

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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Senate Bill 116

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House Subcommittee on Crime and Corrections

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Room 140, Majority Caucus Room
Main Capitol Building
Harrisburg, Pennsylvania

Tuesday, September 16, 1997 - 1:00 p.m.

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BEFORE:

Honorable Jerry Birmelin, Majority Chairman
Honorable Brett Feese
Honorable Al Masland
Honorable Kathy Manderino

KEY REPORTERS

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1997-132

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1 ALSO PRESENT:

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3 Honorable Thomas Caltagirone, Minority Chairman
4 House Judiciary Committee

5

6 Honorable Babette Josephs, Member
7 House Judiciary Committee

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9 Honorable Frank Dermody, Member
10 House Judiciary Committee

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12 Brian Preski, Esquire
13 Majority Chief Counsel to Committee

14

15 Judy Sedesse
16 Majority Administrative Assistant

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18 Galina Milohov
19 Minority Research Analyst

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1 CHAIRMAN BIRMELIN: Good afternoon.
2 This is the House Subcommittee on Crime and
3 Corrections hearing on Senate Bill 116. I'm
4 Representative Birmelin, chairman of the
5 subcommittee of the full judiciary committee.

6 Before we get started with those who
7 are coming today to testify, I would like to
8 introduce the members of our panel. Those on the
9 subcommittee, if you would please, to my far
10 left, Representative Feese, would you begin?

11 REPRESENTATIVE FEESE:
12 Representative Brett Feese, Lycoming County.

13 REPRESENTATIVE MASLAND:
14 Representative Al Masland, Cumberland and York
15 Counties.

16 MR. PRESKI: Brian Preski, chief
17 counsel to the committee.

18 REPRESENTATIVE MANDERINO: Kathy
19 Manderino, Philadelphia County.

20 REPRESENTATIVE CALTAGIRONE: Tom
21 Caltagirone, Berks County.

22 CHAIRMAN BIRMELIN: The bill that we
23 have before us is Senate Bill 116, as I mentioned
24 earlier. It deals with the issue of work release
25 prisoners who go into the community under the

1 Department of Corrections and also county jails
2 who work in most normally some sort of public
3 works project. They work for nonprofits and
4 local governments.

5 This legislation is probably nearing
6 what is actually being done today. Many, if not
7 most, of our county jails already do this. Many
8 of our Department of Corrections prison
9 facilities have programs whereby some of the
10 prisoners are in the community to do work for
11 nonprofits such as churches, social clubs, and
12 things of that sort and also for local school
13 districts, local governments.

14 The prime sponsor of the bill is
15 Senator Hal Mowery, who feels that this needs to
16 be in statute. So he has undertaken the task of
17 doing that. And we have today before us Senate
18 Bill 116, which we have asked a few people to
19 come to testify concerning this bill. And our
20 first testifier for the afternoon is going to be
21 Bill Reznor, who is Deputy Commissioner for
22 Intergovernmental Relations of the Department of
23 Corrections.

24 Mr. Reznor, if you would come
25 forward and when you are prepared to do so, you

1 may give your testimony.

2 MR. REZNOR: Good afternoon,
3 Representative Birmelin and members of the
4 committee.

5 We want to thank -- the Department
6 of Corrections thanks you for the opportunity to
7 appear before you today to speak to Senate Bill
8 116, Senator Mowery's proposed Inmate Work Force
9 Act. This legislation recognizes the Ridge
10 Administration's commitment of putting inmates to
11 work for the benefit of the Commonwealth and to
12 teach the value of work.

13 Historically in Pennsylvania,
14 inmates have worked during emergencies such as
15 floods and snowstorms. Since the inception of
16 the boot camp program at Quehanna, inmates have
17 worked in state forests clearing trails, removing
18 dead trees, and raking areas around cabins.

19 In 1996, Governor Ridge proposed and
20 the legislature appropriated an additional
21 \$1,700,000 for support of the community work
22 program. This money enabled the department to
23 expand the program beyond its pilot phase.

24 Inmate work crews are deployed only
25 for federal and state agencies, city, county, and

1 other municipalities, school districts and
2 organizations for charity and public interest
3 purposes.

4 All requests for projects from the
5 above entities are considered by a committee
6 composed of institutional personnel. All work
7 sites are inspected by at least two corrections
8 professionals prior to the project being
9 approved.

10 Our program involves the
11 participation of inmates in community work
12 programs, community service projects, and
13 community support projects. To date, the
14 majority of the work has been with local
15 governments. Inmates at our Mercer facility work
16 with West Middlesex Borough to cut brush along a
17 flood control canal. Inmates from Retreat work
18 with Plymouth Borough to clean and remove trees
19 and vegetation from a dam.

20 In 1996, we formed an alliance with
21 the Department of Conservation and Natural
22 Resources wherein inmates from our community work
23 program helped with flood recovery efforts in our
24 state parks and forests. We also have inmates in
25 our community work program who are working inside

1 our institutions on projects benefiting
2 charities.

3 Inmates in our female institutions
4 who participate in cosmetology school restyle
5 wigs for the Cancer Society. At Cambridge
6 Springs, inmates produce braille materials. I
7 believe that several members of the subcommittee
8 had an opportunity to see this program during an
9 August visit to the Cambridge Springs facility.

10 Up to 500 inmates per year have
11 participated in community work projects. They
12 have worked a total of 224,676 hours. 67,590 of
13 those hours were community work projects for the
14 Department of Conservation and Natural Resources
15 and 10,872 hours on Pennsylvania Department of
16 Transportation projects.

17 In addition, inmates have
18 participated in community work projects with
19 other state agencies for a total of 18,610 hours.
20 Inmates have also worked in community work
21 projects for federal agencies, a total of 2,320
22 hours. Lastly, inmates have worked 72,498 hours
23 on local government projects and 52,789 hours for
24 nonprofit organizations.

25 This bill institutionalizes what the

1 Ridge Administration is committed to, putting
2 inmates to work, and is consistent with the
3 department's direction. We support this bill,
4 because it provides ongoing legislative
5 commitment to this program.

6 In its current form, we recommend
7 only one revision. Section 4, Subsection E
8 relates to the supervision of inmate work crews.
9 The bill was amended to restrict supervision
10 staff to guards or correctional officers. The
11 Pennsylvania Department of Corrections utilizes
12 labor foremen in this capacity. These employees
13 provide security and the requisite expertise to
14 supervise in the various work projects.

15 While correctional officers also
16 provide security, they are not trained in the
17 specific skill areas needed for the work project
18 at hand. Since correctional officers and labor
19 foremen are both in the H-1 bargaining unit, we
20 propose the substitution of the following
21 language: "employees who are responsible for the
22 care, custody, and control of inmates."

23 The Department of Corrections
24 believes that inmates should work and they should
25 do work that benefits the taxpayers. This bill

1 furthers that goal. Thank you.

2 CHAIRMAN BIRMELIN: Thank you, Mr.
3 Reznor. We have been joined by Representative
4 Babette Josephs of Philadelphia County seated
5 behind me.

6 At this time, I will ask the members
7 of the panel if they have any questions for Mr.
8 Reznor. I will begin with Representative
9 Caltagirone.

10 REPRESENTATIVE CALTAGIRONE: No
11 questions.

12 CHAIRMAN BIRMELIN: Representative
13 Manderino?

14 REPRESENTATIVE MANDERINO: No.

15 CHAIRMAN BIRMELIN: Chief Counsel
16 Preski?

17 MR. PRESKI: Just a few,
18 Commissioner. From, I guess, a correctional
19 standpoint, what benefit do you see in putting
20 the inmates to work through a program I assume
21 will be adopted if this became law?

22 MR. REZNOR: What benefits do we
23 see?

24 MR. PRESKI: Yes.

25 MR. REZNOR: Well, certainly, we are

1 teaching a work benefit itself. We are seeing
2 from an institutional perspective employees that
3 are busy, are active, and are learning, maybe in
4 some cases for the first time, what it's like to
5 work and what it's like to achieve a sense of
6 accomplishment at the end of the day.

7 Some of the work details that we
8 propose having, of course, benefit the
9 institutions. We also see, therefore, a
10 significant impact on taxpayers to the taxpayers
11 of the Commonwealth.

12 MR. PRESKI: One other question.
13 What kind of programs do you see the inmates
14 doing? I mean what do you envision that the
15 inmates will do in these jobs?

16 MR. REZNOR: Well, they are
17 already -- we already have them doing some of the
18 work. But some of the work that I could speak to
19 is -- in Mercer County, let me give this as an
20 example. I mentioned one in the testimony, but
21 another one was that in Mercer County, we have an
22 area agency on aging. It's a nonprofit
23 corporation that has requested and received
24 assistance from the community work program.

25 What they do is they remove snow

1 from the sidewalks of the elderly within the
2 community as well as mow and rake their lawns.
3 We think that's a very important function, and it
4 certainly is a benefit to the taxpayers.

5 But meanwhile, the inmates are also
6 benefiting. They are receiving positive
7 reinforcement for having worked on something.
8 It's not uncommon for someone who we have helped
9 to offer everything from water or something of
10 that nature. And it's a very positive
11 reinforcement.

12 MR. PRESKI: I guess my last
13 question then, Commissioner, is this: What kind
14 of either regulations or what kind of things
15 would the department consider before allowing
16 someone outside the walls to work in one of
17 these programs? I mean what are the security
18 concerns?

