

BUSINESS AND INDUSTRY COMMITTEE
SPECIAL SESSION II OF THE 47th MONTANA LEGISLATURE
June 23, 1982

The meeting of the Business and Industry Committee was called to order at 1:30 p.m. by REP. JAY FABREGA, CHAIRMAN, on Wednesday, June 23, 1982 in the Capitol Building, Helena, Montana.

ROLL CALL was taken and all members were present except for REP. AARON ANDREASON who was excused.

GREG PETESCH from the Legislative Council distributed a BILL SUMMARY for SENATE BILL 1. (EXHIBIT A)

SENATOR JEAN TURNAGE introduced SENATE BILL 1 (EXHIBIT B) He pointed out on page four that they had stricken "shall" and inserted "may".

PROPOSERS

SENATOR ALLEN KOLSTAD proposed an amendment to Senate Bill 1 to read as follows: Page 5, following line 4 and lettered "D" to read "Able bodied persons admitted into the state prison as an adult offender shall be required to perform work provided for by the Department of Institutions".

CURT CHISHOLM, Deputy Director of the Department of Institutions suggested an amendment. (EXHIBIT C) He also suggested some language in effect that would appropriate \$26,325. to be used for basic research.

OPPOSERS

JIM MURRY, Executive Secretary for the AFL-CIO stated that their concern is that there are not enough safeguards to protect the contracts the state has with various unions. He also went on to say that the Legislature is moving in an area that would exploit prison inmates as a cheap labor source.

NADINE JENSEN from the AFL-CIO, gave her testimony.

SENATOR TURNAGE suggested to amend on page 5, line 6 after program to insert "and shall report to the Legislature and recommend its continuing plans in implementing this program".

REP. HAL HARPER questioned the intent of this legislation, that if it is not to compete then what would be wrong with a simple statement in the bill saying that "it will compete, but not on the level that it will bother anyone".

SENATOR TURNAGE stated that if you put a statement like that in there, you may as well kill the bill. This program will compete but not on the level that it will bother anyone.

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REP. JAY FABREGA asked Mr. Murry what they do with a production of a vocational industrial type operation if they can not dispose of it.

MR. MURRY stated that if the economy gets better, there will be a laxation in the area of prison industries and products being marketed. Unions have no problem with the prison industries as they are now.

REP. DARRYL MEYER asked if tests are given to get into an apprenticeship program.

MR. MURRY said yes, there is a test given.

HEARINGS were then closed on SB1.

REP. TOM ASAY gave his introduction on HJR1. (EXHIBIT D)
See suggested amendment (EXHIBIT E).

PROPONENTS

None

OPPONENTS

None

REP. BOB PAVLOVICH asked where they will get the money to make restitution.

REP. ASAY stated that provisions will have to be made for better compensation to the prisoners.

REP. LES KITSELMAN stated that if SB1 passes, the training programs will pay more to the prisoners and that is where the money will come from.

REP. HAL HARPER asked if this legislation is passed, are they doing anything practical.

CURT CHISHOLM stated that the wage scale relative to the inmates working not just normal job assignments is limited by the appropriation they have and the administrative discretion of the wording. They can pay up to a dollar a day.

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CURT CHISHOLM continued to say that it is not reasonable to expect the inmates to pay restitution on that sort of wage. Unless we get into cooperatives like other states that are in programs where the inmates can make a good salary while incarcerated. They really cannot make restitution on what they make.

HEARINGS were closed on HJR1.

REP. MICHAEL KEEDY introduced HB18. This bill will provide funding for an additional three educators.

PROPONENTS

CURT CHISHOLM spoke in favor of this bill.

PAT WARNECKE, Associate Warden for the Montana State Prison stated that they have three teachers who serve the whole population. They teach six classes a day. There are 110 people in academic classrooms. They need special education teachers to reach those inmates who cannot be reached now. There is a problem with overcrowding.

MARGARET DAVIS gave her testimony.

OPPONENTS

None

REP. JOHN VINCENT asked if REP. KEEDY is not an advocate of rehabilitation, whether he is coming before this committee asking them to act on a bill that won't work.

