

House Appropriations Committee
Second Special Session of
The 47th Legislature
June 24, 1982

The meeting of the House Appropriations Committee was called to order at 1:00 p.m. on June 24, 1982 with Vice Chairman Jack Moore presiding.

Representative Moore said that the committee still has a couple of bills pending. One has not been read over the rostrum yet. We will attempt to schedule these bills sometime tomorrow if this is agreeable with the committee.

EXECUTIVE SESSION:

Representative Hemstad made a motion to reconsider the committee action on HB 19.

Representative Moore pointed out that the committee reconsidered previous action on HB 19 this morning and if they reconsider action again it will take two-thirds of the committee to pass.

A roll call vote was taken and the motion carried with 11 members voting yes and 4 voting no.

Representative Bardanouve said that he feels the committee has abused the system on this bill. He said it had a full hearing and acted on the bill twice.

Moore: There has been much discussion on this bill. A motion was made and it passed so we have to reconsider the action on this bill.

Hurwitz: We finished late last night and I think all of us went home wondering if we did the right thing on this bill.

Representative Lory made a motion that HB 19 DO PASS.

Shontz: HB 19 has an appropriation of \$30,500 to deal with a study on the prison education system. This morning we dealt with HB 11 which has an appropriation of \$35,000. HB 11 also includes a study of the education program. It seems to me we have to make a choice between these bills.

Lory: First of all HB 19 is not a study bill. This is a bill to draw up an education plan. I think the educational system needs to be looked into separately. HB 11 deals with the whole prison system.

House Appropriations Committee
June 24, 1982
page 2

EXECUTIVE SESSION Cont.

Bengtson: I am concerned about the political reality of a bill like HB 19. We can't even fund our on going program for elementary, secondary and higher education in the state of Montana. It is "crazy" to spend \$30,000 on this comprehensive plan. We have education addressed in HB 11. We have committed ourselves with \$64,000 for additional teachers. I think this is enough.

Shontz: I voted for HB 11 this morning and I hope that all of these issues will be addressed including education. Whether you call it a report or a study it is the same thing. All we are doing is wasting money by passing both of these bills.

Sales: I was very concerned about HB 18. I felt we were getting into something that we really don't know much about. I would feel better if someone came up with a good program. I think the OPI has an opportunity to go and set up a program and tell us what is needed. Maybe through this program we can make some changes even in the existing program. I want some direction in this area.

Hemstad: I think we have to have this bill if we are going to have an overall view of what we need in the educational system at the prison.

Bengtson: I am not sure that developing an educational system is a primary concern of this special session. I don't know if we have the kind of resources in the state to address prison education when we can't address vocational, elementary, secondary and higher education. You know the public will not approve of this kind of legislation. I don't think the prison is ready for this kind of education either. It is unrealistic to have this study.

Shontz: Why do security, mental health, drug & alcohol, the ranch etc. receive such high priority compared to education. Do you feel that you know so much about those other areas that you can lead us down the path as to what we are suppose to do with the exception of education.

Sales: Absolutly not. The people that I talked to had two concerns, one that we had a riot and the other is that people seem to be walking in and out of the prison and we should do something about the security. Those are the things that I have tried to vote for.

EXECUTIVE SESSION Cont.

Quilici: If we are going to support \$64,000 for additional teachers we should have some kind of a plan to utilize these teachers. The administration down there does not have the time to evaluate the inmates. I have reservations with HB 18 also but before we do anything we should know what the people will be doing.

Bardanoue: I talked to the prison people this morning after the hearing and they told me they did not need HB 19 and that HB 11 will take care of their main concerns. There is something going on with this bill that I'm not aware of. Ordinarily this bill would be considered a "bleeding heart" bill, but all at once this bill is being given such high priority. I don't understand what is going on with this bill but I do not like it.

Lory: I looked up the education background of the teachers that are at the prison now. One of them has a secondary teaching certificate in mathematics, the second has a secondary certificate in sociology and the other has an elementary degree in special education. I think we need to study the existing program as well as come up with a good program for the prison.

Shontz: Why can't this be addressed under HB 11.

Lory: I think this needs special attention.

Bengtson: I think the needs are very simple. How complicated do you want to make this program? I would think that they need just some additional help. It is not realistic to implicate this kind of plan with the type of people at the prison. We have some great needs as far as education goes in the state of Montana that we should address first.

Question was called on the motion and a roll call vote was taken. The motion carried with 9 members voting yes and 6 members voting no. HB 19 DO PASS.

HOUSE BILL 18

Representative Waldron passed out copies of the amendment to HB 18. This is a revision of the amendment voted on in previous action on HB 18. A copy is attached and is EXHIBIT 1 of these minutes.

House Appropriations Committee
June 24, 1982
Page 4

EXECUTIVE SESSION HB 18:

Representative Bardanouve moved that the committee reconsider the action on the amendments to HB 18 in the earlier meeting. A vote was taken and carried unanimously.

Representative Bardanouve moved to strike the previous amendments. A vote was taken and carried with 13 members voting yes and 2 voting no. See roll call vote sheet.

Representative Waldron made a motion that the amendments be approved. Discussion followed.

Bengtson: I still feel that all three teachers should be special education teachers because they would have the skills to teach all of these things. I don't think they should specify three teachers either because maybe they can get four for the same cost.

Waldron: If you look at the way the amendment is written there is a degree of flexibility for the Department of Institutions. They could hire three special education teachers if they are trained in these areas.

Hurwitz: It seems to me that this would be something that the OPI plan would cover.

Waldron: Then it is a question as to what is more important, giving money to OPI or directly to the prison for staff. The only reason I had the amendment put in was to try and satisfy everyone's concerns.

A roll call vote was taken on the motion to amend HB 18. The motion failed with 7 members voting yes and 8 voting no.

Representative Thoft made a motion that HB 18 DO NOT PASS.

Representative Waldron made a substitute motion that HB 11 DO PASS in it's original form.

Representative Bengtson made a motion to reinsert the original amendment that the committee voted on last night.

A roll call vote was taken on the motion carried with 12 members voting yes and 3 voting no.

Representative Waldron restated his amendment to read HB 18 DO PASS AS AMENDED. A roll call vote was taken on the motion

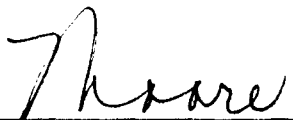
House Appropriations Committee
June 24, 1982
Page 5

EXECUTIVE SESSION HB 18:

Representative Thoft restated his motion that HB 18
DO NOT PASS AS AMENDED. A motion was made to reverse
the vote and carried unanimously. HB 18 DO NOT PASS AS
AMENDED with 8 members voting yes and 7 members voting no.

A motion was made to adjourn. Meeting adjourned at
2:30 p.m.

Respectfully submitted,



REP. JACK MOORE, VICE CHAIRMAN



Cathy Martin/Secretary

EXHIBIT 1

Amend HB 18

1. Page 1, line 21.

Following: "add"

Strike: "a"

Following: "remedial"

Strike: "mathematics"

Insert: "teaching"

2. Page 1, line 22.

Following: line 21

Strike: line 22 in its entirety

3. Page 1, line 23.

Following: line 22

Strike: "teacher to the"

Following: "staff"

Strike: "of the"

Following: "of the"

Insert: "and materials to the"

4. Page 1, line 24.

Following: "prison."

Insert: "These funds are to be used only for 3 staff members specially trained by education and experience in one or more of the fields of remedial mathematics, English, and special education, and for related teaching materials."

~~and~~ "and"