

**SB**

**1**

# FISCAL NOTE

STATE OF ALASKA

No. 4

## 1997 LEGISLATIVE SESSION

**BILL NO:**

Bill Version: CS SB 1 (JUD)

(S) Publish Date: 1-30-97

Revision Date: January 28, 1997

Dept. Affected: Public Safety

Title: "No Frills" Prison Act

DPS Statewide Support

Component: Commissioner's Office

Sponsor: Senator Donley

Requestor: S. Judiciary

COMPONENT SERIAL NO. 0523

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>Code Revenue</b>						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS. (Attach a separate page if necessary )  
 No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner

Phone: 465-4322

Division: Commissioner's Office

Date: 1/24/97

Approved by Commissioner: *Ronald L. Otte*

Date: 1/28/97

Agency: Ronald L. Otte, Dept. of Public Safety

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# FISCAL NOTE

No. 3

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Bill. Version: CS SB 1 (JUD)  
(S) Publish Date: 1-30-97

Revision Date: _____	Dept. Affected: <u>Department of Law</u>
Title: <u>... relating to living and working conditions of</u>	BRU: <u>Criminal Division</u>
<u>prisoners in correctional facilities operated by the state . . .</u>	Component: <u>Criminal Division</u>
Sponsor: <u>Senator Donley</u>	
Requester: <u>Senate Judiciary Committee</u>	COMPONENT SERIAL NO. <u>2085</u>

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

To be known as the "Alaska No Frills Prison Act," this bill would amend Title 33, relating to probation, prisons and prisoners, to place specific limitations on the living and working conditions of prisoners in correctional facilities operated by the state, and negotiate for those same conditions and limitations in contract facilities. Further, the bill would require fees for utility services for prisoners. The bill would also amend the definition of "severely medically disabled" applicable to prisoners seeking special medical parole.

The purpose of the Alaska Correctional Industries Program would be amended to include vocational training, but would not require a vocational training program be established. The termination date for the Correctional Industries Commission and the program would be extended from 1999 to 2005 under this bill.

Passage of the Judiciary committee substitute will have no fiscal impact on the Department of Law.

Prepared by: <u>Joan M. Kasson</u> <i>Joan M. Kasson</i>	Phone: <u>465-5370</u>
Division: <u>Administrative Services Division</u>	Date: <u>1/29/97</u>
Approved by Commissioner: <u>Bruce M. Botelho</u> <i>Bruce M. Botelho</i>	Date: <u>1/29/97</u>
Agency: <u>Department of Law</u>	

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# FISCAL NOTE

No. 2

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Bill Version: CSSB 1 (JUD)

(S) Publish Date: 1-30-97

Revision Date: 1/28/97 Dept. Affected: Corrections  
 Title: "An act relating to living and working BRU: Institutions  
conditions of prisoners..." Component: \_\_\_\_\_  
 Sponsor: Senator Donley  
 Requester: Judiciary Committee COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	20.0	20.0	20.0	20.0	20.0	20.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( 1005 )</b>	20.0	20.0	20.0	20.0	20.0	20.0
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	20.0	20.0	20.0	20.0	20.0	20.0
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>

Estimate of any current year (FY97) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Under Section 4 of this bill, a new Sec. 33.30.17 would require the Commissioner to establish a monthly prisoner utility fee, not to exceed \$2, that will be collected from those prisoners who possess at least one major electrical appliance. The Department projects that the additional bookkeeping duties required by this section will result in extra staff time that will cost an estimated \$20,000 each fiscal year. The Department also projects that this cost could be offset by \$20,000 in program receipts generated by the utility fees.

Prepared by: Bruce Richards  
 Division: Commissioner's Office  
 Approved by Commissioner: Margaret M. Pugh  
 Agency: Department of Corrections

Phone: 465-3307  
 Date: 1/28/97  
 Date: 1-28-97

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# FISCAL NOTE

No. 1

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

Bill Version: SB1

(S) Publish Date: 1-30-97

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "An act relating to living and working BRU: Institutions  
conditions of prisoners..." Component: \_\_\_\_\_  
 Sponsor: Senator Donley  
 Requester: Judiciary Committee COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	20.0	20.0	20.0	20.0	20.0	20.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>705.0</b>					
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	725.0	20.0	20.0	20.0	20.0	20.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>725.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>

Estimate of any current year (FY97) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

As written, Section 4 of the bill would prohibit the Commissioner of the Department of Corrections from allowing prisoners to make unmonitored telephone calls, except for calls between the prisoner and his or her legal counsel. The Department lacks staff resources to physically monitor prisoners' telephone calls, and therefore, would need to install electronic monitoring and tape recording equipment at every institution except Spring Creek Correctional Center. Preliminary investigation with a private vendor familiar with the Department's institutions indicates the equipment would cost \$705,000. The price could be discounted to as low as \$575,000, but the discount would be contingent on the vendor receiving a contract to install the equipment in the entire system. Because the Department cannot yet know whether it is possible to undertake the project with a single vendor, the higher cost is cited here.

