental attorneys. **EXHIBITS 1 through 4** He had some historic background on the use of inmate labor authorized last session, and a summary of job costs from the Low Security Housing Unit. **EXHIBITS 5 & 6** He confined his comments to the administration of the construction of these facilities.

Referring to **EXHIBIT 6**, Mr. O'Connell pointed out the impact of the use of inmate labor. The savings of \$1.4 million went into the Long Range Building Program and represented 26% of the total available funds in the Cash Program. The exhibit indicates where the money was spent, on projects that would not otherwise have been funded. It is the same idea this time, with potential savings from the use of inmate labor for other LRBP projects. On the Cost Breakdown, Low Security Housing Unit, **EXHIBIT 6**, he noted that most of the labor costs are for supervisor wages and benefits, people hired from the private sector. Most of the cost is for materials and associated costs, the money which goes out to the private sector. Experience using inmate labor on prison projects to date has been positive.

Jim Whaley, A&E, said he had initially been skeptical about the use of inmate labor. Regarding HB 399, it takes off the cap of the \$25,000 limit on inmate labor. However, any building project over \$25,000 would have to come to the legislature for authorization. Therefore, there is no way the inmates could build anything over \$25,000 without coming before the Legislature. He summarized the intent of the prison expansion this biennium and distributed and reviewed cost summaries for the expansion, **EXHIBIT 7**, and a summary sheet with previous and proposed construction projects at the prison, **EXHIBIT 8**. The largest project, the gymnasium expansion, listed on **EXHIBIT 7**, would be completed by the inmates after the contractor had moved off the site. The other projects would be done concurrently with the contractors' presence on the site. These are small projects that are within the ability of the inmate to perform.

The project completed last biennium is probably the largest that would be undertaken using inmate labor and took two years. These proposed projects, totally \$1.6 million, will probably spread over four years. There were savings in construction time as well as money using inmate labor, with a quality of work equal to that in the private sector.

Various contractors and construction workers addressed the issue, expressing concern about the loss of work over all in the Butte/Anaconda area. They also asked what had been lost in taxes, support for local businesses and population. In summary, they felt inmate labor should not compete with private industry.

Jack McCormick, Warden of the State Prison, addressed the benefits of using inmate labor in the Low Security Housing Unit and in the proposed projects. The biggest benefit to the inmates

is the acquisition of skills by working hand in hand with a construction worker. Projects were chosen in which security would not be compromised and which would most benefit the inmates by teaching them new trades. The three supervisors hired last biennium received training in prison policies before beginning the project.

The interchange continued, with construction people countering that the proposed projects represented 35 year-long construction jobs (\$27,580 divided by \$3.40 per day = 8,000 man days). They took exception with the suggestion that contraband would be brought in by construction workers. In addition, small contractors would be the ones impacted.

SEN. LYNCH protested the manner in which the meeting was being conducted. It was not planned to be a hearing, but was being run like one. REP. THOFT said no one was being set up, and everybody could voice their concerns. The committee would then attempt to address those concerns.

SEN. LYNCH asked how far this could be carried. Mr. O'Connell replied that to date, these projects had been confined to the prison, since they cannot control the prisoners off the prison grounds. He had seen no attempt to go beyond the limit of the prison with this concept. REP. THOFT agreed, as did Mr. McCormick, who said they did not have the capability, manpower, or security to do that. SEN. LYNCH said he hoped all parties could get together in legitimate negotiations with the administration to reach a compromise. He left to chair his committee.

Regarding possible plans to use inmate labor in any other area, such as Warm Springs, Mr. McCormick said any plan would only extend to the Women's Correctional Facility at Warm Springs or the old Forensics' Unit. There was a suggestion to that effect, but due to opposition at the local level, the Legislature decided to do otherwise.

REP. THOFT hoped the meeting could clear up some of the "non-problems" that seem to exist. The untrained workforce issue has been addressed with the use of civilian workforce supervision. There would be a problem with bonding if a contract is issued with the contractor using a portion of inmate labor. Mr. O'Connell said that issue of the prison sub-contracting portions of the work had been raised. After checking with USF&G, one of the primary bonding agents for contractors in this state, regarding the potential for a contractor to receive bonding under this scenario was close to an absolute no. Liabilities for both contractors and inmates that could be incurred, the problems with delays and the lack of precedence were all concerns USF&G raised. The supervision of inmates is difficult without the prison having control. It would be difficult to guarantee to the private contractor exactly what kind of a workforce they would have.

Tape 1:B:000

Construction people raised the issue of skills, and the need for licensure in certain trades, and abiding by those licensure laws.

Another individual addressed the issue of bonding. He likened the situation to one that contractors deal with regularly on the Reservations, with the negotiated amount of reservation help to be used. He had spoken with USF&G, and although this inmate issue would be new, they did not give a categorical no to the idea.

**REP. THOFT** addressed the contractors, telling them the State had provided millions of dollars of work for them, from which they had benefitted. Regarding the quality of the work and guarantees offered by the contractors, he noted the numbers of projects reviewed by this committee that had been done by the private sector and which had fallen apart. The State had not been able to collect any damages from any contractor on those issues and had to use tax payer money to repair them. In response to the labor unions, **REP. THOFT** said using inmate labor would do some good for them in teaching them some skills and the beginnings of a work ethic. He noted the activities on the prison ranch, including over 1,000 head of stock cattle and a dairy herd, which puts them in direct competition with the agricultural people in this State. He had never once heard a complaint from a person in the agricultural community.

**SEN. HOCKETT** commented that money saved using inmate labor which had been invested in essential projects to maintain the infrastructure of the State. This money had benefitted contractors and construction workers all across the State.