19 As the committee goes through the
20 process of considering this bill, we often hear
21 either from citizens or other lawmakers alike who
22 is going to be out there, how do we know who
23 they are going to be, and what kind of
24 regulations or what is the department going to
25 do -- I mean are they going to pick ten people

1 off of a line or how will they otherwise identify
2 those people?

3 MR. REZNOR: Well, first of all,
4 they have to meet the very basic requirements of
5 both security -- internal security issues such as
6 behavior within the institution, how they behave
7 in an institution, their propensity towards
8 violent behavior, their inmate restrictions and
9 write-ups for noncompliance within an
10 institution, certainly the significance of the
11 crime that they have committed.

12 We do not and will not allow inmates
13 outside the fence, especially on community work
14 programs, that have committed acts of violence or
15 are sexual predators. So there's a very strong
16 screening requirement.

17 But the other thing is that no one
18 that has more than four years remaining on their
19 minimum is even considered for outside duty. And
20 I think all of those things and probably a couple
21 that I have forgotten in the process are used in
22 the screening process. It's a very intensive
23 screening process.

24 MR. PRESKI: Thank you.

25 CHAIRMAN BIRMELIN: Representative

1 Feese?

2 REPRESENTATIVE FEESE: Thank you,
3 Mr. Chairman.

4 Mr. Reznor, you suggested an
5 amendment which would include that the inmates
6 could be under the general supervision and
7 control of labor foremen. Would that be labor
8 foremen alone; that is, only a labor foreman and
9 there would not a guard or correctional officer
10 present?

11 MR. REZNOR: That would be correct.
12 Our labor foremen go through the very same
13 training as our correctional officers. So it is
14 not that they are not familiar with the security
15 conditions of the correctional system.

16 REPRESENTATIVE FEESE: Is it the
17 exact same training with the same continuing
18 education requirements as your correctional
19 officers?

20 MR. REZNOR: We have a basic
21 training course that the labor foremen go
22 through, which is the same basic training course
23 as the correctional officer. Obviously, a
24 correctional officer who is on the block every
25 day is receiving that kind of ongoing training

1 daily. But also a labor foreman receives that
2 same type of training, because that's who he
3 works with daily, our inmates who are assigned
4 and who are properly classified to work for him.

5 REPRESENTATIVE FEESE: The other
6 question I have is what guarantee is there -- and
7 the SCI in Muncy is in my district. What
8 guarantee is there that the inmates in performing
9 some of the public works projects or public
10 service projects, as they are defined in this
11 legislation, which would include repair and
12 maintenance of roads, public roads and
13 playgrounds and recreational areas -- what
14 guarantee do I have for my residents who are law
15 abiding and who are working in construction or
16 are contractors that they will not lose work
17 because we are allowing an inmate from SCI in
18 Muncy who has violated the criminal laws and
19 violated the public trust be out working?

20 What guarantee is there? I don't
21 see any.

22 MR. REZNOR: The only guarantee we
23 have is that as a requirement of consideration
24 for a work detail, one of the specific
25 requirements in the program is that it not

1 displace any current employee. That's something
2 the Department of Corrections has imposed on
3 itself to ensure that we are not displacing
4 people.

5 Beyond that, Representative, I
6 really don't have any absolute guarantee.

7 REPRESENTATIVE FEESE: Now, that's a
8 department regulation that you will not displace
9 any current employee.

10 MR. REZNOR: Yes.

11 REPRESENTATIVE FEESE: That is not
12 part of the proposed legislation. Is that
13 correct?

14 MR. REZNOR: I don't believe that it
15 is, but it is part of our internal program.

16 REPRESENTATIVE FEESE: And is it
17 part of the department's regulations that you
18 will determine whether it will displace any
19 potential employee, or is it just an employee who
20 is working at that particular time on a public
21 service project?

22 MR. REZNOR: Well, I suppose that we
23 could stretch that and say that there would
24 always be a potential of someone working; but
25 candidly, what we are trying to do is make this

1 available primarily to local government.

2 And we look to local government and
3 to the other areas that have access to these
4 programs to look at us as a way of having
5 something done that currently isn't being done
6 and it needs to be done, as defined by that local
7 municipality. And I think that is the best way I
8 can answer that question.

9 REPRESENTATIVE FEESE: I don't have
10 any problem with that. And just by way of
11 background, I was president of Lycoming County's
12 prison board for eight years, and we started a
13 work program. And we did projects of that
14 nature, shoveling snow, etc. I don't have any
15 problem with it.

16 I have a problem with large
17 maintenance projects, which would be authorized,
18 on public roads and parks that could displace
19 workers. And that's my real concern. If we are
20 talking about the narrow focus, which you alluded
21 to in your testimony, I don't have a problem with
22 that. It's just the expansion that I am
23 concerned about.

24 MR. REZNOR: It definitely is the
25 intention of the Department of Corrections to,

1 again, not displace any current employee. I
2 can't speak to the -- you know, the ultimate
3 what-if.

4 REPRESENTATIVE FEESE: Thank you,
5 Mr. Chairman.

6 CHAIRMAN BIRMELIN: Representative
7 Josephs?

8 REPRESENTATIVE JOSEPHS: Thank you,
9 Mr. Chairman.

10 Is all of this work free,
11 Commissioner, or is there some way for the inmate
12 to earn some money when he or she is doing any of
13 this work?

14 MR. REZNOR: I am sorry. I didn't
15 hear the first part of your question.

16 REPRESENTATIVE JOSEPHS: I am sorry.
17 I didn't turn on my microphone.

18 MR. REZNOR: Okay.

19 REPRESENTATIVE JOSEPHS: Is all of
20 the work done free, or is there some way for an
21 inmate to earn some money if he or she is
22 participating in this kind of work?

23 MR. REZNOR: We don't charge a
24 municipality for the work that the inmate
25 performs, but we do pay the inmate 50 cents an

1 hour. That may sound awfully small; but quite
2 frankly, it's the highest rate of pay that is
3 offered to an inmate in employment of the State.
4 So it is a way for them to earn some funds.

5 REPRESENTATIVE JOSEPHS: Is that a
6 across the board? Is that for, for instance, the
7 inmates we saw at Cambridge Springs who, as you
8 mentioned, do the braille work or do the work
9 with wigs?

10 MR. REZNOR: All of the community
11 work programs and the community service programs
12 are paid the 50 cents per hour. The program at
13 Cambridge Springs, I believe, falls into that
14 category and would be paid 50 cents an hour.

15 REPRESENTATIVE JOSEPHS: Thank you.
16 Thank you, Mr. Chairman.

17 CHAIRMAN BIRMELIN: Just as a
18 follow-up to what Representative Josephs asked,
19 in the second paragraph of your testimony, you
20 mentioned that an additional \$1.7 million was
21 appropriated in 1996 for support of the community
22 work program.

23 Is that what is used to pay the 50
24 cent per hour fee to the inmates?

25 MR. REZNOR: No, it is not.

1 CHAIRMAN BIRMELIN: What is it for
2 then?

3 MR. REZNOR: What was the 1 --

4 CHAIRMAN BIRMELIN: What is the 1.7
5 million for?

6 MR. REZNOR: Primarily for the
7 vehicles and we had to make sure that when the
8 inmate work crews went out into the communities
9 that we -- for example, and this is -- we had to
10 have Port-A-Potty type of arrangements. There
11 were a variety of things that we had to do,
12 including taking the equipment, buying equipment
13 for the inmates to use on the programs, whether
14 they be weed whackers or whatever it may have
15 been.

16 I know that sounds like a lot of
17 money; but when you add the vehicles and the
18 number of institutions that we have and the
19 number of programs that we are putting into
20 effect, that was a significant impact.

21 CHAIRMAN BIRMELIN: That was in the
22 1996 budget. Was an additional appropriation
23 made for this program in this most recent of
24 budgets in '97-'98?

25 MR. REZNOR: I don't believe so.

1 CHAIRMAN BIRMELIN: They didn't ask
2 for any more money? It's not a continuing
3 appropriation?

4 MR. REZNOR: No, it's not. The
5 general welfare fund basically speaks to the
6 salaries or the wages of the inmate work crews.

7 CHAIRMAN BIRMELIN: Well, thank you
8 very much, Mr. Reznor. We appreciate your
9 coming.

10 REPRESENTATIVE JOSEPHS: Mr.
11 Chairman, maybe --

12 CHAIRMAN BIRMELIN: Excuse me. The
13 chair recognizes Representative Feese.

14 REPRESENTATIVE FEESE: Thank you,
15 Mr. Chairman.

16 Mr. Reznor, just something that came
17 up. The department does not charge
18 municipalities for any work that is done. Is
19 that correct?

20 MR. REZNOR: I'm sure we do not.

21 REPRESENTATIVE FEESE: By way of
22 example, in Lycoming County, our municipalities
23 are charged a fee. Of course, it's much lower
24 than the going rate. Why would the State not do
25 that to recoup (1) some of the cost?

1 And then my other concern that comes
2 back to my original concern was when you provide
3 free labor to a municipality, that makes it so
4 difficult for that municipality to turn it down
5 in favor of hiring law-abiding citizens to do the
6 work.

7 I mean why not charge something to
8 recoup the costs and also maybe level the playing
9 field a little?

10 MR. REZNOR: I'm not going to be
11 able to answer you specifically other than to say
12 that this is a pilot project. We have just got
13 it up and started. We have taken an awful long
14 time to develop the relationships with the
15 various municipalities.

16 I'm not suggesting for a moment that
17 we would start something up and then pull the rug
18 out from under them. But I am saying that it was
19 our intention to -- quite frankly, the benefit to
20 us is we have inmates working. That's our
21 benefit.