REP. KEEDY stated that he did not know if it would work, but if we make those efforts on a serious scale and it proves futile, then he would have to agree that the only way to address it is to warehouse people.

REP. DAVID O'HARA asked what level of teaching they were thinking of.

REP. KEEDY stated that he had in mind two remedial teachers plus a special education teacher.

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REP. KEN ROBBINS asked if those who choose to be educated are criticized and if they need to be segregated.

MR. WARNECKE did not think there would be that problem.

REP. NORM WALLIN asked if he were to evaluate the two programs, which would be the most effective.

MR. WARNECKE stated that SBI sounded like a good idea, but there are some reservations and questions they have. Such as, how would it be administrated and would the teachers be theirs or on contract.

REP. FABREGA informed Mr. Warnecke that Mr. John Board from the Montana Education Association had suggested a possibility of contracting the Deer Lodge School District. We can put out the guidelines by the state but we cannot compel third parties to participate in it so we should stay away from that. We cannot make it contingent upon a contractual agreement.

HEARINGS were then closed and the Committee went into EXECUTIVE SESSION.

REP. JOHN VINCENT made a MOTION that HB18 DO PASS.

REP. JAMES SCHULTZ SECONDED the motion.

MOTION PASSED UNANIMOUSLY.

HEARINGS were opened on HB19.

REP. RALPH EUDAILY introduced HB19.

PROPONENTS

JUDY JOHNSON, Assistant Superintendent of the Office of Public Instruction gave testimony.

OPPONENTS

None

REP. FABREGA asked if there was any reaction to this sort of an evaluation.

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CURT CHISHOLM stated that they support REP. KEEDY'S bill and hope for some cooperation from the Office of Public Instruction. They do support the bill concept and the amount of money it would take to do this sort of study.

HEARINGS were closed and the Committee went into EXECUTIVE SESSION.

REP. ORVAL ELLISON made a MOTION that HB19 DO PASS.

REP. NORM WALLIN SECONDED the motion.

Discussion was held.

MOTION PASSED with two OPPOSING: REP. BOB PAVLOVICH and REP. HAL HARPER.

Meeting adjourned at 4 p.m.

Fabrega by P.B.
REP. JAY FABREGA, CHAIRMAN

Pat Bennett
Pat Bennett, Secretary

BILL SUMMARIES

Senate Bill 1 establishes a vocational industries program at the Montana State Prison separate from the general institutional industries program. The program is intended to provide training and job skills involving all types of personal property including crops and livestock. The end products would be available for all state and local governmental entities except that ranch products could be sold on the open market. The program is not required to be self-supporting. Participation in the program by inmates would entitle them to earn a good time allowance of up to 15 days per month. Wages may be paid to inmates commensurate with their production function. The inmates are not employees and do not have the rights of public or private employees. The department of institutions is authorized to adopt rules implementing the program.

HJR 1 encourages the creation of innovative prison enterprises using the talents and ideas of inmates. The resolution proposes that profits earned by inmates from such enterprises be used for restitution to crime victims. Once such enterprises are established, judges are encouraged to make greater use of restitution requirements in sentencing.

47th Legislature

SB 0001/03

SB 0001/03

1 SENATE BILL NO. 1 (2nd SS)
2 INTRODUCED BY TURNAGE, STEPHENS, KOLSTAD, E. SMITH
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A
5 VOCATIONAL INDUSTRIES PROGRAM AT THE MONTANA STATE PRISON
6 THAT PROVIDES FORMAL VOCATIONAL EDUCATION, ON-THE-JOB
7 TRAINING, AND WORK EXPERIENCE FOR PRISON INMATES; LIMITING
8 THE PROGRAM TO PROVIDING SERVICES AND PRODUCING PERSONAL
9 PROPERTY FOR STATE AGENCIES, LOCAL GOVERNMENTS, SCHOOL
10 DISTRICTS, AND OTHER GOVERNMENTAL ENTITIES; ~~AND PROVIDING AN~~
11 ~~IMMEDIATE EFFECTIVE DATE.~~"
12 WHEREAS, it is in the best interest of the state and
13 also in the best interest of inmates incarcerated at the
14 Montana state prison to establish a vocational training and
15 work experience program at the prison; and
16 WHEREAS, such a program benefits the state by providing
17 inmates with viable vocations so that upon release they may
18 become responsible members of society; and
19 WHEREAS, such a program benefits inmates at the prison
20 by providing an alternative to idle time in prison; the
21 opportunity for training and work experience can provide
22 some measure of meaning and self-worth while incarcerated;
23 while at the same time preparing inmates with vocations with
24 which they can support themselves and their families upon
25 release; and