The work required to track which inmates are using electrical appliances and to initiate and process each transaction in the Offender Accounting System will require 600 hours of overtime annually for the twelve institutions in this BRU.

Prepared by: Bruce Richards  
 Division: Commissioner's Office  
 Approved by Commissioner: Margaret M. P. [Signature]  
 Agency: Department of Corrections

Phone: 465-3307  
 Date: 1/21/97  
 Date: 1-21-97

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BILL: SB 1 SHORT TITLE: "NO FRILLS" PRISON ACT  
BILL VERSION:  
SPONSOR(S): SENATOR(S) DONLEY,Halford,Pearce,Green,Leman,Taylor

CURRENT STATUS: (S) RLS STATUS DATE: 02/06/97

HEARING:(S) RLS FEB 11 10:45 AM FAHRENKAMP RM 203

TITLE: "An Act relating to living and working conditions of prisoners in correctional facilities operated by the state, and authorizing the commissioner of corrections to negotiate with providers of detention and confinement services under contract to apply those conditions and limitations on services to persons held under authority of state law at facilities operated under contract or agreement; relating to services provided to prisoners; amending the definition of 'severely medically disabled' applicable to prisoners seeking special medical parole; amending provisions of the correctional industries program; and extending the termination date of the Correctional Industries Commission and the program."

01/03/97	13	(S)	PREFILE RELEASED 1/3/97
01/13/97	13	(S)	READ THE FIRST TIME - REFERRAL(S)
01/13/97	14	(S)	JUD, FIN
01/29/97	163	(S)	COSPONSOR(S): GREEN, LEMAN
01/30/97	171	(S)	JUD RPT CS 4DP SAME TITLE
01/30/97	171	(S)	DP: TAYLOR, MILLER, PARNELL, PEARCE
01/30/97	171	(S)	ZERO FISCAL NOTES TO SB & CS (LAW, DPS)
01/30/97	183	(S)	COSPONSOR: TAYLOR
02/06/97	246	(S)	FIN RPT CS 6DP 1DNP SAME TITLE
02/06/97	246	(S)	DP: SHARP, PEARCE, PHILLIPS, PARNELL,
02/06/97	246	(S)	TORGERSON, DONLEY; DNP: ADAMS
02/06/97	246	(S)	PREVIOUS FN TO CS (COR)
02/06/97	246	(S)	PREVIOUS ZERO FNS TO CS (DPS, LAW)
02/06/97	246	(S)	REFERRED TO RULES



# SENATOR DAVE DONLEY

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## ALASKA STATE LEGISLATURE

### Sponsor Statement for Senate Bill 1 (FIN) "The Alaska No Frills Prison Act"

In 1994, voters overwhelmingly adopted the "Rights of Victims of Crime" state constitutional amendment. Before the adoption of that amendment, the state constitution required that prison administration be based on two factors; rehabilitation and protecting the public. The constitutional amendment added additional constitutional mandates to our state's prison system. Criminal administration is now based on five factors including: **protecting the public, community condemnation of the offender, the rights of the victims of crimes, restitution from the offender, and the principal of reformation.**

Last year a similar version of "The Alaska No-Frills Prison Act" passed the State Senate 14-4 and passed State House 26-11 on the last day of session. However the Senate did not take action to concur with changes made to the bill in the House and it did not become law.

Senate Bill 1 seeks to implement the requirements of the new state constitutional provisions in several ways.

Senate Bill 1 protects the public safety by prohibiting participation or instruction in martial arts or any other activity that would facilitate violent behavior. Such activities serve no rehabilitation purpose and can make a prisoner an even more serious danger.

Senate Bill 1 enhances rehabilitation opportunities for prisoners by increasing vocational training opportunities.

Senate Bill 1 helps fulfill the mandate of the new "community condemnation" constitutional language by removing or prohibiting certain luxuries from Alaskan prisons.

Some of the "luxuries" prohibited or removed under Senate Bill 1 include cassette tape players, VCRs and computers in inmate living quarters, premium cable television, and possession of pornographic material.

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The legislation adds a new cost saving provision by instituting a fee (not more than \$2 a month) for use of electrical utilities. The bill also allows the department to recoup costs for certain health care services provided to prisoners.

Senate Bill 1 will reduce state costs for prisoner medical expenses by requiring inmates to reimburse the state for either the full or partial costs of treatment for any pre-existing medical condition. Also the term "severely medically disabled" is amended by Senate Bill 1 allowing the department greater flexibility in granting "special medical paroles". Parole would only be granted if the inmate's physical ability to commit an offense similar to the offense for which the inmate was convicted or an offense punishable by a felony is substantially eliminated. The parole of only one such prisoner could save the state as much as \$500,000.