22 REPRESENTATIVE FEESE: Thank you.

23 CHAIRMAN BIRMELIN: The chair
24 recognizes Representative Josephs.

25 REPRESENTATIVE JOSEPHS: Thank you.

1 Thank you, Mr. Chairman.

2 With respect to the \$1.7 million,
3 perhaps you could provide the chairman of the
4 subcommittee with a breakdown of that budget and
5 how it was used so that we can see exactly where
6 it went.

7 MR. REZNOR: I would be happy to do
8 that.

9 CHAIRMAN BIRMELIN: That will be
10 fine. And I will see that the members of
11 committee get that. Mary Beth Marschik, I am
12 sure, can help you with that.

13 MR. REZNOR: Right.

14 CHAIRMAN BIRMELIN: Thank you again,
15 Mr. Reznor.

16 MR. REZNOR: Thank you very much.

17 CHAIRMAN BIRMELIN: Our next
18 testifiers are the distinguished commissioner
19 from Pike County, Harry Forbes, a good friend of
20 mine and also a member of my district, and also
21 Commissioner Joseph Giles from Erie County.
22 Gentlemen, if you would.

23 And while they are being seated, I
24 wanted to introduce also another member of the
25 judiciary committee, Representative Frank Dermody

1 from Allegheny County, who is seated behind me,
2 and also remember to remind the members of the
3 committee that the subcommittee is having another
4 public hearing tomorrow morning. We will be
5 meeting and discussing House Bill 1269, which
6 deals with the subject of driving while impaired.

7 We will not be meeting in this room,
8 however. We will be meeting in Room 8-A of the
9 east wing. So please make note of that. We will
10 begin at 9:30 tomorrow morning in 8-A of the east
11 wing. And we will be discussing House Bill 1269,
12 a bill that we had amended in committee, if you
13 recall, back in the spring and was then referred
14 to the subcommittee for a public hearing dealing
15 with the subject of driving while impaired. So
16 members are alerted to that fact.

17 Gentlemen, Mr. Forbes is to the left
18 as we are looking at you, just for the benefit of
19 the other members. And you are Mr. Joseph Giles
20 from Erie County, I hope. That's who my agenda
21 says you are.

22 MR. GILES: Yes.

23 CHAIRMAN BIRMELIN: I was in your
24 county most recently. As you may have heard in
25 previous testimony, the Cambridge Springs

1 facility was toured by members of the judiciary,
2 myself included and Representative Josephs and
3 Representative Manderino. I'm not sure if anyone
4 else who is here.

5 But a few of us stayed in Erie in
6 motels and toured the area. And I will tell you
7 that I was quite impressed with the area. I
8 think that Erie has a lot going for it, and I am
9 sure that you have a lot to do with that having
10 happened.

11 That having been said, we want to
12 welcome you to our judiciary subcommittee
13 meeting, as well as Harry Forbes, as I mentioned
14 earlier, who is a Pike County commissioner and
15 one with whom I have many, many discussions on
16 many, many issues.

17 So we welcome you both to
18 Harrisburg. I'm not sure how you want to present
19 your testimony. I will leave that up to you. I
20 guess, Mr. Giles, it looks like you are the
21 opening --

22 MR. GILES: Yes. That's correct.

23 CHAIRMAN BIRMELIN: -- testifier.

24 So why don't you begin when you are prepared to
25 do so.

1 MR. GILES: Good afternoon, Chairman
2 Birmelin, members of the subcommittee, and
3 distinguished guests. I am County Councilman Joe
4 Giles from Erie County. Erie County is a home
5 rule county; and therefore, we do not have
6 commissioners. We have council members.

7 I currently serve on the Courts and
8 Corrections Committee for the County
9 Commissioners Association and the Justice and
10 Public Safety Committee of the National
11 Association of Counties as well as being a member
12 of the NACO board.

13 Joining me is Commissioner Harry
14 Forbes of Pike County. Harry is also a member of
15 the Courts and Corrections Committee. On behalf
16 of the County Commissioners Association, we thank
17 you for this opportunity to be with you.

18 Today we are here to discuss the
19 proposed inmate work force legislation, Senate
20 Bill 116. CCAP strongly supports the legislation
21 as yet another tool to assist in our correctional
22 responsibilities. We hope to provide our views
23 and offer constructive comments toward improving
24 the bill.

25 Some counties have in the past used

1 inmates for various public projects such as
2 litter cleanup, but legal issues and liability
3 exposure have caused many counties to shy away
4 from the use of these inmate crews. While
5 current law does not prohibit such use of
6 inmates, it is also unclear as to the types of
7 projects and any other conditions as well as
8 liabilities.

9 Senate Bill 116 will do what current
10 law does not in that it will provide specific
11 statutory authority and afford additional
12 liability protections to the counties and the
13 State.

14 If I may for a moment share some
15 thoughts on the issue of inmate work crews in
16 general and then allow Commissioner Forbes to
17 make a few comments concerning our
18 recommendations for amendments to Senate Bill
19 116.

20 Inmate work crews are yet but
21 another method for county correctional facilities
22 to employ and help promote inmate productivity
23 and foster a sense of responsibility. Currently
24 community service is often used as part of the
25 sentencing process for those offenders released

1 to probation and is intended for the offender to
2 "repay the community" for such criminal actions.

3 For correctional facilities, work
4 crews are very similar to this community service
5 and can also help to control the inmate
6 population.

7 In a public opinion survey conducted
8 by the Public Agenda Foundation in 1987,
9 respondents felt that prisons should be harder.
10 The participants wanted to reduce idleness and
11 felt that work is therapeutic and beneficial to
12 society and prisoners.

13 The use of inmate work crews can
14 accomplish several objectives. They can provide
15 an activity for inmates and perhaps in the
16 process teach an inmate a particular trade. Work
17 crews can also foster a sense of community
18 responsibility.

19 In addition, communities can benefit
20 from the work provided by the inmates whether
21 litter cleanup or playground maintenance. There
22 are likely to be no shortage of public projects
23 to be completed, and these can be done without
24 competing with the employees of the public
25 entities or the private sector.

1 I would like to ask my colleague,
2 Commissioner Forbes, to provide several
3 suggestions for improvements to Senate Bill 116.

4 MR. FORBES: Thank you, Commissioner
5 Giles.

6 While Senate Bill 116 is adequate in
7 its current form, we believe there are several
8 amendments that are necessary to make this
9 legislation effective and more attractive to
10 counties.

11 On page 2, lines 9 and 10 and in
12 other references contained in this bill,
13 specifically, page 3, lines 21 and 22; page 3,
14 lines 25 and 26; page 4, lines 3 and 4; and page
15 5, lines 23 and 24, the language includes "other
16 officials in charge of correctional facilities."

17 This delegation of power should be
18 limited to the Department of Corrections and the
19 county commissioners, not other officials in
20 charge of the facilities. This would grant
21 budgetary control to local wardens of which such
22 is solely granted to the commissioners.

23 By spelling out the definition on
24 page 2, Section 3, we could be limiting the
25 County's use of inmate labor. As an example, in

1 my county, Pike County, we are using our jail
2 kitchen to prepare our senior citizens meal
3 program and transporting it with senior citizens
4 from the facility to other locations. We are
5 teaching the inmates food preparation, ordering,
6 and providing a service to the community at the
7 same time.

8 We believe definitions such as that
9 of community service project should be expanded.
10 Ideally, it would include all projects for
11 charitable, educational, environmental, or
12 aesthetic reasons, not otherwise forbidden by
13 law, whether for charitable organization or local
14 government or its agents, as determined by the
15 sole discretion of the department or
16 commissioners.

17 If I may provide an example, a local
18 charitable organization operating a summer day
19 camp for underprivileged youth has a structure
20 for indoor activities and dining. This structure
21 is in need of repair, but the organization has
22 little funding or is unable to solicit adequate
23 donations to assist from the private sector. In
24 this instance, it would seem that the use of an
25 inmate work force would be highly valuable.

1 We would suggest amending page 2,
2 lines 19 and 20 by inserting the phrase "but not
3 be limited to the repair, replacement,
4 restoration, maintenance, building, or
5 construction" in the definition so that other
6 types of activities might be included.

7 Just to stop there for just a
8 second, in this definition there, this would, at
9 least in my feeling, be limited to nonprofit
10 organizations and county and municipal
11 organizations where these facilities would be
12 used.

13 Virtually the same limitations apply
14 to the definition of public service work project
15 on page 3. Again, we would like to include the
16 phrase "but not limited to" in the definition as
17 well.

18 Let me stress that our
19 recommendations for expansion of eligible
20 projects is not intended to displace employees
21 from either our own local governments or from the
22 private sector. Rather, in the cases where there
23 is clearly a need but not a financial resource,
24 we believe that the inmate work force crews can
25 serve a beneficial function, as well as relief,

1 for the taxpayers.

2 In Pike County, this year alone we
3 have saved over \$300,000 of the taxpayers in
4 cemeteries and fire departments, volunteer fire
5 companies, where we have done regrouping
6 municipalities and things of this nature and
7 worked hand in hand with our local unions and
8 local participant people.

9 Section 4(E) on pages 4 and 5 of the
10 bill refers to supervision of the working crews.
11 Again, we have concerns about the limiting
12 language which would allow only guards or
13 correctional officers to supervise the inmates.