1 WHEREAS, there is presently an institutional industry
2 program in operation at the prison that is a self-supporting
3 program engaged in license plate manufacture and some
4 agricultural production and personal property refurbishment;
5 THEREFORE, the institutional industry's small scope and
6 limited goals should be supplemented with a true vocational
7 industries program capable of inmate reformation that will
8 produce former inmates who upon release are vocationally
9 trained, productive and responsible members of society.
10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Prison vocational industries program. (1)
13 In addition to any institutional industry operated at the
14 Montana state prison under Title 53, Chapter 1, part 3, the
15 department of institutions shall conduct a prison vocational
16 industries program.

17 (2) The purpose of the prison vocational industries
18 program is to:

19 (a) provide innovative and progressive inmate
20 reformation and rehabilitation possibilities by exposing
21 inmates to worthwhile vocational training;
22 (b) prepare inmates for release by providing
23 industries at the prison that utilize their vocational
24 training, thus providing experience beyond mere training,
25 inculcating inmates with good production and work habits,

1 and providing them with a means to earn money that will be
2 available to them upon release.

3 (3) The prison vocational industries program consists
4 of structured vocational training, on-the-job training, and
5 production experience. The department may contract with
6 public and private vocational education entities to provide
7 vocational training.

8 (4) The program may provide training and experience
9 involving cultivation, production, repair, construction,
10 refurbishment, service, and related processes involving
11 personal property, including but not limited to such items
12 as crops, livestock, furniture, office and electrical
13 equipment, and motor vehicles. Such products and services
14 ~~WITH THE EXCEPTION OF LIVESTOCK AND AGRICULTURAL PRODUCTS~~
15 ~~PRODUCED FROM THE MONTANA STATE PRISON RANCH.~~ may be
16 provided only to state agencies, local government units,
17 school districts, authorities, and other governmental
18 entities.

19 (5) (a) The prison vocational industries program is
20 not a self-supporting program. The department of
21 institutions may enter into contracts and establish prices
22 for prison vocational industries. Within budgetary
23 restrictions, the department shall establish prices that
24 tend to maximize the amount of work available for inmates.
25 All revenue raised through the program may be used only for

1 the program.

2 (b) State agencies, local governments, school
3 districts, authorities, and other local government entities
4 are encouraged to explore the possibilities of using the
5 prison vocational industries program. State agencies shall
6 cooperate with the department of institutions in notifying
7 governmental entities within the state of the program and of
8 the services and products that are available.

9 (6) (a) An inmate participating in the prison
10 vocational industries program may be granted a good time
11 allowance, not to exceed 15 days per month, ~~NOTWITHSTANDING~~
12 ~~THE LIMITS CONTAINED IN 53-30-105.~~ for outstanding
13 participation in the program as defined by rules adopted by
14 the department of institutions. Such good time allowance
15 has the same effect as a good time allowance granted under
16 53-30-105, and the provisions of subsections (2) and (3) of
17 53-30-105 apply to such good time allowance. ~~PROVIDED,~~
18 ~~HOWEVER, NO INMATE MAY RECEIVE GOOD TIME FOR PARTICIPATION~~
19 ~~IN THIS PROGRAM UNDER ANY OTHER SECTION OR RULE WHICH WOULD~~
20 ~~DUPLICATE THE GOOD TIME AUTHORIZED HEREIN.~~

21 (b) While engaged in on-the-job training and
22 production, inmates shall ~~MAY~~ be paid a wage commensurate
23 with their production function. Such wages shall be
24 established at a rate that encourages efficient production
25 and effective levels of inmate participation.