**REP. BARDANOUVE** said he had signed the bill with the understanding that the use of inmate labor was for this project alone. He did not want any enabling legislation which might set up an open-ended proposition for projects beyond the prison. He expressed concern about the allegation that this policy would destroy the economic base of Butte. He commented that this was a Montana prison, not a Butte prison. All of the facilities in the valley, Warm Springs, Deer Lodge, benefit the economic base of the Anaconda-Butte area. However, they are Montana facilities and are paid for by the people of the state, and the State is entitled to save money where it can. This project is not one to build Butte. He suggested that if inmate labor were not used, with the additional expense of almost \$2 million, the Deer Lodge facility could be reduced by that amount, with the construction industry being no better off.

**Gene Fenderson, Chief Lobbyist, Montana State Building Construction Trades Unions**, said most construction workers are transient, paying taxes all over the state. This is not just a question of Butte or Anaconda labor. Construction workers all over the state are opposed to this policy. As he reads the bill,

it opens up the process of using inmate labor, and also and county prisoners across Montana. REP. THOFT commented on the Eastern Montana College (EMC) poll on this issue, and 85% of the people support using inmate labor, probably on the tax saving and rehabilitation point of view. A participant challenged the validity of using the poll results since the question asked was "Are you in favor of inmates having to work?" It was also noted that the activities on the prison ranch do not affect the price of beef or milk, while the construction industry has to compete with \$3.40 per day.

**ADJOURNMENT**

**Adjournment: 11:00 a.m.**

*M. E. Connelly*

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MARY ELLEN CONNELLY, Chair

*C. Montagne*

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CLAUDIA MONTAGNE, Secretary

MEC/cm

EXHIBIT 1  
DATE 2.6.91  
HB Long Range Planning

RECEIVED

FEB 1 1991

DEPT. OF ADMINISTRATION  
DIRECTORS OFFICE

MEMORANDUM

TO: BOB MARKS  
FROM: CURT CHISHOLM  
DATE: FEBRUARY 1, 1991  
RE: INMATE LABOR INFORMATION

AS A FOLLOW UP TO OUR MEETING YESTERDAY, I AM PROVIDING COPIES RELATIVE TO THE FOLLOWING:

- . LETTERS FROM BOTH THE MONTANA CONTRACTORS ASSOCIATION AND THE SOUTHWEST BUILDING TRADES COUNCIL ON THE SUBJECT OF INMATE LABOR AND THEIR COLLECTIVE REQUEST FOR A MEETING TO DETERMINE IF WE CAN NEGOTIATE A SENSE OF COMPROMISE ON THE ISSUES OF STATE USE OF INMATE LABOR
- . A LIST OF PROPOSED AND COMPLETED CONSTRUCTION PROJECTS THAT REFLECT OUR COSTS COMPARED TO PROJECTED COSTS OF CONTRACTING THESE PROJECTS OUT TO PRIVATE CONTRACTORS
- . A MEMO FROM OUR CHIEF LEGAL COUNSEL ATTEMPTING TO QUICKLY ANALYZE A NUMBER OF ISSUES THAT REQUIRES CLARIFICATION RELATIVE TO HAVING INMATES WORK FOR PRIVATE CONTRACTORS.

RELATIVE TO THE LATTER, I WOULD APPRECIATE ANY ADDITIONAL LEGAL ANALYSIS THAT YOU AND YOUR STAFF COULD BRING TO BEAR ON THIS ISSUE.

THANKS.

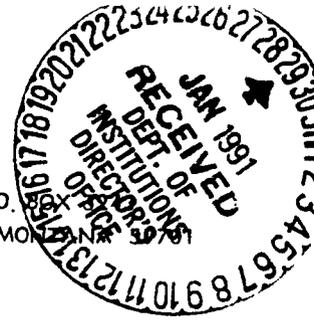
cc: TOM O'CONNELL  
BOB THOFT  
DAN RUSSELL

SOUTHWEST BUILDING TRADES COUNCIL  
OF MONTANA

OFFICE:  
CARPENTERS HALL  
156 West Granite

AFFILIATED WITH  
BUILDING AND CONSTRUCTION TRADES DEPARTMENT  
OF THE AMERICAN FEDERATION OF LABOR, C.I.O.

P. O. BOX 3971  
BUTTE, MONTANA 59701



① 494-  
3051

January 28, 1991

H 723  
5909

EXHIBIT 1  
DATE 2.6.91  
HB Long Range Plan.

Mr. Curt Chisholm, Director  
Department of Institutions  
Capitol Station  
Helena, Montana 59620

Dear Mr. Chisholm:

As you are well aware, the administration, the department and building and construction trades unions in Montana have been at odds over the prison inmate labor issue. The conflict, at one point, ended up in the Montana court system.

We believe the time has come for the administration, the department and the unions to sit down and discuss a viable resolution to the inmate labor issue.

As president of the Southwest Building and Construction Trades Council, I invite you to meet with a committee from our organization to attempt to resolve our differences. As you know, legislation is pending on this issue before the Montana legislature. In light of this, I suggest the administration, the department and the Southwest Building and Construction Trades Council, meet as soon as possible.

I will be calling you in the near future to confirm a meeting date, place and time. Thank you for your immediate attention to this very serious matter.

Sincerely yours,

John T. Forkan, Jr., President  
Southwest Building and Construction  
Trades Council

cc: Governor Stan Stephens  
Don Judge  
Gene Fenderson  
Senator Joe Mazurek  
Senator Fred Van Valkenburg  
Senator Bruce Crippen

Senator Tom Keating  
Representative Jerry Driscoll  
Representative Hal Harper  
Representative John Mercer  
Representative Larry Grinde  
Representative Bob Thoft



**Montana Contractors' Association, Inc.**

Chapter of  
Associated General Contractors of America

1000 1/2 Ave. B  
Helena, MT 59601  
Phone: (406) 442-1111

EXHIBIT \_\_\_\_\_ cc: Mar  
DATE 2.6.91 M  
HB Long Range Planning SY  
VF  
O to g

KEN DUNHAM, Secretary - Manager

January 22, 1991

The Honorable Stan Stephens  
Governor of Montana  
State Capitol  
Helena MT 59620

Dear Governor Stephens:

The Board of Directors of the Montana Contractors' Association discussed at length recently the issue of using convict labor to perform construction at the state prison.