14 In several counties, the prisons
15 continue to be under the domain of the sheriffs.
16 CCAP feels the section needs for modified to
17 reflect the diverse operations of each county
18 facility. Specifically, we offer the following
19 for your consideration:

20 Amend the language on page 5, line 3
21 to state that inmates should be under the
22 supervision of guards, correctional officers,
23 sheriff, or other correctional facility employees
24 as agreed upon by the county commissioners,
25 prison board, or the Department of Corrections.

1 On page 5, Section 5, line 21 add
2 the prison board as an entity prescribing rules
3 and regulations. On that same page, Section 6,
4 line 23, we suggest revising the language to
5 provide for the sheriff, warden, assistant
6 warden, or other agents appointed by the county
7 commissioners give necessary notification.

8 Finally, we suggest language be
9 incorporated allowing the counties, at their
10 discretion, to pay the inmate worker from the
11 inmate general welfare fund.

12 Let me reiterate the interest of the
13 County Commissioners Association in gaining
14 passage of Senate Bill 116. With our
15 recommendations for amendments, we believe the
16 legislation can serve to benefit the inmates as
17 well as the communities.

18 Thank you for your time and
19 consideration. We will be happy to respond to
20 any questions.

21 CHAIRMAN BIRMELIN: Thank you,
22 gentlemen.

23 Representative Feese?

24 REPRESENTATIVE FEESE: No.

25 CHAIRMAN BIRMLIN: Representative

1 Masland?

2 REPRESENTATIVE MASLAND: No.

3 CHAIRMAN BIRMELIN: Representative
4 Manderino?

5 REPRESENTATIVE MANDERINO: Thank you,
6 Mr. Chairman.

7 I'm just trying to understand one of
8 your final suggestions, and that is that language
9 be incorporated allowing the counties, at their
10 discretion, to pay inmate workers from the inmate
11 general welfare fund. If I understood the
12 testimony from our Pennsylvania Department of
13 Corrections, that's what they currently do.

14 Are you saying that the counties
15 don't currently pay inmate workers who are out on
16 community service or that if they do go out, this
17 is what you would do and why not put it in the
18 bill?

19 MR. GILES: At the county level, one
20 of the things that I'm afraid are going to be
21 confused and that is there are a group of
22 inmates, so to speak, who are housed in the
23 prison and then there are a group of inmates or
24 prisoners who are convicted to be in alternative
25 sentencing programs.

1 And one of the alternative
2 sentencing programs is community service. And
3 that's a very structured program, whereas within
4 the jail housing itself, I would frankly say,
5 with all deference to Lycoming, there are very
6 few counties outside of Philly and Allegheny
7 County who actually do a lot of structured
8 community service work as such.

9 The issue of liability was one of
10 the issues that caused a serious problem for the
11 alternative sentencing program. How do you deal
12 with not-for-profit agencies? You've got the IP
13 folks who are there doing the work. And how do
14 you cover liability, and how do you structure
15 security? And how do you do a lot of other
16 things?

17 That issue spills over into the
18 prison as well. So there aren't a lot of things
19 currently in place throughout -- from third class
20 counties down throughout the Commonwealth in this
21 regard. So I don't think that the issue of using
22 the welfare fund from the inmates to pay anybody
23 has even occurred, because there has been nothing
24 to drive that question at the local level. It
25 just simply doesn't exist in large numbers.

1 MR. FORBES: And to be more
2 specific, some counties do pay from the welfare
3 fund and some do not. Ours does not. Ours comes
4 right out of our general budget where we pay them
5 when they are out doing a project.

6 REPRESENTAIVE MANDERINO: Is that a
7 local decision, or is there something in state
8 law that is prohibiting --

9 MR. FORBES: It's unclear, and it's
10 not specific. And that's why it's ask for here.
11 Be specific and allow us to use this fund from
12 the phones and from the inmate welfare. And
13 again, I think again the counties have to be
14 compassionate in the programs that they provide
15 also on the other side, which is what some of
16 these funds are specifically being used for.

17 MR. GILES: Could I add one more
18 thing to that as well? And that is the interest
19 on the part of counties in becoming more
20 involved in this initiative.

21 Because of the change in sentencing
22 guidelines, which everyone here is familiar with,
23 the amount of time that inmates now serve in
24 local county jails has increased. And so there
25 may be an increase in numbers, but there surely

1 is an increase in the length of stay.

2 So now that there is a longer
3 period, wardens, I believe, are interested,
4 county commissioners, I believe, are interested,
5 and the judiciary, I believe, are interested in
6 the sense that there are people here for longer
7 periods of time.

8 Before, the argument that occurred
9 on this same topic was that everyone is there for
10 40 days at best or maybe even less than that on
11 the average. So therefore, there wasn't a big
12 degree of interest at the county level in seeing
13 this formalized in this way. I would say now
14 that there is a lot of interest in seeing this
15 formalized, driven largely by the fact that we
16 now have prisoners for longer periods of stay.

17 REPRESENTAIVE MANDERINO: I am still
18 confused, and that could be because either I
19 don't understand the original intent of what the
20 inmate general welfare fund is to be used for or
21 it differs on the state versus the county level.

22 But if an inmate is currently in any
23 kind of work situation in the prison, they work
24 in the prison in the laundry and they got paid 30
25 cents an hour, 40 cents an hour, 50 cents an hour

1 for their work, does that now come out of the
2 inmate general welfare fund?

3 MR. FORBES: In some counties, it
4 does. In some counties, it doesn't. The
5 language and the law is unclear in that. And
6 some counties still haven't utilized it from
7 there. That's why we are asking for it to be
8 spelled out in this bill.

9 REPRESENTAIVE MANDERINO: Where does
10 the money for the inmate general welfare fund for
11 the counties come from, your county budget or the
12 state?

13 MR. GILES: It comes from -- the
14 money for the general welfare fund comes from the
15 use of the phone system and from the use of the
16 commissary's fees that are generated from either
17 of those. And those funds go into a general
18 welfare fund.

19 Now, I think the language and not to
20 be -- we've got a legal person here. But I think
21 the language that describes that indicates that
22 it has to be used for the welfare of the
23 individual inmates themselves. So whether it's
24 paying for TV or whatever it is, that's how that
25 is generated and that's what it's designed for.

1 REPRESENTAIVE MANDERINO: It's a
2 common pot. It's not Inmate A has X amount of
3 accredited to him in this welfare fund. It's a
4 common pot.

5 MR. GILES: Correct.

6 REPRESENATIVE MANDERINO: Thank you.
7 Thank you, Mr. Chairman.

8 CHAIRMAN BIRMELIN: Representative
9 Caltagirone?

10 REPRESENTATIVE CALTAGIRONE: No
11 questions.

12 CHAIRMAN BIRMELIN: Representative
13 Dermody?

14 REPRESENTATIVE DERMODY: No
15 questions.

16 CHAIRMAN BIRMELIN: Representative
17 Josephs?

18 REPRESENTATIVE JOSEPHS: I have a
19 question, yes. Thank you. Two questions, Mr.
20 Chairman.

21 I am looking at this section, for
22 either one of the witnesses, on page 5 to do with
23 immunity from civil liability. And it seems to
24 me that that protects the County and the State
25 from injury that would be done to the inmate who

1 is actually involved in the work program.

2 What kind of protection, if any, is
3 there for the inmate who escapes perhaps from the
4 scene and injures -- does bodily or property
5 injury to a citizen or a citizen's property?
6 What is the liability there?

7 MR. GILES: Well --

8 REPRESENTATIVE JOSEPHS: Is
9 anybody -- are we protected?

10 MR. GILES: I'm unfamiliar with what
11 the liability would be other than the fact that
12 in the -- as a parallel, in the alternative
13 sentencing programs that counties operate, the
14 assessment process that precedes before anyone is
15 put into community service or a day report
16 program, or electronic monitoring -- but the
17 screening is so intensive that you almost
18 guarantee success.

19 So if you look at the reports
20 analyzing intermediate sanctions, you would see
21 that, I think, at the county level, they are
22 99.99 successful because of the screening
23 process.

24 And I am assured that the same type
25 of screening process would be involved in any

1 kind of work -- community service program that
2 counties would be involved in. So you wouldn't
3 see inmates at the higher end of risk being
4 involved in anything. You would see inmates at
5 the lower end of the risk range being involved in
6 community service programs.

7 And I can use as an example our
8 assurance on behalf of counties is look at the
9 data, and there's enough now that's available in
10 terms of alternative sentencing, how the counties
11 have managed. I am being very confessional in
12 that that success rate has largely been driven
13 because of the assessment and the scrutinizing
14 very early on as to who would or wouldn't
15 participate in any of the variety of alternative
16 sentencing programs.

17 And they have all had -- throughout
18 the Commonwealth -- and I'm not even worried
19 about saying that. Throughout the Commonwealth,
20 those alternative sentencing programs have
21 succeeded largely because of the assessment tool
22 that's in place on the part of what individuals
23 participate in them.

24 So I would assume that same kind of
25 scrutiny and would reassure you that that same

1 kind of scrutiny would be in place to make sure
2 that there isn't a large risk factor. Neither
3 the County nor the State can afford anything
4 beyond that.

5 REPRESENTATIVE JOSEPHS: I am a
6 supporter of alternative sentencing programs. So
7 I'm not attacking them, and I'm not attacking --
8 but I do have a second question.

9 You drew my attention to the
10 definition of community services. And I'm
11 wondering, Do you think if we enact this bill as
12 it is, those institutions in which community
13 service takes place within the institution, for
14 instance, making the braille materials, would
15 they be disqualified under this? Would this bill
16 force them out of existence, or what would
17 happen?