The legislation incorporates standards regarding the possession of televisions in inmate's cells which clearly define the circumstances for possessing a television. Inmates who pay for their own television and cable service and are incapable of obtaining or have attained a high school or general education development diploma would still be allowed to possess a television in their living quarters as an incentive for:

- actively engaging in an educational, vocational training, or employment program;
- satisfying restitution orders or complying with a regular and current payment schedule for all restitution orders entered by court as part of the prisoner's sentence and, if applicable, actively engaging in court or department ordered rehabilitation programs.

The legislation removes the prohibition against monitoring phone calls of prisoners in pre-trial facilities, except for calls to their legal counsel. An additional provision mandates that prisoners shall be productively employed for as many hours each day as feasible.

The Department of Corrections has stated that a new prison is needed in Alaska to ease the overcrowding and accommodate Alaska's ever increasing prison population. Unfortunately, past governors and legislatures neglected to address the prison capacity problem. Now, more than ever, Alaskans understand that prison overcrowding is a serious problem. Most Alaskans would support the state building more correctional facilities if they didn't feel that prisons were currently too soft.

Senate Bill 1 is a balanced cost saving proposal in compliance with the Alaska Constitution's requirements for public safety, community condemnation, and rehabilitation.



# SENATOR DAVE DONLEY

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## ALASKA STATE LEGISLATURE

### Sectional Analysis for Senate Bill 1 (FIN) "The No Frills Prison Act"

**Section #1** - refers to Sections 4-6 of this act as the "Alaska No Frills Prison Act".

**Section #2** - provides intent language that conditions in Alaskan prisons not be substantially more favorable than what is required by the Alaska and United States constitutions unless the commissioner of corrections has reasonable grounds to believe that such conditions foster rehabilitative programs and rewards for good behavior.

**Section #3**- amends the definition of "severely medically disabled" inmates. Parole could granted in instances where:

- 1) the inmate suffers from a medical condition that reduces the likelihood of that inmate committing an offense similar for which the inmate was convicted.
- 2) the inmate suffers from a medical condition that reduces the probability of that inmate committing an offense punishable as a felony.
- 3) the inmate suffers from a medical condition and is likely to suffer from that condition for the remainder of the parole.
- 4) the inmate is likely to die from the medical condition.

**Rationale:** expands the definition of "severely medically disabled" inmates to allow the Department of Corrections to parole certain inmates. Parole would only be granted under this clause if the inmate's physical ability to commit an offense similar to the offense for which the inmate was convicted of an offense punishable by a felony is substantially eliminated. When the department began "furloughing" individuals under the existing "severely medically disabled" clause, only 5 or so individuals qualified for release. With this expanded definition, the department expects that certain individuals could qualify as "severely medically disabled" saving the state a significant amount in medical costs. The parole of only one such prisoner could save the state as much as \$500,000.

**Section #4** - Requires the Commissioner to establish, maintain, operate, and control each correctional facility in a manner consistent with Section #4 of the bill. It also requires the Commissioner to determine who is responsible for medical costs when inmates are provided medical services. Also adds language

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requiring the commissioner to incorporate policies that will protect victims of crime in addition to other existing programs.

**Rationale:** defines the duties of the Commissioner with respect to section #4 of the bill which places limits on certain luxuries including access to premium cable television, free weights and pornographic material. The section also requires the Commissioner to establish programs to better protect the rights of crime victims.

**Section #5 - mandates that the Commissioner shall:**

when providing food service, not exceed 90% of what the United States Army expends for food service to its enlisted personnel stationed in Alaska.

**Rationale:** gives the Department clear parameters when budgeting for food services costs. Currently, the Department of Corrections spends less on food service costs per capita than the United States Army. In 1995 the Department of Correction spent \$4.71 per person on food service costs while \$5.91 was spent on per day food services costs at Elmendorf Air Force base.

This section also mandates that the Commissioner may not provide:

- a) living quarters in which the view into the quarters is obstructed, certain state facilities already in operation would be exempt from this provision. Additionally, any facility (built before the effective date of this legislation) acquired by the state in the future would also be exempt.
- b) access to equipment or facilities for publishing or broadcasting material whose content is not consistent with facility guidelines or discipline.
- c) access to premium cable television service.