While we fully recognize the benefits to the state by lowering construction labor costs, and by providing a social benefit of active work and skill training to inmates; we continue to be concerned with the overall proposal.

The negative aspects to such a proposal include:

1. The untrained work force, including supervisors, jeopardizes the quality of the work.
2. There is no incentive to complete the work in a timely manner, leading to cost overruns.
3. We question that the State of Montana has in place adequate insurance and bonding for such construction projects.
4. Inmate labor is contrary to your administration's stated policy of privatization and free enterprise.

Historically, the construction industry has been utilized to effect social changes by employing disadvantaged segments of the population. As an example, construction work on Indian reservations is usually performed with a high percentage of Indian crews.

A similar approach might be taken on construction projects using prison labor. We suggest that prison projects be bid competitively to the private sector, but that the bid specifications specify the percentage of the work force to be comprised of inmates. The project specifications should also include available information on the skill levels of prospective inmate labor.

The State of Montana will benefit from having the project staffed with experienced and competent supervisors from the private sector. The labor costs to the state will be less by using inmate labor. By having inmates working under the supervision of private industry supervisors, they will benefit by learning the work ethic required to succeed in private industry.

Predetermined wages for the inmates will be known by the private contractors, which can be included in their bid for the project.

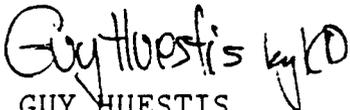
Using a private contractor for the project will mean that the construction is fully insured and bonded.

Quality control procedures will be in place throughout the project, meaning that the project will be a quality project and built to specifications, and that labor will be utilized efficiently.

We urge that you give this concept consideration as your proposals for projects using prison labor are advanced.

As always, the Montana Contractors' Association is available to meet with you and your staff to discuss this further.

Sincerely,

  
GUY HUESTIS  
President

MEMORANDUM

DATE: January 30, 1991

TO: Curt Chisholm, Director  
Department of Institutions

FROM: Jim Obie, Legal Counsel  
Department of Institutions

RE: Inmate Labor Contracts

A question has been raised over the issue of using inmate labor in circumstances where inmates would be working with labor entities on state construction projects. The issue is whether this practice may be prohibited because of "involuntary servitude" considerations.

Prisoners do not have a right to decide whether or not they will work. Able bodied persons committed to the Montana state prison as adult offenders shall be required to perform work as provided for by the department. MCA 53-30-132(4). Such products or services may be provided only to state agencies, local government units, school districts, authorities and other governmental entities. MCA 53-30-131(4). The prison industries training program is also allowed to enter into contracts and establish prices for products or services produced by the program. MCA 53-30-133(1)(a).

A recent department case, Quigg v. South, 47 St.Rptr. 1176 (1990), held that inmates working in the Montana prison industries program are not employees, either public or private, and they do not have employment rights accorded to other classes of workers.

I feel it is clear in the statutes and from the Quigg case that the department can require able inmates to work and also establish prices for their services through the prison industries program.

Curt Chisholm  
Inmate Labor Memo  
January 30, 1991  
Page 2

For a quick review and basic research of any constitutional prohibitions I consulted Rights of Prisoners and I paraphrase the following.

Neither slavery nor involuntary servitude, except as punishment for a crime in which the party has been convicted, shall exist in the United States. Thirteenth Amendment.

Once a person has been properly convicted of a crime, either felony or misdemeanor, prison rules can require inmates to work. Not only do inmates not have a right to refuse to work, they have no right to a particular job assignment. Courts have upheld the practice of disciplinary action against inmates who refuse to work in a prison industry.

Wages: Courts have held that prisoners have no right to be paid for their services unless a statutory right has been created either on a state or federal level. Most courts have determined that a prisoner is not an employee and therefore not covered by the provisions of minimum wages of the Fair Labor Standards Act.

SUMMARY: The Montana Supreme Court has already determined that Montana inmates may be required to work and they are not considered as employees. Inmates are not covered by the Federal Fair labor Standards Act and there is no statutory entitlement to inmates to receive minimum wages. The Department can contract with outside sources to provide construction work for inmates on building projects for governmental entities. Inmates have no right to decide whether they will work unless their physical capabilities would lead into areas of cruel and unusual punishment.

The issue of involuntary servitude is not relevant when inmates are involved. The 13th Amendment allows that inmates can be required to work when convicted of felony or misdemeanor crimes.

DEPARTMENT OF ADMINISTRATION  
DIRECTOR'S OFFICE

EXHIBIT 4  
DATE 2.6.91  
HB Long Range Planning



STAN STEPHENS, GOVERNOR

MITCHELL BUILDING

STATE OF MONTANA

(406) 444-2032

HELENA, MONTANA 59620

TO: Bob Marks, Director  
FROM: Dal Smilie  
Chief Legal Counsel  
DATE: February 5, 1991  
SUBJECT: Inmate Labor

The Department of Institutions has proposed utilizing inmate labor once again during the upcoming biennium. The Montana Contractors' Association has proposed requiring a certain percentage of inmate labor on the jobs as part of the bid requirements. The Southwest Building Trades Council of Montana wants to meet and discuss the entire inmate labor issue.

I'd like to offer my observations on the use of inmate labor. Let me start with three premises. First, the state has the right to require work of inmates. Work can, and often does, include training. Second, we can contract with a union to help provide or supervise training at the prison. Third, there is no specific prohibition against requiring contractors to utilize prison labor for all or part of a construction contract.

There are problems with utilizing inmate labor. The quality of work done by them may not be up to standard. Where inmates are trained and well supervised they may do very good work. It is my observation that the best place to utilize inmate labor is for a project which can be totally completed by their labor and which can be totally supervised by appropriate state personnel.