1 (c) inmates working in the prison vocational
2 industries program are not employees, either public or
3 private, and employment rights accorded other classes of
4 workers do not apply to such inmates.

5 (7) (a) The department of institutions shall adopt
6 rules implementing this program. Any price lists established
7 by the department are exempt from the provisions of Title 2,
8 chapter 4 (the Montana Administrative Procedure Act), but
9 the department may, if it considers it an effective method
10 of dissemination, publish such price lists in the Montana
11 Administrative Register or the Administrative Rules of
12 Montana, or both.

13 (b) The department of institutions is subject to
14 program audits of the prison vocational industries program
15 by the legislative auditor.

16 SECTION 2. IMMEDIATE EFFECTIVE DATE. THIS ACT IS
17 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

AMENDMENTS TO SENATE BILL #1

1. Page 3, line 19

Following: "for"

Insert: "products and/or services produced by"

2. Page 4, line 23

Following: "shall"

Delete: "shall adopt rules implementing this program."

Insert: "present to the 1983 legislature a plan to implement this program."

47th Legislature

LC 0013/01

LC 0013/01

1 *House* JOINT RESOLUTION NO. *1*

2 INTRODUCED BY *Montana District Attorney*

3 *Montana District Attorney*

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF

5 REPRESENTATIVES OF THE STATE OF MONTANA TO PROVIDE A

6 STATEMENT OF ENCOURAGEMENT AND SUPPORT FOR ADMINISTRATION

7 EFFORTS TO AGGRESSIVELY PROMOTE INNOVATIVE PRISON

8 ENTERPRISES ALLOWING PRISONERS TO EARN MONEY FOR RESTITUTION

9 PURPOSES AS WELL AS GAIN WORK EXPERIENCE AND TO ENCOURAGE

10 MONTANA JUDGES TO MAKE USE OF RESTITUTION IN SENTENCING.

11

12 WHEREAS, the victim of a crime is often left to suffer

13 the economic consequences of the crime; and

14 WHEREAS, restitution is a legally available option for

15 use by a sentencing judge; and

16 WHEREAS, restitution is rarely practical because few

17 inmates in the state prison have any means for engaging in

18 gainful activity; and

19 WHEREAS, meaningful work at the prison would assist in

20 the reformative mission of the prison; and

21 WHEREAS, money earned by prisoners could be available

22 for restitution; and

23 WHEREAS, in many prisoners may lie untapped potential

24 for the conception, development, and management of

25 productive prison businesses.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
2 OF REPRESENTATIVES OF THE STATE OF MONTANA:

3 That the legislature encourages the administration to
4 aggressively pursue the creation of innovative prison
5 enterprises.

6 BE IT FURTHER RESOLVED, that in pursuing such
7 enterprises, maximum efforts be made to encourage and
8 promote the talents and ideas of inmates.

9 BE IT FURTHER RESOLVED, that profits and wages earned
10 be made available for restitution to the victims of the
11 crimes for which the inmates are incarcerated.

12 BE IT FURTHER RESOLVED, that once such enterprises are
13 in place, Montana judges are strongly encouraged to make
14 greater use of restitution in sentencing whether sentencing
15 is to the prison or to a local jail-based work release
16 program.

17 BE IT FURTHER RESOLVED, that the Secretary of State
18 send copies of this resolution to the Governor, the Director
19 of the Department of Institutions, the Warden of the Montana
20 State Prison, and each Montana District Court Judge.

-End-

INTRODUCED BILL

AMENDMENTS TO HOUSE JOINT RESOLUTION #1

1. Page 2, line 9.
Strike lines 9 through 11.
2. Page 2.
Following: line 16
Insert: "BE IT FURTHER RESOLVED, that profits and wages
earned be made available for restitution to the victims of
the crimes, including garnishment where appropriate."

