

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 7:00 p.m. on June 23, 1982, with Vice Chairman Jack Moore presiding.

HB 18

REPRESENTATIVE KEEDY, introduced this bill to the committee. HB 18 is an act to amend house bill 500, laws of 1981, as amended by HB 2, laws of 1981, first special session, 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. Representative Keedy said that the Governor's proposal is almost entirely addressed to security measures at the prison with very little, if any, emphasis given to serious rehabilitative efforts. The rehabilitation of the inmates is an important part of any attempt to address and overcome these problems. Representative Keedy said that one of the main factors in the overcrowding is the recidivism of the inmates over the recent years. 85% of the inmates at the prison have committed a felony prior to the one for which they are imprisoned at the present. 70% have committed two or more prior felonies. The typical inmate is uneducated and has no particular skills. Rep. Keedy asked the committee to consider what reasonable prospects such an inmate would have, upon parole or discharge, of finding and keeping some useful employment. Out of a random sampling of 250 inmates at the prison, 152 had already committed parole and/or probation violations. From information received from the Board of Pardons, they have 125 inmates at the prison who are eligible for parole. Out of those 125, 199 previous parole violations have already been committed, yet 61 of those 125 inmates are scheduled to be paroled by the end of 1983. It is plain to me that the prison has become more or less a "revolving door". Until we develop an effective way to deal with that problem, security and additional facilities will not represent a long range solution to these problems. Representative Keedy referred to page 20 of the "briefing paper" in pointing out the academic needs of the prisoners. Also, he stated, as shown on page 23 of the "briefing paper" 25% of the inmates that will be eligible for parole within 12 months are listed as very high risk. The number of educators at the prison is totally inadequate to handle the special needs that many of these inmates have.

HB 18 Cont.

CARROLL SOUTH, Department of Institutions, arose and stated that the Governor's administration has never admitted to having a great educational program at the prison, but we do believe that security has to come first. We do recognize that there is a problem in the educational system at the prison and we support HB 18.

WARDEN RISLEY, stated that they appreciate the introduction of this bill. He stated that one of his concerns is that the inmates come out of prison being able to read and fill out a work application properly. This bill addresses those inmates who have little or no education so if they are able to do that, we have succeeded in giving them some rehabilitation. Mr. Risley said that they could put three additional teachers into the school without over-taxing it beyond its limits. Mr. Risley said that he would like to see this addition and he supports the bill.

QUESTIONS BY THE COMMITTEE:

Boylan: Is the prison making any use of intelligent people that they have there now? They have people in the prison who could help other inmates in specific areas.

Keedy: I agree that there may be some degree of talent among the prison population, but that does not mean that one prisoner is qualified to teach another.

Quilici: If we allow these three positions, will the education of these inmates be mandated or on a voluntary basis?

Keedy: We try to encourage them to get into these programs but we cannot force them.

Stimatz: Give us a brief rundown of the present educational system at the prison.

Warnecke: We have three educators, they hold six classes a day and are mandated to limit the classes to 15 students. They are "geared" to reach the broadest spectrum of educational needs and typically service inmates who function anywhere from 3rd to 9th grade level. They are "generalist" not specialist. We have many inmates who need special attention. If we could receive these three teachers we could put them all to work and still have a large number of inmates that would need special attention.

HB 18 cont.:

Dover: Will the three new teachers be class room teachers or will they work more on an individual basis?

Warnecke: There will be more emphasis on a one to one type program and we will utilize some sophisticated aids and audio and visual tapes etc.

Stimatz: Do you anticipate any trouble in getting qualified teachers to teach at the prison.

Keedy: I do not believe so. There are a high number of teachers looking for work in the area.

Risley: We have never had any difficulty finding teachers.

Haffey: I have questions as to the need for remedial teaching staff. What I perceive to be a deficiency do you also see as a deficiency regardless of what the comprehensive evaluation of the education at the prison might come up with?

Judy Johnston: I am sure the addition will only add to the program regardless of what the comprehensive studies show. I am not sure they should be locked in as to the kinds of teachers they should hire, such as special education, English etc.

Moore: Is the pay level higher for the three new teachers than for the existing teachers?

South: I was just informed that this bill would be introduced and we just put together salaries at a masters degree level. These are probably somewhat higher than the salaries of the existing people.

Moore: Would this cause a "ripple affect"?

South: No because we have a teachers pay matrix.

Vice Chairman Moore closed the hearing on HB 18.

HOUSE BILL 19

REPRESENTATIVE EUDAILY, introduced the bill to the committee. HB 19 is 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. Representative Eudaily said this is not a study bill. He is sure there is already enough material available to start to design a comprehensive prison education system.