Where inmates do part of the work and a prime contractor does the rest there are problems of warranty. The inmate work may not measure up to standard. More important, even if it does, a contractor may use the argument that it does not as a defense when the project has warranty problems. Where the state forces its labor on a contractor, it will have difficulties in later complaining about defects arguably caused, directly or indirectly, by that labor. Prisoners may not be considered as the employees of the contractor, so can that contractor be held responsible for the acts or omissions of labor it was required to utilize?

Bob Marks  
February 5, 1991  
Page 2

Delay in a construction job is common. Delay leads to damages and consequently to controversy and litigation. The integration of inmate labor into a contractor's work force will cause more difficult legal questions when the inevitable delay problems arise. In truth, a lockdown can cause delay.

There are security and liability questions. If prisoners work as an integrated team with the contractor's employees, who is responsible for injury to those employees caused by the prisoners? Who is responsible for injury to a contractor's employees when a guard injures them while trying to prevent an escape or other violent act by a prisoner/worker?

Construction work can be dangerous. Who is responsible for injury to a prisoner caused by the negligence of a contractor? Normal protection from suit by employees due to worker's compensation insurance does not apply since prisoners are exempt from such coverage. See 39-71-744, MCA.

Contractors will probably add supervisory personnel if inmate labor is integrated into the work force. This additional cost will decrease the savings estimated to be gained from the use of inmate labor.

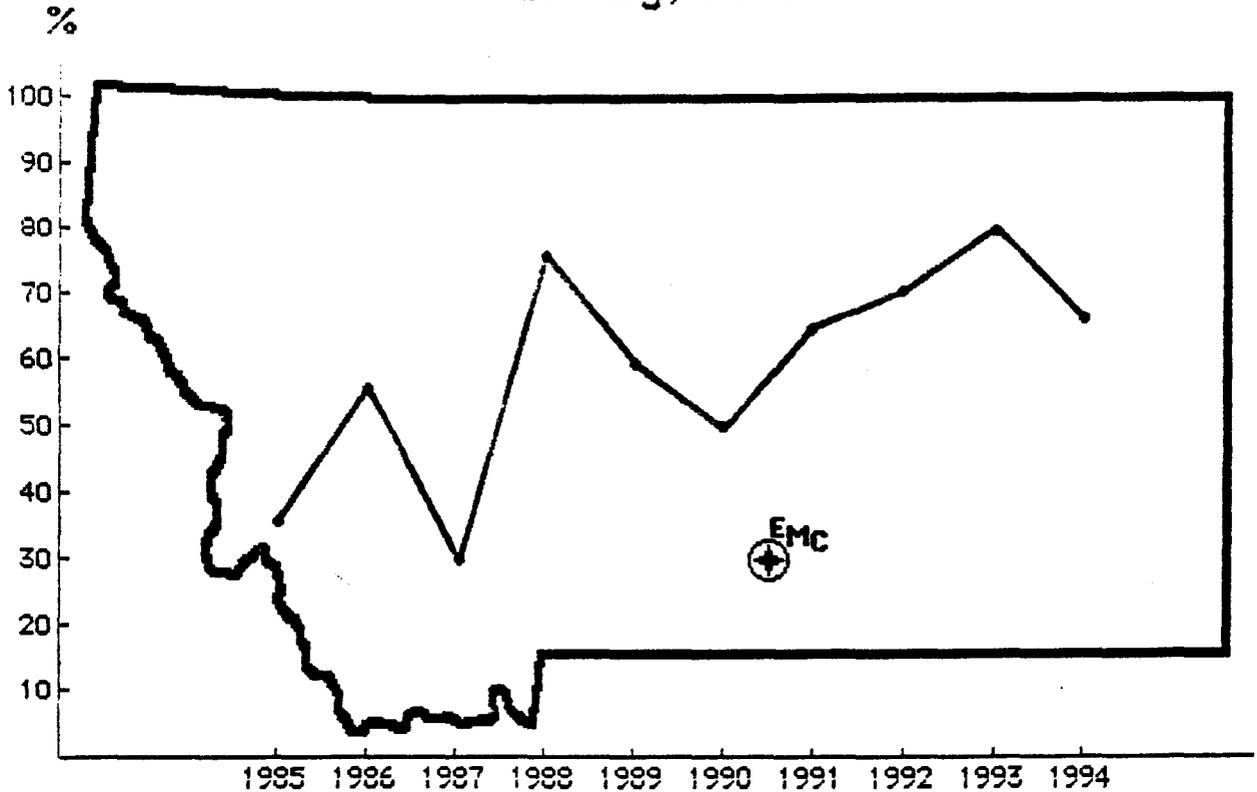
Contractors are required to provide insurance, bid and performance bonds. A quick check with USF&G shows that it will be much harder, if not impossible, for a contractor to purchase bonds or insurance if inmate labor is integrated into the work force.

Security is always a problem with prisoners. Integrating inmates into a non-inmate population will increase the problems with contraband.

We currently believe that we can save money on the cost of construction at the prison if we use inmate labor. If we integrate that labor into construction done by the private sector one would have to believe that not as much money will be saved. Contractors will be tempted to bid the work at a higher rate due to some of the problems I have mentioned above.

The Eastern Montana College Poll  
of  
National, State, and Local Issues  
February, 1990

EXHIBIT 5  
DATE 2-6-91  
HB Long Range Planning



**Dr. Joe Floyd & Dr. Craig Wilson**  
**Co-Directors**

Students enrolled in PS 493 - Public Opinion and Polling and  
SOC 316 - Sociological Research Methods  
Were responsible for carrying out this Survey Research Project.