18 What effect would this bill have on
19 those kinds of community service work
20 situations?

21 MR. FORBES: No, I don't feel so. I
22 think that there is enough inmate labor. As a
23 matter of fact, in our facility, not addressing
24 the state level, in our facility, we have enough
25 inmates that want to get out that we just do not

1 have enough projects for them to do. And we are
2 running short on projects on some of these
3 nonprofit situations such as cemeteries and
4 firehouses and municipal buildings and things of
5 this nature for painting and cleaning up. We are
6 doing road cleanups.

7 So I see that these facilities
8 within the correctional facilities will continue
9 to work and maintain their level of --

10 REPRESENTATIVE JOSEPHS: So you see
11 Senate Bill 116 as merely expanding on our
12 already existing programs for community service
13 for inmates and not as eliminating any of the
14 ones that we already have up that are operating.

15 MR. FORBES: Absolutely.

16 MR. GILES: And also I would like to
17 add to that that I believe that what it does is
18 it encourages counties to formalize.

19 When alternative sentencing was
20 created, I'm certain that you all had heard from
21 different judges, Oh, we have been doing
22 community service programs of one form or
23 another. I think regrettably it wasn't a
24 structured kind of situation.

25 When the State approved the

1 alternative sentencing kinds of programing, it
2 then encouraged the counties to add structure, to
3 use outcome based logic to it, to add personnel,
4 and to make it reviewable by everybody at every
5 level of government.

6 I think what this does, in my
7 opinion, is the same thing in terms of community
8 services within the jail population and adds and
9 encourages the County to become very structured
10 about it.

11 There's a hesitancy -- although
12 there are some counties -- like we heard from
13 Lycoming and Pike, there are some counties that
14 have initiated programs with the jail
15 population. But again, a larger number of
16 counties do not do it, because of liability
17 concerns and a variety of other concerns, do not
18 do it.

19 I think this, in fact, encourages
20 that participation on the part of counties and
21 encourages some formalization, some structure,
22 and some system.

23 REPRESENTATIVE JOSEPHS: Thank you.
24 Thank you, Mr. Chairman.

25 CHAIRMAN BIRMELIN: The chair

1 recognizes Chief Counsel Preski for a question.

2 MR. PRESKI: Commissioners, since we
3 have you up here right now, I assume our next
4 presenters from the labor unions are going to
5 respond to many of the things that were brought
6 up today with concerns about what about the
7 existing employees for the local, the County, or
8 the State.

9 How do we ensure that they are not
10 going to be affected if this legislation passes
11 or if there is an increased use in prison inmate
12 labor?

13 I see in your testimony that you say
14 that your recommendation is based upon the
15 expansion of the current programs that you may
16 use, the liability concerns you have, and with
17 an eye towards that you are not seeking to
18 displace employees from their own jobs or any
19 other jobs.

20 Since we have you before us right
21 now, what types of work do you envision or what
22 kind of controls do you see to effectuate that?

23 MR. GILES: I would, first of all,
24 say that you have to understand what the
25 background is of the inmate population in terms

1 of capacity, in terms of academics, in terms of
2 all of those kinds of things, so the work force
3 that the unions rightfully should be concerned
4 about, I think that the fear of that should be
5 allayed to a degree by the fact that when you
6 look at the talent level, the capacity, the
7 training, and what isn't there already.

8 And our problem at the county level
9 is we are simply saying that if we don't do
10 something to increase the skills and talents of
11 these individuals, connect them to the community,
12 make them feel responsibilities toward the
13 community, make them feel a part of the community
14 by some type of work that has some meaning, then
15 our whole system will just keep feeding itself
16 and expanding and expanding.

17 So in no way would the person who
18 has a reading level of a fourth grader, who is 23
19 years old, who is sentenced to a year at the
20 county facility in any way be competing with the
21 skills and talents of a responsible taxpaying
22 labor union member who has a very defined skill
23 with a practice behind him.

24 There is almost absolutely no
25 comparison between the two. And so I think that

1 when you really understand -- I think the fear is
2 that somehow or other government is going to get
3 off the hook and going to get off on the dime.

4 And I'm saying that I think we all
5 lose if we do not do something with the
6 warehoused prison population that we have to at
7 least bring them to the level where they can then
8 function in the society in responsible jobs at
9 some very basic levels and possibly beyond that.

10 That's a negotiated thing that I
11 believe will take place in the next few years as
12 to where do we go from here. But we simply
13 cannot continue just simply warehousing people
14 and keeping them at the same level that they are
15 at without any connection to the community or
16 society at large.

17 MR. FORBES: Also I think we are
18 talking about unskilled labor jobs that we are
19 talking about here. We are talking about
20 cleaning up the cemeteries. We are talking about
21 lending the local volunteer fire companies hands
22 in painting their firehouse or doing raking of
23 their facilities. We are talking beautification
24 programs, cutting of brush along an area.

25 Where we have at least in my county

1 gotten involved with some of the local labor
2 unions, we have worked hand in hand with them to
3 where they have done supervisory skills and
4 taught some of the trades of how to be a
5 carpenter and framing. And then soon after they
6 have gotten out of the facility, they have gone
7 to work for some of these unions and some of
8 these people.

9 So I think it's working together
10 hand in hand with the local unions, because what
11 we get at county level most of the time are
12 people that have gone on a lower level crime.
13 And when they got out, they become productive
14 within society and need jobs and have been picked
15 up by some of these unions as very good labor
16 force people.

17 MR. PRESKI: Thank you.

18 CHAIRMAN BIRMELIN: Gentlemen, we
19 thank you for your testimony. And I will assure
20 you that we will prepare amendments for Senate
21 Bill 116 that deal with the specific
22 recommendations that you have made. And when the
23 bill comes up for a vote in committee, we will
24 see that those amendments are presented to
25 address the concerns that you gentlemen and the

1 County Commissioners Association has. Thank you
2 for coming.

3 MR. GILES: Thank you.

4 MR. FORBES: Thank you.

5 CHAIRMAN BIRMELIN: I am going to
6 ask our next two scheduled testifiers to come
7 together. I understand that's by agreement.

8 Barry Bogarde is the director of
9 political and legislative affairs for AFSCME, the
10 American Federation of State, County, and
11 Municipal Employees. And David Wilderman is the
12 director of legislation for the AFL-CIO in
13 Pennsylvania.

14 Gentlemen, if you would come forward
15 and give your testimony, we would appreciate
16 that. I am also going to turn the microphone
17 over and the temporary chair of this meeting to
18 Representative Masland.

19 REPRESENTATIVE MASLAND: I will
20 leave it up to you gentlemen as to who wishes to
21 proceed. You probably have worked out an
22 agreement on that.

23 MR. WILDERMAN: We flipped a coin we
24 didn't have.

25 REPRESENTATIVE MASLAND: Mr.

1 Wilderman.

2 MR. WILDERMAN: Thank you.

3 Representative Masland and members
4 of the committee, my name is David Wilderman. I
5 am assistant to the president and director of
6 legislation for the Pennsylvania AFL-CIO. And I
7 want to thank the committee, subcommittee, for
8 the opportunity to testify on Senate Bill 116.

9 The previous testimony did, as the
10 chief counsel pointed out, raise the type of
11 concern that we have in representing workers
12 across the state about the impact that Senate
13 Bill 116 will have on workers in the state of
14 Pennsylvania.

15 The Pennsylvania AFL-CIO represents
16 1.2 million working men and women in the
17 Commonwealth. Our affiliate members work in all
18 sectors of the economy, public and private. We
19 represent almost one out of every four workers in
20 the Commonwealth.

21 Senate Bill 116 proposes to
22 authorize the Commonwealth and its political
23 subdivisions to create prison labor work force
24 for "public service projects." The use of
25 convict labor raises important issues regarding

1 the State's policy on jobs.

2 Both political parties and the
3 Governor advocate family sustaining or jobs that
4 pay a living wage. There is a consensus that the
5 very value of work is undermined by policies that
6 make it harder to support a family from the
7 fruits of one's labor.

8 The Pennsylvania AFL-CIO has
9 highlighted the key job issues faced by
10 Pennsylvania's workers as economic justice and
11 dignity for all workers. Underemployed, low-wage
12 workers are increasingly the rule while the
13 income disparity between workers and top
14 management balloon to worldwide record
15 disparities.

16 It is in this context that we look
17 at Senate Bill 116. First, let us put aside for
18 the moment the issues of rehabilitation and
19 recidivism and simply look at the legislative
20 proposal in terms of its impact on jobs and
21 particularly family-sustaining jobs.

22 Section 4 of the proposed
23 legislation would authorize inmate work forces to
24 engage in "litter retrieval and collection on
25 public roads, for other public service and

1 community service projects, and to assist
2 municipalities during local emergencies."

3 The proposed legislation provides a
4 definition of a public service work project as "a
5 project undertaken or carried out by the
6 Commonwealth or municipality which shall include
7 repair or maintenance of any Commonwealth or
8 municipal park, playground, recreational area, or
9 on any public road or within in a public
10 facility.

11 Community service work is similarly
12 defined, except that inmates in community service
13 would include work normally done by "charitable
14 organizations."

15 The proposed legislation has no
16 protections that even hint at assuring that the
17 prison labor will not displace existing workers.

18 Senate Bill 116 is a direct assault
19 against living wage jobs. The proposal is a bold
20 and unqualified attack on the jobs of hardworking
21 Pennsylvanians, both in the public and private
22 sector.