This section also prohibits:

- a) possessing a tape cassette player or video cassette recorder, or a computer in individual living quarters.
- b) viewing of "R", "X", or "NC-17" rated movies.
- c) possessing printed or photographic material which;
  - 1) is defined by the Commissioner as obscene
  - 2) is detrimental to the security, good order and discipline of the institution
  - 3) could be reasonably be expected to aid in an escape or in the theft or in destruction of property
  - 4) describes procedures for brewing alcohol, or making of controlled substances, weapons or explosives
  - 5) facilitates criminal activity or a violation of institutional rules
- d) participating or receiving instruction in any activity, in the opinion of the commissioner, that would facilitate violent behavior.
- e) using or possessing free weights.
- f) possessing a coffee pot, hot plate, appliance, or heating element in their living quarters or more than three electrical appliances.
- g) possessing apparel or appearing in a state of dress that is not consistent with the guidelines of the facility.
- h) using a computer other than those approved by the institution, the use

may only be part of an educational, vocational or employment program.

- j) use of tobacco products.

The commissioner determines whether the provisions of this section apply to half-way houses and correctional facilities not run by the state.

On January 1, 1998 the commissioner may not allow televisions in a prisoner's cell if that prisoner has been classified as maximum custody.

The commissioner may also allow a prisoner in a medium or minimum security prison to possess a television in their individual living area as long as the prisoner:

- 1) is incapable of obtaining or has attained a high school diploma or general education development diploma.
- 2) is engaged in a educational, vocational training, or work program.
- 3) has satisfied all restitution orders or is on a regular and current payment schedule for all restitution orders entered by the court and, if applicable, engaged in court or department ordered counseling programs.
- 4) pays for the cost of providing the television and cable service.

**Rationale:** helps better implement the constitutional standards adopted in 1994 of "community condemnation" and "victim restitution" for penal administration by limiting certain "frills" and making court order restitution to victims.

This language also permits the Commissioner of Corrections to allow television in personal living quarters as an incentive for good behavior. Television is a powerful incentive to motivate prisoners compliance with important rehabilitation programs. Under existing law, little can be done to force inmate compliance with court ordered restitution or rehabilitation programs. The potential removal of a very visible, powerful behavioral reward like television will increase inmate compliance with court orders.

This section also mandates that the commissioner shall charge a fee of \$2 a month for prisoners who possess electrical appliances to help offset the costs of providing electrical utilities. Prisoners who are developmentally disabled, severely medically disabled, housed in a mental health or psychiatric unit or awaiting classification are exempt from this provision.

**Rationale:** conveys a message to the public that the department is fiscally responsible and makes inmates responsible for themselves.

The Commissioner has two years to implement, following the effective date of this act, all provisions of this section.

**Section #6** - allows a law enforcement agency to recoup medical costs for medical services provided to prisoners in their care. The agency may require inmates to compensate the agency for the cost or for a portion of the cost of medical services provided for any preexisting medical condition.

**Section #7** - states that it is the policy of the department to have prisoners be productively employed for as many hours each day as feasible.

**Rationale:** establishes a strong work ethic which will better prepare inmates for their post-institution life. "Reformation" is one component of penal administration used to rehabilitate inmates. This section helps implement this principle by requesting that the department actively employ as many inmates as feasible.

**Section #8** - allows the commissioner to limit access and use of legal materials and legal assistance in a correctional facility. The section further stipulates the court may not enter an order to gain relief from such limits without first finding the restrictions hinder the inmate from gaining meaningful access to the court for the purpose of challenging:

- a) the prisoner's sentences; or
- b) the conditions of the prisoner's confinement.

The court may also provide relief to these restrictions if a state court specifically determines that a provision of the state constitution necessarily requires a prisoner to have access to and use of the legal reference materials or legal assistance.

**Rationale:** places clear guidelines on when inmates may file lawsuits in an effort to curtail "recreational litigation". Numerous states have been facing astronomical increases in law suits filed by prisoners. No monetary damages are awarded in 95% of these suits.

**Section #9** - removes the prohibition against monitoring of phone calls in pre-trial facilities. Additional language states that a person may not bring a civil action for damages against the department for the failure to monitor or record a telephone conversation or for the failure to take action based upon a telephone conversation that was monitored or recorded.

**Rationale:** better defines the circumstances in which the department may monitor telephone conversations of inmates. This section also removes liability from the state in situations where the department did not take monitor or take action upon a telephone conversation that was monitored or recorded. This section would help remove the abuse of telephone systems in pretrial facilities.

**Section #10 & 11** - allows the department, at its discretion, to provide vocational training for inmates.

**Rationale:** provides vocational training opportunities to those individuals who lack necessary job skills.

**Section #12** - states that the commissioner of corrections is not required under this bill to establish or administer a vocational training program under correctional industries.

**Rationale:** removes liability from the department in situations where it is not possible to provide vocational training programs.

**Section #13** - gives the commissioner the authority to collect fees for electrical services as referenced in Section #5 of the bill.

**Rationale:** conforms with the requirements set out in Section #5 of the bill regarding charges for utilities.

**Section #14** - extends the sunset date for the Correctional Industries Program from the year 1999 to the year 2005.

**Rationale:** allows the department to develop a stable and long range plan to provide more marketable products and work opportunities for inmates.

DD/jja