Gary Anderson  
James Jerome Anderson  
Jim J. Anderson  
Richard Anderson  
Michael Bacon  
LeAnn Baker  
Julie Ann Bellamy  
Kelly Browning  
Orlean Christianson  
Marion Dozier  
William Ferguson

Gavin Grammar  
Mark Guenther  
Randy Heinz  
Jacqueline Hoff  
Edward K. Jolliff  
James Kindness  
Tom Manthey  
Al McLees  
Randy Minkoff  
Jamie Olson

Paul Patek  
Carolyn Pluhar  
Rikard Ross  
Carol Schriver  
George Simko  
Robert N. Simons  
Fred Stansbury  
Kathryn Syth  
Erik K. Wegner  
Mike Yovetich

Which School to Close  
(% of total respondents wanting to close schools)

Montana State University	.5% (2)
University of Montana	1.2% (5)
Eastern Montana College	4.4% (19)
Montana Tech -	8.6% (37)
Northern Montana College	16.8% (72)
Western Montana College	19.5% (84)
Total	51%

Statistically Significant Relationships:

\*There was a direct correlation between education and favoring closure. A plurality of those with a college or graduate degree (48.5%) supported the concept, but no one with a grade school education or less (0%) favored it.

\*Rural residents were more opposed to closure (66.7%) than their urban counterparts (53.1%).

**X. Using Deer Lodge Inmates to Build Prison Addition**

A recent Montana state court decision ruled that use of prison labor to build an addition to the Deer Lodge prison violated state law. An overwhelming majority of those responding to this survey, however, favored using male inmates to construct this addition.

Convict Labor to Build Prison Addition

<u>Yes</u>	<u>No</u>	<u>Undecided</u>	<u>Total</u>
85.7%	9.2%	5.1%	100%

Statistically Significant Relationships:

\*While overwhelming majorities of Democrats and Republicans favored use of inmate labor, Republicans felt somewhat more strongly (88.6%) than Democrats (81.4%).

**XI. Overall Perception of Labor Unions**

On a 1-10 scale, in terms of direction, a majority of the survey participants expressed a somewhat negative attitude about "the activities of Montana labor unions." The overall intensity of these attitudes were also collectively slightly negative.

Perception of Montana Labor Unions

<u>1-5</u>	<u>6-10</u>	<u>Total</u>	<u>Intensity</u>
70.2%	29.8%	100%	4.69

Statistically Significant Relationships:

\*Democrats more intensely supported unions (5.33) than did Independents (4.56) or Republicans (4.10).

**HB Home Ranch Planning**  
 Projects  
 Russell said tentative plans for the low security unit call for a metal building of wood frame construction.  
 Other projects in Schwinden's long-range building plan call for inmates to build three house for prison ranch supervisors and to construct a third gravity-fed irrigation at the prison ranch.  
 These projects, with a \$435,000 price tag, would be paid from prison ranch proceeds.  
 Russell said tentative plans for the low security unit call for a metal building of wood frame construction.

Continued from Page 1A

Spending \$170,000 to re-roof the giant liquor warehouse near the Helena airport. This project

(Site D was eliminated long ago)  
**Site B:** \$808,200. Because site E has the deepest depth to groundwater (115 feet) and is the only site not over the Helena Valley Aquifer or in its recharge areas, Lewis and Clark County Environmental Health Director believes this site "looks the best from purely a public health standpoint."  
 However, nearby landowners Wayne Miller and Floyd Hoff — who plans to build a subdivision and golf course on the other side of Lake Helena Drive — object to this site.  
**Site F:** \$896,700. This site is landowner, the Chevallier Ranch Co., is the only landowner of all five sites to object to selling property for a landfill. This site is the furthest from Helena at 14.1 miles, and would have the highest transportation costs. However it would also have the least social impact, because it is in such a low-populated area.

**Prison**

**Continued from Page 1A**  
 warehouses and re-built the prison gymnasium. "They just do an excellent job of it," said Russell, and the project could cost twice as much if private contractors were used instead of inmates.  
 The work would be supervised by civilian experts, and specialized work, such as electrical wiring and plumbing, would be bid out to licensed professionals, he said.

Others in Schwinden's long-range building plan call for inmates to build three house for prison ranch supervisors and to construct a third gravity-fed irrigation at the prison ranch.

These projects, with a \$435,000 price tag, would be paid from prison ranch proceeds.  
 Russell said tentative plans for the low security unit call for a metal building of wood frame construction.

**Projects**

Continued from Page 1A

Spending \$170,000 to re-roof the giant liquor warehouse near the Helena airport. This project

of the objections of area residents. However, it is the cheapest to build, because of its close proximity to Helena (low transportation costs) and because of the shape of the land (a gully doesn't require as much expensive excavation as a flat piece of ground).

**Site B:** \$419,000. Just over the railroad tracks from Highway 12, this site would require the least road building. It also has the shortest life span — in 44 years the site would have no more room for garbage.

**Site C:** \$820,300. Of all the sites, site C has the shortest depth to groundwater, at 65 feet. On other criteria, the site usually falls right in the middle. Landowners Wayne Miller, Clark Pyler, Jerry Padbury, Paul Klefner and Edna Johnson have asked the county to seriously consider selecting site C, although landowners Helen Misovic and William J. Foster have written letters against site C.

**Rep. Jenkins replaces Sen. Kolstad**

**CHESTER (AP)** — Rep. Loren Jenkins, R-Big Sandy, was chosen Friday to replace Allen Kolstad of Chester in the Montana Senate.  
 Kolstad, a Republican, becomes lieutenant governor Jan. 2. He recently resigned his Senate seat in accordance with Montana law.  
 Jenkins was re-elected to his third term in the House Nov. 8, but resigned Friday after his selection to Kolstad's seat.  
 Local Republican officials now must come up with a list of names from which the commissioners will choose Jenkins' replacement for the House seat he will vacate.

Eight of the nine commissioners from Liberty, Hill and Chouteau counties — all included in Kolstad's former Senate district — chose Jenkins from a list of three names submitted by a joint committee of area Republican Party members.  
 Others candidates were Merlin Wolery of Rudyard and Larry Johnson of Kremlin.

east of East Helena at 3 one mile north of Highway 12, ranked third; and sites B and E tied for fourth and fifth place.  
**Site B** is 110 acres three miles east of East Helena, immediately south of Highway 12.

