

House Appropriations Committee
Second Special Session of
The 47th Legislature
June 23, 1982

The joint meeting of the House Appropriations Committee and the Senate Finance & Claims Committee was called to order at 1:30 p.m. on June 23, 1982 with Vice Chairman Jack Moore presiding.

Representative Moore announced that the joint committee would hear HB's 14 and 16 tonight at 7:00 p.m. in this room.

HB 12

REPRESENTATIVE KEYSER, sponsor of HB 12, introduced the bill to the committee. HB 12 is an act to appropriate money for the construction of security improvement projects including guard towers and fencing at the Montana State Prison. They are requesting three guard towers and also requesting that the fence be squared up. The guard towers will be able to view the total fence with these improvements.

GLEN DRAKE, representing the prison guards through the MPEA, testified in support of HB 12. Mr. Drake said that the content in this bill is for the most part a duplication of what is in HB 7. The thing that is most important about HB 12 is the location of a guard tower on top of the administration building. In the event that HB 7 does not pass this would be covered in HB 12. The problem that we have is that at present we have a maximum security prison being operated in a minimum security facility. If HB 7 passes this bill would not be necessary. Mr. Drake referred to the map of the prison that is included in the "briefing paper".

SERGEANT WARREN WAGNER, MSP, testified in support of the bill. Mr. Wagner also referred to the map in the "briefing paper". Mr. Wagner explained that the guard tower on top of the administration building would give additional coverage of the walk way between the maximum security units and the administration and infirmary buildings. This would also give coverage to the area south of the compound that is now a "blind spot". In regard to the squaring of the fence, with the present curvature of the fence it is impossible to see any distance down the fence.

MR. PHIL HAUCK, State Architect, stated that the figures in the bill are not correct. He stated that the two guard towers listed at \$258,000 should be \$280,000 and the guard tower on the administration building should be \$190,000.

HB 12 Cont.

BILL THOMPSON, Maintenance director at the prison, said that if this bill does pass there would have to be more research done on the lighting of the perimeter. The cost of the new lighting and the amount of lighting needed was based on the circular fence. With the squaring of the fence we would have to add more lighting.

QUESTIONS BY THE COMMITTEE:

Hims1: Sergeant Wagner, how long have you been at the prison?

Wagner: I have been at the Deer Lodge Prison for approximately three and a half years.

Hims1: When this prison was built they told us that they did not need the towers because the circular fence with the electronic devices was sufficient. Why has this changed? Has the system failed?

Wagner: In certain ways it has. I have not been directly involved in any investigations in that area.

Hims1: Will the present fence be utilized in making the square fence?

Hauck: I do not know where the figures in this bill came from but in the other proposal we would reuse the old fence.

Quilici: If we pass this bill and it changes the amount of fence, then we would have to change the amount of the appropriation we approved yesterday for the dual electronic system.

Hauck: I think those figures were used to figure this.

Bardanouve: If the new facility is built will this bill have any impact on that?

Drake: Yes, the reason for this bill is because it seems to be the feeling around the legislature that the proposal for the new facility is not being considered at this time. It was suggested that if construction were to take place it would have to be done within the prison fence. All of the proposed construction would be within this new fence. This is illustrated in the map in your "briefing paper".

HB 12 Cont.

Drake: You would have the ability to do all of the construction within the new fence and the circular fence. Mr. Hauck has indicated that salvage is considered in the bill, however, I suggest to you that it is impossible to salvage by taking the old fence and making it part of the new fence because if you do you destroy the security at the prison.

Bardanouve: If a new complex is built, will the same number of guard towers be required?

Drake: With the exception of the administration building. If a new complex is built then the need for a tower on the administration building is not as pressing as it is now.

Bardanouve: I do not want to build these towers if they will become obsolete if a new complex is approved.

Haffey: I am concerned about the figures in HB 7 and HB 12 because the guard towers do not figure out to \$190,000 each.

Hauck: I do not know who wrote HB 7 but they have separated the architects fees, profits and overhead and contingencies. Originally that was all pro rated now it is a separate item. That amounts to about 30% so if you add 30% to the cost of the towers in HB 7 it will add up to approximately \$190,000. It is a confusion factor.

Haffey: Could you address the question of salvaging the fence.

Hauck: It was our intention that we would build half of the complex and then move the fence and use it on the other half.

Keating: The existing tower in the max area presently has visual contact with that whole area, is this true?