HB 19 Cont.

Representative Eudaily said this is a compromise bill as a result of two bills one which was mine and the other a bill of Representative Marks. My bill was to encourage inmates to take part in the GED program. Representative Marks wanted to place the whole prison education responsibility under OPI and also funding it through OPI. Before OPI could do that they would have to do just what this bill does. They would have to find out what the need is and how they are going to accomplish it. This is not to be done in full isolation of the prison authorities. I intend that a task force should accompany this bill and should include officials from the prison. This bill was put together in a hurry and I cannot guarantee 100% that the figure here is what it is going to cost. I hope we can do it for much less than that.

JUDY JOHNSTON, OPI, stated that the OPI has no vested interest in the bill other than designing a program. Ms. Johnston said that they feel very strongly that whatever kind of educational program they have at the prison should tie in with the employability in Montana. Mr. Johnston outlined the OPI plan in designing an education program for the prison and explained what the money appropriated in the bill would be used for. Any money that was not used would be returned. She said they may want to put that in the bill.

JOHN BOARD, President of the Montana Education Association, stated that this is a logical approach for addressing the educational needs of the prison. Mr. Board said that he testified in the Business and Industry Committee on this issue and stated the present conditions at the prison and the need for some very basic educational programs. I hope this would show the need for some real psychological staff to address the needs of the inmates.

QUESTIONS BY THE COMMITTEE:

Hims1: How do you propose to get 728 people to subject to these tests?

Johnston: We will not test all of the inmates. I believe that with the spirit of cooperation between Mr. Risley and myself we can figure that out. Will will do extensive research as to how other programs worked.

HB 19 Cont.:

Haffey: If the study shows that we need to triple the money in the prison education budget would we be committed to doing this?

Eudaily: I presume that if we wanted to go "first class" then that would be the case.

Regan: Whatever we do has to be voluntary and not compulsory. I know from experience that if a student does not want to learn you can't make him do it. My concern on embarking on this kind of study is that we have a constantly changing prison population. By the time you complete the testing you will have a whole new prison population. I think our money and emphasis should be spent on teachers as suggested in HB 18.

Eudaily: You heard the Warden say that they just do not have the time to do the things you would like to have done, such as testing each inmate and trying to get them to perform readily on a test. This will provide the opportunity to do many things that the people at the prison would like to do but don't have the time to do.

Regan: If we hire three teachers that are each trained in remedial reading they should be able to do the job.

Vice Chairman Moore said that the hearing on HB 19 would be closed.

HOUSE BILL 16

REPRESENTATIVE MOORE, introduced HB 16 to the committee. HB 16 is an act to authorize the Department of Institutions to house minimum security agriculturally employed prisoners outside the confines of the prison fence and providing funding for the housing. Representative Moore said that he has an amendment to HB 16 that will change the wording in Section 1 sub 2 because of a recent development in the situation. He explained that Mr. Hauck did some further checking into the modular housing units they discussed yesterday and they came to the conclusion that this purchase might be a bargain. These units will not need construction as stated in sub section 2 of the bill. Also, he pointed out the appropriation figure in the bill is wrong. The \$500,000 as stated in the bill should be \$130,000. This housing could be put in place within two weeks to two months time and would provide housing for 30 people.

HB 16 Cont.:

CARROLL SOUTH, Department of Institutions, stated that this is an alternative to the proposal presented to the committee on the renovation of the dairy barn and they do support this bill.

There were no further witnesses on HB 16.

Vice Chairman Moore closed the hearing on HB 16.

QUESTIONS BY THE COMMITTEE:

Lory: Mr. Hauck, you said in earlier testimony that you were opposed to modular housing.

Hauck: We had an extensive conversation with the people who have these units and found that they are better built than we thought. These units have 2 X 4 walls and 3 1/2 inch fiberglass insulation and the roof has 6" insulation. It does have economy siding and the interior paneling is 1/2 inch which we will have to change anyway. It has no fire alarms or smoke detectors and the price does not include delivery. We will put in our own foundation, electrical and plumbing fixtures and fire alarm system. We have estimated the shipping cost at about \$2,000 per unit. We are getting these units at about one-half the original cost and we were told they are in good condition.

Keating: Can they be assembled with prison labor?

Hauck: They are shipped in half units but we figure the inmates can do the finishing work, porches etc.

Quilici: How many units are we talking about?

Hauck: They have four units, we would plan to purchase three of them and build the core unit ourselves. Each unit is \$23,200 and the core unit would be \$45,000 with \$15,400 for exterior work and \$2,000 to ship each unit. The total cost would be \$130,000.

Bardanoue: Why do you have to have Section 2 in the bill. Anyone who escapes from the ranch is escaping from the prison. Isn't that correct?