An August 17 study ranked the sites in this order: A, F, E and B (B for third and fourth) and C, so C has risen while B and E have dropped.

Damischen also presented figures on how much each landfill site would cost to build and operate, figuring in the expected life of each landfill. The figures do not include the cost of land, because no sale terms have been worked out yet with the landowners, although the committee will ask the landowners to sign one-year option agreements which stipulate the sale price.  
 Here is the total annual cost of each landfill, plus some distinct characteristics of each site:  
**Site A:** \$402,000. This is the most controversial site, because

Love The Singler	City Kitchen Wrestling Rock Palace	Basenball: Town of Victin	Movies: 11th Victim
Love North	City Kitchen Wrestling Rock Palace	Champions Completion	
Love North	Tommy Hunter	College Basketball: Tour	Log Work
Love North	City Kitchen Wrestling Rock Palace	Golden Girls	Cagney & Lacey
Love North	Country Music Night Tracks	Golden Girls	City Blue
Love North	City Kitchen Wrestling Rock Palace	Golden Girls	Lady Blue
Love North	Country Music Night Tracks	Golden Girls	Lady Blue
Love North	City Kitchen Wrestling Rock Palace	Golden Girls	Lady Blue
Love North	Country Music Night Tracks	Golden Girls	Lady Blue
Love North	City Kitchen Wrestling Rock Palace	Golden Girls	Lady Blue
Love North	Country Music Night Tracks	Golden Girls	Lady Blue

**hostages freed unharmed**

**AP** — Two female hostages freed Friday by the two inmates who were demanded to meet with them at the overcrowded Wyoming State Penitentiary.  
 Don Calkins, 25, surrendered the hostages unharmed after making makeshift knives, had the two inmates in the prison's sick call in the prison's infirmary.  
 The two inmates were taken by Carbon County Sheriff's deputies to the county jail where they would be held pending the filing of charges against them.

Throughout the day Friday prison officials, including an FBI-trained negotiator, spoke with the inmates by telephone, but Shillinger said any demands beyond those for food would not be granted unless the women were released.  
 After sundown guards raised floodlights outside the window of the room where the inmates held France and Lewis and directed the light into the room so Amin and Calkins couldn't see into the prison yard.  
 Although the two initially sought a dialogue with reporters, after surrendering they decided not to meet with the press, according to Shillinger.

**Further modifies Project Excellence**

**AP** — The Montana Board of Education further modified the proposed accreditation standards Friday, whether to approve the proposed standards or later.  
 Nicholson said at the conclusion of a meeting in Great Falls that the tentative standards were a "successful attempt to address the concerns of the board by providing flexibility to the districts and some things from consideration that were not adequate research," he said.  
 Nicholson said the board made the probable by giving school districts two more months to adjust rather than one month.  
 The proposed standards are part of a two-year project which asked the board to develop educational standards for all Montana schools.

Nicholson said he believes board members generally agree that Project Excellence will move education forward in Montana.  
 The proposed standards are part of a two-year project which asked the board to develop educational standards for all Montana schools.

# State reveals long-range building wish list

## Proposals include new armory and Commerce building in Helena, new cottage at Mountain View

By BOB ANEZ  
Associated Press Writer

State agencies have submitted wish lists for \$185.7 million in building construction and maintenance projects during the next biennium, but only a trace of the proposals are likely to become reality.

Proposals in Helena include \$7 million for a Department of Commerce building, \$2.9 million for a new Information Services Facility, \$2.3 million for an armory, and \$82,000 for a new cottage at the Mountain View School.

Two years ago, the Schwinden administration recommended only \$14.5 million in projects, with \$6.2 million of the money coming from the Capital Projects Fund and the remainder provided from special fees or federal funds.

For the 1990-91 biennium, the Capital Projects Fund is expected to have no more than \$7 million, Thomas O'Connell, state architect, said Tuesday. That means the administration probably will have to limit its top priorities to those projects that ensure safety and health in state buildings, he said.

Department of Administration Director Ellen Feaver, who will work with the governor's office in setting priorities for the various projects, said

there is little chance the governor will suggest the sale of revenue bonds to finance any building projects. The state's bond debt of about \$9 million already places Montana above the national per-capita average, she said.

"We've got \$9 million to \$11 million a year in debt payments and we're not in a position to add any more to that," she said. "It's not at a dangerous level," but to issue more bonds in the near future would hurt the state's credit rating, Feaver added.

"If things were flourishing in Montana, that would be a different story."

However, Feaver said the administration will propose abandoning the Capital Projects Fund, which has proven to be an inadequate source of money for even maintaining the state's existing buildings. Revenue from cigarette taxes, which would normally feed the fund, would be diverted to the general fund and that would provide money for capital projects, she explained.

Feaver said she was not surprised by the size of the agencies' lists, because they are a way of calling attention to needed projects. "You've got to get your ideas into the package or they won't get listed."

The Montana University System, checked in with the most expensive roster, calling for \$16 million in projects. The Board of Regents pared the list to \$72.9 million, of which \$61.2 million would come from the Capital Projects Fund.

The top five proposals are for safety projects at Western Montana College, Eastern Montana College and the University of Montana. The most expensive of the 37 health and safety maintenance projects is \$1.9 million for electrical system work at Montana State University.

The system also proposed six construction projects worth \$10.3 million, including an \$18 million engineering-physical science building at MSU; a \$11.5 million classroom expansion at EMC; and a \$13.7 million business administration building at UNM.

The Department of Institutions listed \$21.1 million in projects, but agency officials whittled the roster down to about \$6.7 million. The agency's top priority and most expensive proposal calls for a \$98,000 cell block at the state prison to house 96 low-security inmates.

The relatively low price tag for the facility reflects the department's plan to use inmate labor for the construction, O'Connell said.

Other major institutional projects include a \$200,000 environmental control system at the state Center for the Aged in Lewistown; \$610,000 in street and pavement improvements at four institutions; and \$317,000 in improvements to the prison water system.