23 The scope of work proposed has no
24 limitation on the replacement of taxpaying,
25 law-abiding citizens whose jobs would be lost to

1 convict labor. As drafted, Senate Bill 116 makes
2 no provision to protect from displacement those
3 workers that are the ordinary and regular work
4 force in the public and private sector.

5 Under the proposed legislation,
6 courthouses could be painted, reconstructed, or
7 improved with convict labor. Regular work on our
8 highways, in both construction and repair, could
9 be done with convict labor. Recreational
10 facilities could be completely maintained by
11 convict labor. A charitable organization could
12 have its facility remodeled by convict labor.

13 There are literally thousands of
14 projects that are now performed as part of
15 regular course of business. And that's what I
16 really need to emphasize here is that we are
17 talking about work that is done in the regular
18 course of business that could now be done under
19 Senate Bill -- if it were to be adopted, Senate
20 Bill 116.

21 This is work that is now done either
22 by private contractors (primarily Building
23 Trades) and public employees.

24 Senate Bill 116 is a job crusher.
25 Instead of creating family-sustaining jobs, it

1 would destroy family-sustaining jobs.

2 Our skilled Building Trades
3 Craftsmen and public workers would lose their
4 jobs to inmates. As a matter of public policy,
5 we urge the committee to not turn the tables on
6 jobs. Convict labor should not be allowed to be
7 used to displaced work normally done by
8 government or nonprofit agencies.

9 If Senate Bill 116 were adopted, the
10 Pennsylvania motto should become commit a crime
11 and get a job.

12 Next, the legislation fails to
13 provide any compensation to inmates.
14 Furthermore, since the legislation is silent,
15 none of the legislative enactments included under
16 the broad framework of the Fair Labor Standards
17 Act, hours of work, working conditions, health,
18 and safety or workers' compensation, would apply
19 to convict labor.

20 Inmates would simply be assigned
21 work projects without pay; without protection, if
22 they get injured; and without any other
23 protections of a real job. In fact, Senate Bill
24 116 would deny the public any remedy should they
25 be harmed by convict labor. And I think that was

1 referred to earlier by Representative Josephs.

2 Free workers cannot compete with
3 unpaid and unprotected convict labor. There is
4 not room for argument if Senate Bill 116 were
5 adopted. Unpaid, unprotected convicts would be
6 used to displace law-abiding, hardworking
7 Pennsylvanians.

8 A secondary impact, but of extreme
9 importance, is the impact that free, unpaid
10 convict labor will have on the marketplace.
11 Wages will be driven down as the Commonwealth,
12 local governments, and charitable organizations
13 seek to use free, unpaid convict labor. Wages
14 for those who would normally do this work will be
15 forced downward. Again, this impact would
16 dramatically undermine the goal of
17 family-sustaining jobs.

18 I should point out that although I
19 am speaking on behalf of workers, Pennsylvania's
20 employers will also be victims if Senate Bill 116
21 were adopted. Highway contractors, painting
22 contractors, maintenance contractors,
23 landscapers, and other private employers will
24 lose work to convict labor on public or nonprofit
25 projects.

1 We are vigorously opposed to Senate
2 Bill 116 and similar proposals, because they are
3 job and wage destroyers and, in the name of doing
4 good, turn the economy on its head.

5 Think for a moment what it means to
6 be an unemployed painter to see work that is part
7 of the normal cost of doing business go to a
8 convict. What will that unemployed painter think
9 of this turn of events? Even economic pressures
10 of state and local governments evaporate in the
11 face of an unpaid convict work force. We must
12 support policies that sustain work.

13 In addition, I would like to lend
14 strong support to the testimony of AFSCME that
15 the threat to public safety and to the guards
16 posed by Senate Bill 116. The bill proposes that
17 prisoners would be used to perform work in almost
18 any work environment. Under Section 6, you will
19 note that it is anticipated that inmates would
20 perform work in and around our schools. All the
21 act requires is 24-hour notice to the school
22 authorities.

23 This poses multiple problems.
24 Obviously, having inmates working around children
25 is a direct threat to public safety. Equally

1 important, having armed guards in a playground
2 with inmates is about as bizarre a situation as
3 one can imagine.

4 But schools are only one example of
5 the many sensitive areas where the use of prison
6 labor poses a special problem to the public.

7 Parks, for example, are another unique
8 environment. Imagine yourself hiking alone on a
9 trail and confronting a prison inmate work force
10 doing trail maintenance.

11 Finally, we are concerned about the
12 safety of the guards. Once outside the prison,
13 security problems exponentially increase.

14 Weapons, drugs, or other contraband can be hidden
15 at work sites for inmates to pick up during their
16 work. This is a very serious concern for our
17 correctional officers, as Barry will elaborate
18 on.

19 Their jobs are dangerous enough
20 without adding the dangers of opening up new
21 opportunities in the new work sites.

22 Additionally, proper staffing once outside the
23 prison is very critical, and current staffing is
24 already wholly inadequate.

25 In the beginning, I said I would

1 defer the issues of rehabilitation and
2 recidivism. The Pennsylvania AFL-CIO strongly
3 supports rehabilitation of convicted prisoners,
4 and we continue to be distressed by the high
5 rates of recidivism or repeat offenders.

6 Unfortunately, Senate Bill 116 does
7 not address the issue of rehabilitation. There
8 are no training or education provisions. And I
9 think in referring to the previous testifiers on
10 behalf of the County Commissioners Association,
11 they gave examples of what is really at the heart
12 here of re-employment potential and to break the
13 cycle.

14 And the examples they gave had to do
15 with training for skills -- skill training and
16 education. Those were the two things that were
17 cited as the keys to breaking the criminal
18 lifestyle cycle or ending recidivism. And that
19 is exactly what this bill does not do.

20 In fact, the message of Senate Bill
21 116 is that unpaid labor, that is the
22 exploitation of people, is a legitimate policy of
23 the Commonwealth. This is the reverse of
24 rehabilitation. Exploitation is legal and the
25 official policy of the Commonwealth. That's what

1 the bill says.

2 You can take people and have them
3 work for nothing. Now, what does that tell
4 somebody when they go on the outside of the
5 prison about the policies that we have with
6 regard to fair compensation, working standards,
7 and working conditions?

8 The expression, as it would be
9 enacted if it were adopted, would be to say to
10 people that it's okay in Pennsylvania to have
11 people work for nothing and have no health and
12 safety protections, no Fair Labor Standards Act
13 protections, that's okay. We think that's the
14 wrong message -- exactly the wrong message to be
15 giving to inmates and it's the wrong message to
16 be giving to the people of Pennsylvania.

17 Directly related to rehabilitation
18 is recidivism, breaking the cycle of the criminal
19 lifestyle. Since the legislation does nothing to
20 rehabilitate, it follows that prison labor will
21 have no impact on recidivism.

22 Let me close by re-emphasizing that
23 Senate Bill 116 will result in convict labor
24 taking the jobs of law-abiding citizens. We urge
25 the members of the judiciary committee to reject

1 this policy as unfair to your constituents and
2 bad public policy.

3 Steps should be taken to
4 rehabilitate prisoners to break the cycle of a
5 criminal life. Senate Bill 116 would legitimize
6 exploitation without even the minimum Fair Labor
7 Standards Protections.

8 Pennsylvania's workers are already
9 under attack from changes in public assistance,
10 workers' compensation, and unemployment
11 compensation. Senate Bill 116 would cost regular
12 workers more jobs, in this case, to prisoners.
13 This policy destroys jobs and lowers wages. We
14 should be on the high road for good jobs and good
15 wages to build strong families and strong
16 communities.

17 We urge the committee to reject
18 Senate Bill 116. Thank you.

19 REPRESENTATIVE MASLAND: Thank you,
20 Mr. Wilderman. And, Mr. Bogarde, you can
21 proceed.

22 MR. BOGARDE: Thank you, Mr.
23 Chairman. My name is Barry Bogarde. I am the
24 legislative director for AFSCME Council 13 here
25 in Pennsylvania. We represent a little over

1 7,000 employees in the correctional industries
2 both in the State and county governments.

3 What I would like to do is kind of
4 paraphrase my testimony. I have given it to you
5 in written form. Much of what I have had to say
6 in my testimony has already been said. But I do
7 want to raise just a couple of issues concerning
8 the displacement of workers or the replacement of
9 workers with the use of inmate labor.

10 The questions I raised to my own
11 son, who works for the Department of
12 Transportation. He said to me, Dad, what if I
13 get laid off? What if I was on welfare and
14 looking to re-enter the workplace? What if I was
15 a high school graduate and just decided to
16 come -- is trying to get into the work force?
17 Who am I competing with? I mean I have broken no
18 laws. I have done no wrong, but I'm now
19 competing with low-wage/no-wage employees for my
20 livelihood.

21 And I raise that as a concern that I
22 think that those kinds of questions must be
23 answered by the legislature before implementing
24 public policy, as we are talking about here
25 today.

1 I mean all of the issues that the
2 commissioners raised, all of the issues dealt
3 with with the Commonwealth of Pennsylvania, our
4 union has been dealing with these issues for
5 many, many years.

6 We have worked very successfully a
7 lot of times with our employers to create
8 policies at the work site in the counties, in the
9 government sections to work around these issues
10 and at the same time give inmates productive work
11 and things to do and at the same time protect
12 the workers who have been hired by those
13 employers and are there doing a good and
14 successful job.

15 The vacancies are very important.
16 Do we hire? That is the big question. Do you
17 hire those individuals, or do we hire a
18 law-abiding citizen, someone as I have described?