-End-

1 1, 1982.

H.B. BILL NO. 18 SPECIMEN FILED #2

INTRODUCED BY Keeley, Woodruff & Vincent - General Surr

Mexical Trade Co Limited - Japan Bureau
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND HOUSE BILL NO."

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND HOUSE BILL NO.

500, LAWS OF 1981, AS AMENDED BY HOUSE BILL NO. 2, LAWS OF

1981, FIRST SPECIAL SESSION, FOR FISCAL YEAR 1983 TO

INCREASE THE APPROPRIATION TO THE DEPARTMENT OF INSTITUTIONS

FOR THE PURPOSE OF ADDING REMEDIAL TEACHING STAFF TO THE

ACADEMIC PROGRAM AT MONTANA STATE PRISON: AND PROVIDING AN

EFFECTIVE DATE: 01/01/2010

21

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Appropriation. Section 19, Division D, department of institutions, Montana state prison, Item 1, general operations, House Bill No. 500, Laws of 1981, as amended by House Bill No. 2, Laws of 1981, First Special Session, is amended to increase to \$7,100,174 from \$7,035,842 the appropriation from the general fund for fiscal year 1983.

Section 2. Purpose. This increase in appropriation is intended to provide \$64,332 to add a remedial mathematics teacher, a remedial English teacher, and a special education teacher to the staff of the academic program at Montana state prison.

Section 3. Effective date. This act is effective July

HB BILL NO. 19
Edley *Muhm* *Keedy* *Anderson*
 SPECIAL SESS. I #2

1 INTRODUCED BY
 2
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY TO
 5 THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO
 6 DESIGN A COMPREHENSIVE EDUCATION PROGRAM FOR THE MONTANA
 7 STATE PRISON; AND PROVIDING AN EFFECTIVE DATE."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Appropriation -- design of comprehensive
 11 program. (1) There is appropriated \$30,500 from the general
 12 fund to the office of the superintendent of public
 13 instruction for fiscal year 1983 for the purpose of
 14 designing a comprehensive education program for the Montana
 15 state prison.

16 (2) This appropriation is intended to allow the office
 17 of the superintendent of public instruction to design a
 18 comprehensive education program for the prison by:

- 19 (a) evaluating and assessing the educational
- 20 achievement levels of the current inmate population;
- 21 (b) evaluating the current education programs at the
- 22 prison;
- 23 (c) analyzing the current and projected job market for
- 24 development of useful educational experiences for inmates;
- 25 (d) surveying the current education programs in other

1 Montana educational institutions for possible coordination
 2 with prison education programs; and
 3 (e) researching and tabulating prison education
 4 programs and practices in the nation.
 5 (3) The office of the superintendent of public
 6 instruction shall prepare a report outlining the
 7 comprehensive program designed pursuant to subsection (2)
 8 and shall submit the report to the 48th legislature.
 9 Section 2. Effective date. This act is effective July
 10 1, 1982.

-End-

STANDING COMMITTEE REPORT

JUNE 23, 19 82

SPEAKER:

MR.

BUSINESS AND INDUSTRY

We, your committee on

having had under consideration **HOUSE** Bill No. **19**

**A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY TO THE
OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DESIGN A
COMPREHENSIVE EDUCATION PROGRAM FOR THE MONTANA STATE PRISON; AND
PROVIDING AN EFFECTIVE DATE."**

Respectfully report as follows: That **HOUSE** Bill No. **19**

DO PASS

VISITORS' REGISTER

HOUSE BUSINESS AND INDUSTRY COMMITTEE

RILL SB1 and HJR1

Date June 23, 1982

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
Jimmie Burns	Helena, MT.	THURBER PRINTING		
George Harris	Helena, MT	O BPP		
Don & Mable	Deer Lodge	D of I		
Sandra Harris	Helena	D of I	✓	
Alan & Annell	Deer Lodge	D of I		
Allen Keriak	Senate			
Harriet Harris	Helena	MT League of Women Voters		
CURT CHISHOLM	HELENA	O / I		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.