The state Department of Fish, Wildlife and Parks proposed \$14 million in projects, with almost all coming from federal funds and license fees paid by sportsmen. More than a third of the money — \$5.1 million — would be used to purchase new wildlife habitat.

The Department of Military Affairs listed \$9.9 million in proposals, including the Helena armory. About \$7.9 million would come from the federal government.

The Department of Family Services listed \$3.5 million in projects, topped by the new Mountain View cottage. The proposals also include \$1.3 million for construction of two regional evaluation and detention centers.

Other smaller lists came from the departments of Education, \$1.9 million; Highways, \$1.3 million; Labor, \$541,000; State Lands, \$222,000; Natural Resources and Conservation, \$116,000; and Agriculture, \$48,000.

EXHIBIT S  
DATE 2.6.91  
HB Long Range Planning

EXHIBIT 5  
DATE 2.6.91  
HB Long Range Plan

The Montana Standard, Butte, Thursday, June 23, 1988—5

## Anaconda I Area

# New minimum security unit proposed for state prison

By Rich Simpson  
Standard Staff Writer  
A new 100-bed minimum security housing unit is being proposed for the Montana State Prison at Deer Lodge to allow the facility to keep up with its growing population.

Rep. William T. "Red" Menahan, D-Anaconda, however, is doubtful that the 1989 Legislature will approve the construction because of fiscal constraints.

The unit is proposed by the Department of Institutions. The prison needs a fourth low-security housing unit because state projections are the prison will surpass its maximum capacity in 1989, the department reported. The prison can house 1,028 men, although it was designed to hold 745

inmates, living in single-bunk cells. The prison's population has grown from about 800 men to about 1,000 since 1982, according to Department of Institutions statistics. The department expects a second new housing unit will be needed by 1993 when the prison population reaches 1,139.

**THE FIRST NEW** building will cost about \$1 million if the Legislature allows the department to use inmate crews to build it, said Carroll South, Department of Institutions director. Inmates built the prison's warehouse and dairy dorm after the building was shipped in pieces from Washington state, he said. "It remains to be seen what we

can do and what the Legislature's posture will be," South said. "It's one way we can save money."

The 1987 Legislature's approval of a new forensic unit at the state hospital, however, removed funds from the state's Long-Range Building program for building maintenance, Menahan said. The Legislature will probably take care of those needs before approving the construction of any new buildings, he said.

Menahan is a member of the House Appropriations Committee and the chairman of the Appropriations Committee's Institutions Subcommittee.

"They won't go for another unit right now," Menahan said. South acknowledges new con-

struction funds are short for the next biennium. The Long-Range Building Fund has only \$6 million, he said.

Building a new unit would also eliminate inmate waiting lists for low security beds. More than 50 men are waiting to enter the prison's three low-security units from other units, Warden Jack McCormick said.

The prison's annual admissions have remained steady over the last several years, while new inmates sentences have increased due to trends within the state's corrections and judiciary systems. Some future inmates will need the medium security beds left open by prisoners transferred to low security units, McCormick said.

# Game a base-brawl

## des Dukakis on taxes 18

DAILY 35c — SUNDAY 75c

Good Morning, It's

**SATURDAY**

June 25, 1988

Vol. 113 — No. 25  
Butte-Anaconda, Montana

dard

# Space tight at prison

## New unit to be sought

Standard State Bureau  
and Associated Press

HELENA — The Department of Institutions estimates that the state prison will be full within two years and that the agency will request about \$1 million for a new 100-bed minimum security unit, institutions director Carroll South said Friday.

South told the Legislative Finance Committee that the maximum capacity of 1,028 prisoners will be reached soon partly because "judges are getting tougher."

"If we're going to get tough on crime and lock up more people, there's going to be a cost," state Institutions Director Carroll South said. "I'd like to tell you that (the inmate population) is going to level off, but we don't think it will."

Prison population has risen by about 42 percent since 1981, the department reports, and average sentences have increased from 22 months in 1978 to 30 months in 1988.

"This department has to go on record requesting a new unit because no other option would be long-term," South said.

He said the building likely would be built with inmate labor.

Rep. William "Red" Menahan, D-Anaconda, said he opposed "building any more buildings at the

prison," and urged the state to "find a creative way of sentencing to keep some people out of prison."

He suggested examining intensive supervision, in which offenders are confined to their homes or monitored electronically. A pilot program with electronic monitoring is under way in Billings.

Rep. Francis Bardanouve, D-Harlem, also questioned whether new construction should take place in Deer Lodge.

"Can we continue to pile prisoner upon prisoner at Deer Lodge merely by building more?" Bardanouve asked.

He said the state should look at other options, such as work camps similar to the pre-release center at Swan River.

South said pre-release centers seem to be popular among the public — until someone wants to build one in their neighborhood.

Bardanouve agreed that the idea might not be politically feasible.

"But you create problems when you go beyond a certain point in enlarging prisons," Bardanouve said.

South said the Institutions Department will have the proposal in its long-range building budget, which must be turned in to the state by July 1.

(406)444-4775.