Wagner: Yes, however, this man is a floor officer (for max) he is suppose to be watching his area. The only time he pays any attention to this walkway is when the buzzer rings.

Keating: If we put in this new alarm system the guard in the existing tower would be alerted if anyone touched the fence between maximum security and the administration building.

HB 12 Cont.

Wagner: He can not see the one gate as you come in off the yard.

Regan: I would like an accurate breakdown on the figures in this bill before we act on it.

Moore: I am getting the figures from Mr. Hauck and before the Appropriations committee acts on this bill the committee will be able to see this breakdown.

Smith: How much did the new tower you just put up cost?

Hauck: Just over \$200,000.

Smith: Does that include the money that was left over.

Hauck: That was the actual cost.

Hemstad: I do not understand why we do not have the third level breakdowns and I think it would be helpful to all of the members of the House and Senate to have those.

Moore: There is no third level breakdown.

Hemstad: I want those figures on paper before we go into executive session.

Chairman Moore closed the hearing on HB 12.

Representative Menahan was not present to introduce HB 8. Chairman Moore said that the committee would wait 5 minutes and then go into executive session on HB 12.

EXECUTIVE SESSION HB 12:

Representative Conroy said that he thinks we need a citizens committee to look at everything over there from an architectural standpoint and then perhaps the trouble that Sen. Smith found with the guard tower and various other things would not occur.

Representative Conroy made a motion that HB 12 DO NOT PASS.

Representative Bardanouve said that some of these things may have to be done eventually but we can look at them a little further down the road. This bill is a little premature.

EXECUTIVE SESSION HB 12:

Quillici: I agree with Representative Bardanouve but if this bill and HB 7 go down it will take the addition of the tower with it. I think we should table the bill so we could bring it back after getting the correct information on the bill.

Moore: I intend to offer an amendment on the House floor for the construction of the guard tower on the administration building and put that in HB 5.

Bardanouve: I do not think we should do anything on this until the regular session.

Moore: I think the guard tower on the administration building would be very appropriate at this time because of the blind spots in the area of the infirmary. It could also control the gate that goes out of the main compound.

Representative Bengtson made a substitute motion to Table HB 12.

Representative Moore said that we are in a very compressed time schedule and we should take action one way or the other.

Quillici: Even though we are pressed for time we should do things the proper way. In the event we find the tower is needed we could bring the bill back.

A vote was taken on the motion to table the bill and the motion failed with 10 members voting no and 4 voting yes.

Representative Hemstad proposed an amendment to HB 12 as follows: Page 3, strike line 3 and 4 in their entirety, line 8 following prison strike \$698,000 and insert \$190,000.

What this has done is ~~stricken~~ everything except the guard tower on the administration building.

A vote was taken on the motion and failed with 6 voting yes and 8 voting no.

A vote was taken on the original motion of Representative Conroy that HB 12 DO NOT PASS. Roll was called and the motion carried with 10 voting yes and 4 voting no. See roll call vote sheet.

HB 8

REPRESENTATIVE MENAHAN, sponsor of HB 8, introduced the bill to the committee. House Bill 8 is an act to appropriate money for a prison kitchen and water system, capital improvement projects at the Montana State Prison.

PROPOSERS

WARDEN HANK RISLEY, MSP, stated that the prison kitchen is not adequate for the number of people we presently feed. The building was built and designed for an expected population of 288 people, since then we have expanded to over 700 people. We have, he stated, a recent Department of Environmental Health and Sciences field investigation report which says in part that the facility is under-sized, all storage and work centers are under sized as is some of the equipment. The hot water system, dishwasher and cooling system have all been found to be deficient. Mr. Risley said the report goes on for several pages listing the areas that are not adequate. The other part of the bill is directed to a water problem at the prison. Mr. Risley explained that they have one well pumping without a backup system.

PHIL HAUCK, State Architect, explained the water problem to the committee. He stated that this problem started when they drilled the first well in 1951. The original well lasted for 20 years and then went dry. We drilled eleven dry holes before we finally hit water. The well produces 300 to 350 gallons per minute which is a minimum well. With our daily usage going up and having no backup we have been in constant fear that something might happen to that well. We have a daily demand of about 250 gallons per minute. We have a storage capacity of 248,000 gallons and a daily use of about 250,000 gallons. If our pump breaks down we have one days water. The only other water that could be used is out of a reservoir called Tin Cup. The problem with that water is it has been condemned by the board of health because the filtration plant is no longer maintained. Also, the city of Deer Lodge has the first water rights on all the water coming out of Tin Cup. Mr. Hauck explained that the \$400,000 they have asked for is based on running a 6 inch water line from the city of Deer Lodge up to the prison. We do not think we will find a well of any capacity unless we go down at the bottom by the river. Mr. Hauck said that if they had a fire at the prison the well would be dry in a matter of minutes.