19 Those are the kinds of things that
20 AFSCME is very concerned with, the safety of our
21 communities, the safety of our workers, the
22 safety of the inmates, the safety of our
23 children. All of these on these public service
24 projects I don't think have really been thought
25 out clearly as to the way this legislation is

1 drafted.

2 I think it's a knee-jerk reaction to
3 putting inmates to work, to resolving problems
4 found inside the work sites that we deal with
5 every day of the week. I think there needs to be
6 more thought and more work done in terms with the
7 employers as to how they handle these groups and
8 how they deal with these workers on a day-in and
9 day-out basis locally.

10 I presented to the committee a lot
11 of information concerning bills, laws that have
12 been on the books for hundreds of years. These
13 are basically -- they may not be reasonable any
14 longer, as the commissioner stated.

15 Let's look at them. But to take
16 this piece of legislation and pass it in its
17 current form and even with some of the amendments
18 that were offered here today, I still think
19 misses the mark. And for that, I ask the
20 committee to reject the proposal, reject this
21 legislation, and express AFSCME's opposition to
22 the bill in its current form.

23 And we are prepared to work and to
24 do something to make the whole operation go
25 better, but we do need to change what is

1 happening out there today within the county
2 governments and in the state government before
3 this public policy, as we have in front of us,
4 this draft, should become law.

5 And I am prepared to answer any
6 questions concerning my statement.

7 CHAIRMAN BIRMELIN: Thank you,
8 gentlemen, for your testimony.

9 Representative Dermody?

10 REPRESENTATIVE DERMODY: I will pass
11 for now.

12 CHAIRMAN BIRMELIN: Representative
13 Caltagirone?

14 REPRESENTATIVE CALTAGIRONE: No
15 questions.

16 CHAIRMAN BIRMELIN: Representative
17 Manderino?

18 REPRESENTATIVE MANDERINO: Thank you.

19 I guess I will ask the question for
20 either or both of you to respond. I thought I
21 was hearing one message until the end of Mr.
22 Bogarde's testimony where you talked about how
23 you have worked with the department on what is
24 currently, I guess, they consider their informal
25 policy of inmate labor and that you are prepared

1 to continue to work -- my first reaction was that
2 there would be no inmate labor program that would
3 be acceptable to organized labor. And then I
4 started hearing, well, yes, there is, this just
5 isn't it.

6 Can either or both of you enlighten
7 me as to what would be acceptable or what in
8 particular is unacceptable about this version?

9 MR. BOGARDE: Representative
10 Manderino, whether -- on the question -- I don't
11 raise the question as to whether it's acceptable
12 or not acceptable with inmate labor. The fact of
13 the matter is it's here. It has been, and it's
14 been around a long time.

15 The problem, I guess, that really
16 puts a major emphasis on the rejecting of this
17 legislation is the way the definition of public
18 service project is drafted. I mean it is as open
19 ended as the day is long. The building rates
20 folks in the AFL-CIO are concerned that they will
21 be competing -- their contractors will be
22 competing with low-wage/no-wage inmates. And the
23 way the bill is drafted, that's very possible.

24 In the corrections institutions
25 today, our members guard these people. Our

1 members are the custodial -- are the custodial
2 care, custody control folks that the commissioner
3 from corrections was talking about, the same
4 people that the county commissioners were talking
5 about. We do these kinds of things every day. I
6 mean this is our job.

7 What we want to do is we want to
8 protect our jobs. If there is going to be
9 legislation, there should be something in there
10 that not only does it relieve the problem in the
11 institution, which we are all very familiar with,
12 but at the same time, making sure that there is a
13 straight line to the job site or to the work.

14 Someone's got -- there's got to be
15 jobs out there for law-abiding, taxpaying
16 constituents, people that are future members of
17 my union, very frankly, and not just having them
18 come from the jail back into the community and
19 into my union. I mean that's plausible, too.
20 That's fine.

21 But there's got to be -- I mean it's
22 there and it's not going away. So you have to
23 deal with it in a fashion that makes it a
24 plausible thing to do. And right now with this
25 legislation, the way it's drafted, I don't

1 believe it is.

2 MR. WILDERMAN: I think Barry said
3 it very well. There are probably -- what we are
4 looking at is -- I talked about areas of normal
5 business. Painting a courthouse, for example,
6 that has happened actually in Reading, where
7 inmates were used for that job. That's part of
8 normal business of any county government where
9 you would let a contract and people would do the
10 work. That's the kind of problem that we are
11 concerned about.

12 Defining, as Barry said, is the
13 issue, defining the scope of work that inmates
14 could perform so that there isn't a displacement
15 of people who are currently working or who are on
16 layoff that would lose the opportunity to get
17 their job back.

18 Defining that area is somewhat
19 difficult; but it's, I think, sending the wrong
20 message if the definition is left the way it is.
21 It's completely wide open. They could use
22 inmates to take anybody's job and do just about
23 everything, except private sector work. And even
24 there -- and I think that part of the point that
25 I wanted to bring across is that Pennsylvania's

1 employers ought to be concerned about this, too,
2 because they are the people who the contracts are
3 made with. Our people are doing the work.

4 REPRESENTATIVE MANDERINO: I share
5 your concern. When I heard an earlier
6 description of the types of unskilled labor that
7 might be done as painting a courthouse, I said to
8 my colleagues, I don't think the members of the
9 painters union would consider that unskilled
10 labor.

11 I guess my question is, While you
12 acknowledge that defining areas might be
13 difficult, do you think it's a doable task?

14 Do you agree that there are certain
15 things that in the Utopia of public world we
16 might be able to hire a million public employees
17 to clean up the litter in the parks or along the
18 street, but the reality of it is we haven't done
19 that for 20 years and we are not going to do that
20 in the foreseeable future so that there areas
21 that can be defined -- can meet both needs with
22 tighter definitions?

23 MR. WILDERMAN: Yeah. I think --

24 MR. BOGARDE: The answer is yes.

25 MR. WILDERMAN: I think there is a

1 general consensus around the issue -- around the
2 areas of work that you just described.

3 Going further than that, I mean what
4 we would emphasize is that rehabilitation is a
5 critical issue and recidivism is a primary
6 concern that this committee needs to be involved
7 in. And we are not sure that rehabilitation is
8 really any part of what our correctional system
9 is about anymore anyhow.

10 And if we want to get people out and
11 try and break the cycle, then we need to be doing
12 more that's real education, real skill building,
13 real training in the prison or in other
14 facilities. But it's not doing the work of other
15 people and not -- not in that area.

16 Now, can we define it specifically?
17 I think that the first several issues that are
18 mentioned under the definition in terms of litter
19 retrieval and that type of work, clearly there is
20 work that could be done there.

21 REPRESENTAIVE MANDERINO: And my
22 final question, Mr. Wilderman, if I may, on page
23 4 of your testimony, I am in the -- I guess it's
24 the fourth paragraph where you say, "Even
25 economic pressures of state and local governments

1 evaporate in the face of an unpaid convict work
2 force."

3 Can you expound a little bit about
4 what -- I'm not quite sure -- I think I am
5 getting the point; but I don't want to make the
6 assumption of what you are trying to say there.

7 MR. WILDERMAN: Very fair. I am
8 glad you asked the question.

9 It gets down to really the
10 nitty-gritty here. We find that many jobs that a
11 governmental body or a charitable organization,
12 each of which would be affected by this
13 legislation, find themselves in tight fiscal --
14 they want to do more or there's a need that's
15 unmet.

16 And that's really where the process
17 comes in, the traditional process of the struggle
18 in a democracy around do we raise revenues, do we
19 charge fees, do we let the work go undone? But
20 it's that responsibility of local officials.

21 And in a charitable organization, do
22 we start a new fund-raising drive to build a new
23 building or to add a wing or to pave the parking
24 lot or whatever the project may be. And that
25 motivates people. That activates those with

1 responsibility to answer those questions and to
2 either get the revenues and get the job done or
3 put it into a five-year plan or put it in a
4 proper perspective.

5 When there's an escape valve of free
6 labor, unpaid labor, then people will turn to
7 that rather than carrying out the more rigorous
8 debate that they need to take, which is the
9 traditional one faced every day by you and by
10 people at all levels of government and in
11 charitable organizations, how do we make this go.

12 That's what makes organizations
13 grow, and that's what makes government become
14 more responsive and to use its resources
15 properly. The answer is not to create a work
16 force that is unpaid. That's the wrong message
17 for the people of Pennsylvania, that our answer
18 here is free labor.

19 REPRESENTATIVE MANDERINO: Thank you,
20 Mr. Chairman.

21 CHAIRMAN BIRMELIN: Representative
22 Masland?

23 REPRESENTATIVE MASLAND: Thank you,
24 Mr. Chairman.

25 Barry and Dave, if I could make sure

1 I understand really the parameters of the issue,
2 with respect to the workers who you represent,
3 the workers of Pennsylvania, you basically have
4 two concerns, as I hear them. One is the concern
5 of competition, basically unfair competition.
6 And the other is that of safety for those
7 employees of the correctional facilities.

8 That's the basic twofold issue
9 there. And then you have the other issue as to
10 what impact, if any, you are having on the
11 prisoners who are doing the work.

12 MR. WILDERMAN: Yeah. The only
13 thing I would add to that is the public, you
14 know, what impact --

15 REPRESENTATIVE MASLAND: Okay.
16 That's true, the safety of the public.

17 On the competition, I can see what
18 you are getting at. And I guess most of us when
19 we think of this, we think of people cleaning up
20 trash along the road and not painting
21 courthouses. We think of the competition as not,
22 as you said, who is your son competing with. I
23 always visualize the prisoners basically doing
24 things that otherwise volunteers would do an on
25 annual cleanup day for the local United Way,

1 those type of things.