# Renewable Resource and Water Development Programs

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

EXHIBIT 5 PROJECT EVALUATIONS  
DATE 2-6-91 AND RECOMMENDATIONS  
HB 6, 7 FOR 1992-1993 BIENNIUM

AND STATUS REPORT  
FOR 1990-1991 BIENNIUM

Presented to the Fifty-Second  
Montana Legislature

January 1991



- 4-5 mas panned - original  
- quality -

**ADDITIONAL PROJECTS AFFORDED BY  
USING INMATE LABOR ON LOW SECURITY HOUSING UNIT  
1989 BIENNIUM**

EXHIBIT 4 p. 1  
DATE 2.6.91  
HB Long Range Plan

**LOW SECURITY HOUSING UNIT:**

COST WITH PRIVATE SECTOR	\$2,610,000
COST WITH INMATE LABOR AS AUTHORIZED BY 1989 LEGISLATURE	<u>\$1,184,600</u>
SAVINGS	\$1,425,400

*26% of available  
Cash Projects fund*

<u>PROJECT TITLE AND PRIORITY FROM 1989 LRBP BOOK:</u>	<u>CAPITAL PROJECTS FUNDS</u>
17. RETROFIT WINDOWS, ENGINEERING HALL, TECH  WALLACE M. ROBERTS & ASSN., MISSOULA WALSH CONSTRUCTION, BUTTE	\$132,750
16. REPAIR EXTERIOR DOORS AND VESTIBULES, WMC  UNIVERSITY OF MONTANA READY TO BID	\$14,000
15. MAINTAIN WATER MAINS, UM  PROFESSIONAL CONSULTANTS INC., MISSOULA BEARSTAR ENTERPRISES, INC., BILLINGS	\$130,000
14. UPGRADE ELECTRICAL DISTRIBUTION SYSTEM, MSU (PROJECT INCLUDED AN ADDITIONAL \$524,871 AUXILIARY FUNDS)  S.S.R. ENGINEERS, BILLINGS ACE ELECTRIC INC., LAUREL	\$1,153,355

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<b>TOTAL</b>	<b>\$1,430,105</b>
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<b>TOTAL COST OF PROJECTS (INCLUDES MSU AUXILIARY FUNDS)</b>	<b>\$1,954,976</b>
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EXHIBIT 6 p 2  
DATE 2.6.91  
HB Long Pany Plan.

LOW SECURITY HOUSING UNIT  
COST BREAKDOWN

JANUARY 30, 1991

APPRORRIATION

\$1,184,600

LABOR

\$171,804

SUPRRVISORS WAGES  
AND BENIFITS  
INMATE COMPENSATION

\$144,225  
27,580

BUILDING MATERIALS & ASSOCIATED  
COSTS (APPROX)

\$1,012,796

EXHIBIT 7

DATE 2-6-91

HB Long Range Planning

**COST SUMMARY  
EXPAND MONTANA STATE PRISON**

DECEMBER 1990

DESCRIPTION

THE PROJECT WILL EXPAND THE EXISTING MAXIMUM SECURITY COMPOUND TO ACCOMMODATE ABOUT 500 CLOSE & MAX SECURITY INMATES AND REESTABLISH ISOLATION OF MAXIMUM SECURITY HOUSING. IT WILL:

CONSTRUCT A 120-MAN HOUSING UNIT SIMILAR TO CLOSE III. DESIGNED FOR DOUBLE BUNKING, IT WILL HAVE A CAPACITY OF 240.

CONSTRUCT 96-MAN MAX SECURITY UNIT. NEW UNIT WOULD BE USED TO HOUSE MAXIMUM SECURITY INMATES OR AS A CLOSE SECURITY TREATMENT UNIT DEPENDING ON LOCATION AND SITE CONFIGURATION.

PROVIDE ISOLATION FENCE AROUND THE MAXIMUM SECURITY HOUSING UNIT.

EXPAND SECURE PERIMETER FENCE, CONSTRUCT 1 NEW CONTROL TOWER AND MODIFY PERIMETER PATROL ROAD.

CONSTRUCT NEW FOOD PREPARATION/DINING FACILITY.

CONSTRUCT MULTI-PURPOSE BUILDING TO HOUSE ADMINISTRATION, VISITING, EDUCATION AND VOCATIONAL INDUSTRIES.

CONSTRUCT NEW GYMNASIUM AND CLOSE SECURITY OUTDOOR RECREATION YARD TO INCLUDE BALL DIAMOND, RUNNING TRACK AND STORAGE TOILET FACILITY.

INCREASE WATER STORAGE SYSTEM AND EXTEND UTILITIES AS NECESSARY.

EXPAND WAREHOUSE AND BUSINESS OFFICE.

THE PROJECT WILL ALSO MODIFY AND EXPAND THE LOW SECURITY FOOD SERVICE AREA TO ALLOW FULL ON-SITE FOOD PREPARATION.

COST BREAKDOWN

CONTRACTED PORTION:

1. 96 MAN CLOSE SECURITY UNIT	\$3,726,683
2. 120 BED CLOSE SECURITY UNIT Set up for double bunking	5,077,604
3. GUARD TOWER	150,000

PROPOSED PRISON CONSTRUCTION PROJECTS  
 1991

Project	Cost w/Inmate Labor	Cost w/Private Contractor	Difference
-----			
Replace Roofs:			
BOP			
Warehouses	\$30,000	\$66,915	\$36,915
Seal Prison Buildings	25,000	61,540	36,540
Expand Industries Facilities	335,976	537,560	201,584
Major Expansion	20,238,245	21,908,710	1,670,465
-----			
Total	\$20,629,221	\$22,574,725	\$1,945,504

SOME EXAMPLES OF PREVIOUS PRISON CONSTRUCTION PROJECTS

Project	Cost w/Inmate Labor	Cost w/Private Contractor	Difference
-----			
	1989		
Low Security Housing Unit	\$1,184,600 <sup>1</sup>	\$2,610,000	\$1,425,400
3 Ranch Supervisor Housing Units	135,000	210,000 <sup>2</sup>	75,000
Tin Cup Joe Irrigation System	200,000	na	na

PREVIOUS PRISON CONSTRUCTION PROJECTS (CONT'D)

<sup>1</sup>Approximately \$50,000 will be reverted at completion of the project.

<sup>2</sup>Based on \$70,000 per unit.

Project	Cost w/Inmate Labor	Cost w/Private Contractor	Difference
-----			
		1987	
Construct yard Storage and Toilets	62,000	na	na
		1985	
Construct Prison Warehouse	195,000	534,540	339,540
-----			
Total Savings for Previous Prison Construction projects listed on both pages:			
	\$1,776,600	\$3,354,540	\$1,839,940