Risley: That is correct.

HB 16 Cont.:

Aklestad: With these lower grade outside walls and paneling that has to be changed on the inside what are we really getting for the money?

Hauck: Our estimate to build the same thing was \$240,000 which is about twice as much for basically the same thing.

Chairman Moore closed the hearing on HB 16.

HOUSE BILL 14:

REPRESENTATIVE MOORE, introduced the bill to the committee. HB 14 is an act to require the legislative auditor to review spending authority between institutions and the central office of the Department of Institutions to determine compliance with the state law of 1981 including the line items to appropriations as contained in the bill. The legislative auditor shall prepare a report on this issue and submit it to the 48th legislature.

There were no other proponents to HB 14.

There were no opponents to HB 14.

QUESTIONS BY THE COMMITTEE:

Aklestad: Will the auditor be able to do this within his budget that he has now?

Moore: I think he will, yes.

Waldron: Are you convinced that the Department of Institutions made some technical violations by transferring those funds around out of the pay plan?

Moore: Well, no. All I want to do is have the legislative auditor trace the funds.

Waldron: I am convinced that he did something that may have been a technical violation of the law and I think most of the other committee members feel this way too. I don't know that having another law to make the auditor verify what most of us know has happened will make much difference. So what do we do if the auditor comes back and tells us there has been some violation?

HB 14 Cont.:

Moore: Then we will add some additional "boiler plate" language to prevent him from doing this.

Waldron: On the other hand, we may loosen up the language to allow him to have more flexibility within his budget. I think this is a philosophical issue and I don't think a study is going to make much difference as far as how we deal with this next session.

Bardanouve: Shouldn't this be a resolution instead of a bill?

Moore: I had thought of that but it was prepared by the legislative council as a bill.

Hims1: As a member of the legislative audit committee, I would have problems with this bill because Mr. South has explained his application of pay plan money to cover a deficit. I do not see where an audit is going to reveal something that he has not already told us. And also, the agencies are all scheduled for periodic reviews by the audit committee staff.

Quilici: If you have a request for an audit it should be in resolution form. Also if an audit is needed the auditor can do this on their own.

Hims1: I want to make one thing very clear. The audit function is not an investigative one. If the audit finds something suspicious then they can turn it over to the attorney general.

Van Valkenburg: This has already been done by the legislative fiscal analyst. This would just be a duplication.

Representative Moore closed the hearing on HB 14.

The joint committee adjourned at 9:00 p.m. The Appropriation committee remained for executive session.

EXECUTIVE SESSION

HB 18

Representative Bengtson said that she would propose an amendment to the bill that would delete the specification for certain kinds of teachers. A copy of the amendment is attached and is EXHIBIT 1 of these minutes.

EXECUTIVE SESSION CONT.

Representative Moore said that our primary concern is the funding of this bill because it has already been heard by another committee. He said he would oppose the amendment.

Bardanoue: I am not sure this bill coordinates with HB 19 because if they have a study and then this idea doesn't go along with what they recommend, what is the sense in having a study?

Moore: If there is any change required at a future date then the necessary adjustments will be made at that time.

Rep. Bengtson made the motion to amend HB 18 as stated and a roll call vote was taken. The motion carried with 8 members voting yes and 6 members voting no.

Representative Bardanoue made a motion that HB 18 DO PASS AS AMENDED. The motion carried with 9 members voting yes and 5 voting no.

HB 19

Representative Stobie made a motion that HB 19 DO NOT PASS.


Representative Lory made a substitute motion that HB 19 DO PASS. A roll call vote was taken and the motion failed with 6 members voting yes and 8 voting no.

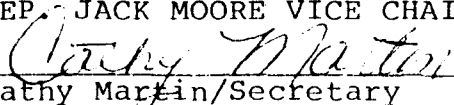
The original motion was reverted to. Representative Stobie moved that the vote be reversed. This was agreed to by the committee. HOUSE BILL 19 DO NOT PASS 8-6. See roll call vote sheet.

Chairman Moore said that the committee would meet at 8:00 a.m. for executive session on the following morning.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,



REP. JACK MOORE VICE CHAIRMAN


Cathy Martin/Secretary

AMENDMENT TO HOUSE BILL 18
submitted by Rep. Bengtson

EXHIBIT 1

1. Page 1, lines 21 and 22.

Following: "add"

Strike: the remainder of line 21 and all of
line 22 in their entirety.

2. Page 1, line 23.

Following: line 22

Strike: "teacher to the"

Insert: "remedial"

3. Page 1, line 23.

Following: "staff"

Strike: "of"

Insert: "and instructional materials to"