2 So I see that that probably is
3 something we need to look at in terms of the
4 definitions, but I don't know how you really draw
5 a definition more tightly or whether you just
6 list specific things that they can do and then
7 you have a laundry list probably of things that
8 are permitted to avoid the competition.

9 Any thoughts on that?

10 MR. WILDERMAN: Well, I think you
11 are exactly right. And that's how we see the
12 problem, how do you define the scope of work
13 where we are not -- take landscaping. That's now
14 being done by prisoners around our state
15 buildings. They are planting bulbs, trimming,
16 shrubs, planting bushes, and so on and so forth.

17 That's work that Country Market
18 does, that 30 different landscaping contractors
19 do in this area that they are not having an
20 opportunity to do, which means that as employers,
21 they are losing that business and as workers, who
22 would be planting the bulbs, trimming the bushes,
23 picking the ripe foliage, bringing in the trees,
24 all that kind of work that is now being done by
25 inmates for free, it is actually displacing the

1 work of people who have not committed a crime and
2 are trying to make a living.

3 And so we are -- the policy, and I
4 think it's important to understand here, is that
5 this does impact and is a message about what is
6 our work force policy in the Commonwealth.

7 Are we trying to build up
8 family-sustaining jobs and keep Pennsylvania
9 employers working, or are we providing an
10 opportunity and addressing the needs -- and we
11 understand the concerns that counties and the
12 State have with overcrowded facilities and the
13 prisons and so on and the need to find some
14 constructive way.

15 But our suggestion here or what we
16 are talking about is rehabilitation. And that,
17 as I indicated we feel, is an area that is not
18 being addressed, that inmates do need to be
19 rehabilitated. But that goes back to what the
20 commissioners said earlier, and that has to do
21 with giving people real skills and education.

22 If they have a third grade level of
23 education, that is a serious problem. And if
24 that's keeping them out of the work force, that's
25 the kind of focus that we would urge the

1 committee to spend its time on to get the person
2 to a level of a high school graduate so that
3 they can get a job and get a work history and not
4 this -- this is not work. This is not work
5 that is going to get them employed on the
6 outside.

7 REPRESENTATIVE MASLAND: I would
8 agree that it's not work that's going to get them
9 employed on the outside; but having been in some
10 of these prisons and seeing hundreds, literally
11 hundreds of prisoners on one cell block in
12 Graterford sitting around and the productive ones
13 playing chess and checkers and everybody else
14 just sitting on top of the radiators, it would be
15 nice, as Representative Josephs and I were
16 talking, if some of those nonviolent offenders
17 could be put in drug rehab programs and maybe not
18 placed in prisons, where it's a real drain on
19 society in the first place.

20 But they are there. And what can we
21 do with them? Maybe it's not going to be a job
22 skill; but if they were doing something with
23 their time, it would almost have to be better for
24 them, even if it's not something that translates
25 to a job on the outside.

1 That's the -- I mean maybe you are
2 talking about -- you were talking about
3 recidivism and rehabilitation. I guess another
4 one you could throw in there is restitution. And
5 I kind of like the thought that Brett Feese had
6 of maybe there should be some charge so that the
7 counties and the State can charge something for
8 the work that they are doing so that they can
9 maybe pay these people a little bit more so that
10 maybe some of that could go to restitution that
11 we talked about extensively last week in this
12 committee.

13 One other thought -- one other
14 question, I should say, since I am just spouting
15 off here. On the safety issue, now, it was my
16 recollection that Deputy Commissioner Reznor
17 talked about inspections that they currently have
18 where they have two correctional officers go out
19 and make inspections first. Now, I don't recall
20 seeing that in the legislation. I don't know
21 whether that goes far enough to address your
22 concerns about safety.

23 What are some of the other safety
24 concerns that you feel need to be addressed both
25 for the correctional officers and also for the

1 public?

2 MR. BOGARDE: Representative
3 Masland, for years, we have been grappling with
4 this issue in the Commonwealth in particular.
5 The equipment necessary to put maybe one or two
6 corrections officers on a project with six,
7 eight inmates becomes a major concern for our
8 workers.

9 One, in a lot of cases, there is no
10 communication device, whether it be a two-way
11 radio, telephone, a cell phone, you know,
12 something that they could have instant contact
13 whether with the local authorities, emergency
14 crew, right back to the jail again.

15 Those things -- even though the \$1.7
16 million, as the commissioner talked about earlier
17 today, were out there -- are there in the budget
18 to do what he is saying, it's just not -- it's
19 almost just not enough.

20 As we go through on a daily basis
21 with the department, we are constantly bringing
22 this issue forward and we are talking with it.
23 And we are making some headway with the
24 department, maybe not to the degree we want to,
25 but we are making some headway. Those concerns

1 are out there. That's a lot of work. I mean
2 keeping that operation going.

3 The guards themselves -- I mean you
4 have a question of whether two are enough, I mean
5 depending on the crew. A lot of guys understand
6 over the years who these inmates are. And some
7 of them are -- some of them do want to get out
8 early. Some have most recently, much to our
9 chagrin.

10 I mean there is that concern that
11 two -- six or eight inmates overpowering one or
12 two corrections officers out on the job site
13 somewhere is not sufficient enough, not enough
14 people. So I mean those are the kinds of things
15 that are out there.

16 Then, like you said, what happens
17 then as they start to -- as they go through the
18 community, you know, whose car do they steal,
19 whose house do they burglarize, you know, those
20 kinds of things. And then it's a community
21 problem involved.

22 Our guys are all members of the
23 community. They all think the same way you and I
24 do if something happened in our district.

25 MR. WILDERMAN: I think Barry has

1 covered, and Representative Josephs raised the
2 important question earlier, what happens in terms
3 of liability should an inmate -- and we have
4 instances of that already. We don't have to --
5 they have been reported in the papers of people
6 breaking out and robbing homes and other crimes
7 that are already documented.

8 In addition, I think that the
9 immunity from liability section for the inmates
10 makes little sense as well. I mean that just
11 puts -- it puts the prison in an unusual
12 situation of having to provide free medical care
13 essentially for maybe defective equipment or
14 other things that should be the real payer for
15 the physical harm that may happen to somebody
16 working in one of these contexts.

17 So I don't think that issue has been
18 addressed appropriately for any group, taking a
19 group of people that are -- a group of people
20 that need a lot of supervision as far as
21 protecting the community is concerned.

22 This idea of bringing them into the
23 school just doesn't seem to make much sense at
24 all. There is certainly plenty of other areas.
25 But again, it gets back to your immediate

1 question of what projects -- how do we define the
2 work that is done and the areas in which it is
3 done, which I think is the core.

4 REPRESENTATIVE MASLAND: Thank you
5 very much. Thank you, Mr. Chairman.

6 CHAIRMAN BIRMELIN: Representative
7 Dermody?

8 REPRESENTATIVE DERMODY: Thank you,
9 Mr. Chairman.

10 Just a couple of comments and, I
11 think, a question. And I share -- obviously
12 share your concerns about the impact this bill as
13 its currently drafted would have, I think the
14 potential impact anyway, on a law-abiding
15 citizen's job. There is no question, the way
16 it's drafted, they certainly could take over jobs
17 that would normally or regularly or should be
18 that of law-abiding citizens.

19 And the other thing that's of grave
20 concern, Representative Josephs asked the
21 question, while I understand the commissioner's
22 answer about the screening process, that inmates
23 that they go through and screen that would be out
24 working probably wouldn't get into any trouble or
25 escape, if you will, or leave the work site,

1 however, we all know -- we didn't hear the final
2 answer of who pays if one does. And we all know
3 that somebody is going to. It happens all of the
4 time. And the legislation doesn't address that
5 right now.

6 I was wondering, What happens now in
7 current agreements that are out there with
8 counties or the Department of Corrections for
9 inmates to go to work on the immunity? Are there
10 any? What happens if they do run amuck? Is
11 there anything out there now?

12 MR. BOGARDE: I can't answer that
13 question, Frank -- Representative Dermody. I
14 don't know. I don't know the answer to that
15 question.

16 MR. WILDERMAN: I don't know the
17 answer either.

18 REPRESENTATIVE DERMODY: Well, I
19 think we need -- before we pass any legislation
20 here, we need to address that issue specifically
21 and plus all of your other concerns.

22 Thank you, Mr. Chairman.

23 CHAIRMAN BIRMELIN: Thank you.

24 Thank you very much, gentlemen. We
25 appreciate your testimony today.

1 MR. BOGARDE: Thank you, Mr.
2 Chairman.

3 MR. WILDERMAN: Thank you.

4 CHAIRMAN BIRMELIN: As I have
5 indicated, if you have any recommendations in the
6 form of amendments, if you wish to forward them
7 to myself or to Chairman Gannon, we will be more
8 than happy to take them up in a committee
9 meeting, should the bill come up for a vote.

10 I just want to remind the committee
11 members that we are meeting tomorrow at 9:30 in
12 the morning. And that is in Room 8-A in the east
13 wing.

14 For today, we are adjourned.

15 (Hearing adjourned at 2:40 p.m.)
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CERTIFICATE

I hereby certify that the proceedings are contained fully and accurately in the notes taken by me during the hearing of the foregoing cause and that this is a correct transcript of the same.

Denise L. Travis (93)
Denise L. Travis, Reporter

Notary Public in and for the
Commonwealth of Pennsylvania

My commission expires
April 20, 1998