HB 8 Cont.

REPRESENTATIVE BARDANOUVE, arose in support of HB 8. He stated that this water situation has been a concern of his for a long time. If something happened to the existing well, with 700 plus inmates and staff, you would have a very dangerous situation.

Representative Menahan closed the hearing on HB 8.

QUESTIONS BY THE COMMITTEE:

Moore: How long have you been aware of this water problem?

Hauck: Since the mid 70's.

Moore: When the long range building committee was so liberal last year why didn't you request this appropriation then.

Hauck: This is one of those things that is difficult to say when the situation becomes critical. We have been operating without any problems and the well has served us well but this is something that has to be addressed sooner or later.

Moore: Wouldn't you say that this would be a good project for the long range building committee in 1983?

Hauck: It probably would have been if this special session had not been called to deal directly with the specific problems of the prison.

Bardanouve: "You never really miss the well until the well is dry." This is one of those problems that you don't really consider until it's too late.

Chairman Moore allowed Mr. Thompson to address the committee in regards to the questions asked.

Bill Thompson: We thought we had a viable backup plan with the city of Deer Lodge with their Tin Cup water supply. However, their chlorination plant got in trouble, we got contaminated samples from the water and we were forced to go off that system. We were going to correct the problems at the plant but the city of Deer Lodge told us not to pursue the operation of this plant.

Ernst: Couldn't you develop some kind of plan off of the ranch since they have water?

Thompson: Then you are getting into ranch water and we all know how ranchers don't want their irrigating water upset.

Hurwitz: What do you intend to do with the kitchen?

Risley: The present location of the staff dining room is the location where we would expand the kitchen. We would expand the building off the end of the loading dock. The map in the "briefing paper" shows this extension. We would also be putting in two serving lines which would allow us to get the inmates through faster.

Quilici: Have you ever considered the idea that you might be able to dam up above the prison instead of pumping the water up to the prison?

Hauck: We did consider this, however, if we went up there we would have to build our own dam. Also one of the biggest costs is the pipeline and you would have more pipe coming down then you would going up.

Quilici: You have to consider that you would have a continuing operational cost to pump the water up the hill. Is the operating cost included in the \$400,000 or is this just the capital cost?

Hauck: This is just the capital cost.

Quilici: You would probably come under the title of irrigators and they just absorbed another 63% increase in operating cost.

Sales: I think this is a very important issue, however, it is unfortunate that they do not have a system to present before us that we can vote on. I think we have to postpone this until they can get us the information needed and then act on it as soon as possible.

Moore: They could use the water from Tin Cup as a backup for emergency use, such as a fire.

Hurwitz: This seems to be one of the most important issues that has come before the special session and I don't see why we should postpone this.

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HB 8 Cont.:

Hauck: I want to reassure the committee that had this special session not been called, this would have been a high priority next session.

Conroy: You should have used a well witcher.

Vice Chairman Moore said that the committee would now go into executive session on HB 8.

EXECUTIVE SESSION

Representative Hurwitz made a motion that HB 8 DO PASS.

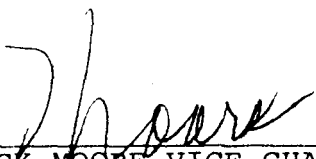
Representative Ernst moved that the bill be split and voted on seperately. (Kitchen issue - Water issue)

A vote was taken on this motion and failed with 7 voting yes and 8 voting no.

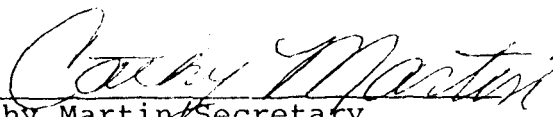
A roll call vote was taken on the original motion DO PASS.
The motion carried with 10 voting yes and 5 voting no.
See roll call vote sheet.

Meeting was adjourned at 3:30 p.m.

Respectfully submitted,



REP. JACK MOORE VICE CHAIRMAN



Cathy Martin Secretary