

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

The meeting of the House Appropriations committee was called to order for the purpose of executive session at 8:00 a.m. on June 24, 1982, with Vice Chairman Jack Moore presiding.

House Bill 16 executive action:

Representative Moore presented the amendments to the committee that he discussed in the hearing on HB 16 in the previous day's hearing. A copy of the amendment is attached and is EXHIBIT 1 of these minutes.

Representative Hurwitz moved the amendments. A roll call vote was taken and the motion carried with 10 voting yes, 1 voting no and 1 abstaining. See roll call vote sheet.

Representative Waldron said that it seems to him that if we in good faith sign a contractual agreement with the bargaining unit that we should not do away with our word by passing a law. A contract is a way of putting your word of honor into writing.

Mr. South said that they do not have any exclusions against using prison labor at the prison. That has only been an issue at our other institutions.

Representative Thoft made a motion that HB 16 DO PASS AS AMENDED.

Representative Bardanouve suggested that the language in section 2 be stricken.

Representative Waldron said that he had discussed this bill with Representative Shontz last night and he was aware of a mining camp unit that might be available for housing. I hope it is the intent of the committee that if a better deal comes along they would have the option to take it.

Representative Moore said that would be left up to them. If this does not work out they can look for other housing that meets the specifications and is within the cost.

A roll call vote was taken on the motion DPAA and carried unanimously.

Representative Moore said that he would entertain a motion to reconsider the committee action on both HB 18 and HB 19 that were acted on the night before.

EXECUTIVE SESSION Cont.:

Representative Thoft made a motion to reconsider action on HB 18.

Representative Waldron said he could see some problems with the way the bill was amended, but if the intention was to bring the bill back to committee so that we can kill it then this will cost the committee more time because some of the members who voted for the bill are absent and they will reconsider the action again.

Moore: I can assure you that is not my intention.

A vote was taken to reconsider and carried unanimously.

Moore: This bill was put in for the specific purpose of requiring specific type people for the education program at the prison, remedial English, math and special education. By removing this language and generalizing we have left it wide open to appropriate the \$64,000 to the department with no specific type of qualifications for hiring these teachers.

Bengtson: It was not my intention to remove the "guts" from the bill. However, when you say hire three people at \$64,000 that means they have to have masters degrees. I think we are taking away some of the flexibility. Three years from now they may have entirely different needs.

Sales: What bothered me is that we did not want the OPI to do an evaluation on the type of program needed and yet we are willing to give them three teachers that they did not even ask for. I would be willing to vote for both bills together or neither.

Moore: With HB 19 killed it leaves nothing to be looked into except by the prison staff.

Bengtson: To require the teachers to have certain degrees at certain levels is not a decision we are qualified to make.

Lory: I think we are tying them down to tight. We have to give them a little leeway. I think we are putting the cart before the horse. We should have passed the bill for the study and then give them the staff they need.

EXECUTIVE SESSION Cont.:

Bardanouve: That prison is made up of people that have been at war with the educational system all of their lives. I think we should leave this open.

Moore: This bill was heard by another committee and was passed to us because of the appropriation measure.

Bardanouve: There is no bill that can not be subject to amendments in this committee.

Winslow: A special education teacher is a teacher who can handle remedial reading, math etc. I do think that by specifying what kind of teachers they have to have we are tying their hands. I think the study is the bill that makes sense.

Stobie: We are dealing with people that can not even read or write. I think the prison has done enough study already.

Representative Thoft moved that HB 18 DO NOT PASS.

Representative Bardanouve asked Mr. Hutto of the National Institute of Corrections to speak to this issue.

Mr. Hutto said that prior to going into corrections he was an educator. He said he is in full sympathy with the members who want to get to the remedial areas in education. I am concerned with the specific language. We found in our research in correctional education is that you are dealing with people who have had problems with education and have emotional problems. One way you might solve the problem is to put language in the bill that says "this money is to be used to employ teachers who are specially prepared by training, education and experience to teach remedial english mathamatics and special education". Someone who has a masters degree in mathamatics may be brilliant in math but have no ability to deal with people with these learning disabilities.

Winslow: Are special education teachers trained to teach all of those subjects.

Hutto: Yes they are and they are usually without a doubt the most successful teachers in the area of correctional education. However, sometimes these people are difficult to employ because there is a scarcity of them in many states. The special education teachers would be better than specifying the three other teachers in my opinion.

EXECUTIVE SESSION:

Representative Moore suggested to the committee that no further action be taken on HB 18 until a proper amendment could be made for the bill. He said it would be taken up in executive session after lunch.

Representative Thoft withdrew his motion of DO NOT PASS.

Representative Waldren withdrew his motion of DO PASS AS AMENDED.

HB 19

Representative Lory made a motion to reconsider previous action on HB 19. Discussion followed.

Representative Stobie asked Warden Risley if he feels this study is necessary.

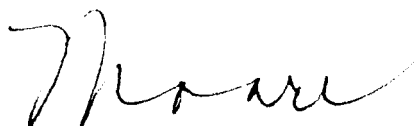
Warden Risley: We use the standard achievement test in our intake process, then in conference with the teaching staff a program is worked out for the individual. I do not know that we have a serious need to expand on that testing. The teachers are qualified to sit down with the student and work out a program.

Moore: This is not a study it is a bill to establish a program.

A vote was taken on the motion to reconsider action. The motion failed with 6 members voting yes and 7 members voting no. See roll call vote sheet.

The meeting was adjourned at 9:15 a.m.

Respectfully submitted,

  
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REP. JACK MOORE VICE CHAIRMAN

  
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Cathy Martin/Secretary

8:00 a.m.  
6/24/1982

Amend HB 16

1. Title, line 7.  
Following: "FENCE;"  
Insert: "ESTABLISHING AN EXEMPTION TO ALLOW FOR  
TIMELY CONSTRUCTION AND A SOLE SOURCE PURCHASE;"
2. Page 1, line 22  
Following: "erection of"  
Strike: "new"  
Following: "units"  
Insert: "and associated facilities. Erection and  
construction will utilize prison labor"
3. Page 1, line 22 through line 1, page 2.  
Following: "units"  
Strike: the remainder of subsection (2) in its  
entirety
4. Page 2.  
Following: line 1  
Insert: "Section 2. Exemptions to facilitate  
timely construction - - sole source purchase allowed.  
For the purpose of expediting the acquisition and  
construction of housing units authorized in [section 1]  
the department of administration may exempt the project  
from provisions of Montana law relating to the employ-  
ment of architects, advertising, labor, and wages. The  
department of administration of administrators need not  
comply with any state bidding requirements that would  
preclude a sole source purchase."  
Renumber: subsequent sections
5. Page 2, line 9.  
Following: "institutions"  
Strike: "\$500,000"  
Insert: "\$130,000"