

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION**

SUBCOMMITTEE ON GENERAL GOVERNMENT & HIGHWAYS

Call to Order: By **CHAIRMAN JOE QUILICI** on January 9, 1991, at 10:00 a.m.

ROLL CALL

Members Present:

Rep. Joe Quilici, Chairman (D)
Sen. Larry Stimatz, Vice Chairman (D)
Sen. Harry Fritz (D)
Rep. Mary Lou Peterson (R)
Sen. Larry Tveit (R)
Rep. Tom Zook (R)

Staff Present: Clayton Schenck, Senior Fiscal Analyst (LFA)
Lois Steinbeck, Associate Fiscal Analyst (LFA)
John Patrick, Budget Analyst (OBPP)
Arlene Carlson, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: **CHAIRMAN QUILICI** announced that the Board of Crime Control, Highway Traffic Safety Division and Commissioner of Political Practices would present their proposed budgets today.

HEARING ON DEPARTMENT OF JUSTICE, BOARD OF CRIME CONTROL

Tape No. 1

Marc Racicot, Attorney General, introduced Ed Hall, Administrator, Crime Control Division, and Mick Robinson, Administrator, Centralized Services, who presented their budgets. Mr. Racicot gave a brief summary on the Criminal Justice Planning Unit report that was sponsored in August 1990, by the Montana Board of Crime Control (MBCC), outlining the need for a comprehensive plan to submit to the Legislature in 1993, and elaborating on the problems facing the justice system throughout Montana. **EXHIBIT 1**

Clayton Schenck, LFA, presented the Crime Control Division's budget and stated that the entire difference was in the operating expenses. **EXHIBIT 2** The Executive Budget contained \$2.5 million for 2.0 FTE in modified budget requests for the Crime Control Division.

The Executive Budget did not include the additional budget modification for 5.0 FTE and \$428,427 General Fund requested by the Board. EXHIBIT 3

The mission of the Board of Crime Control is to promote public safety by strengthening the coordination and performance of the criminal and juvenile justice system by increasing citizen and public official support and involvement in criminal justice.

The current level budget increased over three percent as compared to the 1991 biennium due to pass-through grants, benefits and claims. The entire grant funds appropriated were not spent so the unspent federal funds are to be carried over to the 1993 biennium. The \$400,000 decrease in federal grant funds from FY91, appropriated levels, reflect the elimination of the Justice Assistance Block Grant program.

The Crime Control Division is under the Department of Justice for administrative purposes, however, the Division has separate staff to perform its own centralized service functions.

During the 1989 session, the House Subcommittee on General Government and Highways, discussed the possible transfer of functions to the Department of Justice. The reorganization of the Department of Justice in the 1991 biennium did not include the Crime Control Division.

The budget modifications included: Narcotics Control, Juvenile Justice, Victim Assistance and Drug Education (DARE). Funding for the Narcotics Control/Justice Improvement would include grant funds for the 1993 biennium; state match to be paid by grantees, which would be 25 percent in the 1991 biennium.

The Juvenile Justice Support Services budget included \$28,500 each year for the 1993 biennium. The additional funds would be used for increased juvenile planning, advisory, and reporting services.

The Budget for Victim Assistance Support Services funding would include state special revenue. The amount of federal victim assistance pass-through grant funds will increase in the 1991 biennium. The funds are used to support direct victim assistance programs, such as safe housing for victims of violent abuse. These programs also provide help for sexually abused children.

The Budget for DARE included authority for federal drug education funds from the pass-through grant funds. The funds are to be used for prevention/education efforts for high risk youth. The majority of the grant funds would be used in support of Project Drug Abuse Resistance Education.

Ed Hall reviewed the budget regarding narcotics, juvenile justice, victim assistance and drug education. The technical

assistance program helps law enforcement to enforce DUI laws; by looking at the law enforcement services examines the quality and quantity of services; interview officers, staff members and interviews the public doing a random sample survive to determine is the law enforcement services are satisfactory for the various committees.

The Peace Officers Standards and Training Council establishes minimum employment and certification standards for peace and detention officers.

The agency organization is described in five functional areas: (1) Grants Administration-Support Services, (2) Crime Victim's Compensation Unit, (3) Statistical Analysis Center, (4) Juvenile Justice Planning, and (5) Criminal Justice Planning. EXHIBIT 4

The Drug Free Schools and Community Act money comes from the Department of Education with 70 percent of the funds going to the Office of Public Instruction, 30 percent of the funds are used by the Board. The Drug Free Schools and Community Acts fund thirteen DARE projects throughout Montana.

The Juvenile Justice and Delinquency Act Prevention funds have increased as well as the base amount. This money is used to implement Montana juvenile justice programs for the next biennium. This program is used to remove children from adult abusive locations and is mandated by federal law.

The fourth program is Victims of Crime Assistance. This program is not the same as Victims Compensation. Victims Compensation is a state's special revenue fund that helps victims directly. Victims of Crime Assistance also help victims, but it helps them through safe houses where abused spouses can go to be safe from the abuser, or for crisis hot lines, or for counseling. These have to be services for victims. These funds from the federal government have been increased to \$332, 000 for the next year. All these funds have to be passed on to the service providers. There is no money for administrative costs.

CHAIRMAN QUILICI asked why they don't allow for administration costs. Mr. Hall stated that due to federal law these funds cannot be for administrative costs; the funds are provided for services only.

The Discretionary Grant funds will go to Victims for Services on Indian Reservations. There are three programs being funded: (1) the Blackfoot Tribe Domestic Abuse program; (2) the Fort Peck Tribe Child Abuse program, and (3) the Crow Tribe General Victims Assistance Program. During the second year of the project the money will be reduced from \$200,000 to \$140,000.

The Statistical Analysis Functions funds are for crime statistics in the state for first offenses, crime information reported by

both juvenile and adult law enforcement agencies. The Board in turn analyzes the data for local agencies and produces reports for the various agencies so informed decisions about the various projects and programs are provided to the law enforcement. This information is edited and supplied to the Federal Bureau of Investigation, for the National Uniform Crime Assistance Reporting System.

In the current level budget, the differences are with the data processing fees that are charged to the various agencies.

CHAIRMAN QUILICI pointed out that the network fees are being discussed by the various committees. The Department of Administration will be appearing before the Appropriation Committee to discuss their proposal regarding the network fees. "The network fees are being reflected in all budgets. They were not budgeted for in the 1991 biennium."

Don Merritt, Chief Finance Officer, Grant Management, said in order to receive federal funds if there is more than \$5000 on hand the Board cannot withdraw the money due to the integral accounting of grants and subgrants.

Mr. Robinson stated that **Mr. Merritt** had 9.15 FTEs over the last two years. There are seven accountants working within the Department of Justice's financial accounting program. These FTEs are used in personnel and micro support.

CHAIRMAN QUILICI asked if they had transferred 2.1 FTEs out of accounting and are they now working in personnel and micro support. He also asked for a definition of micro support. **Mr. Robinson** said they are under different classifications. The micro support position was an accounting technician's position and was a Grade 10 or 11, and now it is a Grade 15. The personnel position is the same grade as the previous accounting position, which was a Grade 9. That position was transferred into a personnel technician and is a Grade 9 also.

CHAIRMAN QUILICI asked if the costs were within the existing personal service budget. **Mr. Robinson** said yes.

Questions From Committee Members: None

Mr. Hall said the four modifieds are reflected in (1) Narcotics Control, which is done by budget amendment process. This program is implemented under federal regulations on the war on drugs. This modification will allow the Department to increase the pass-through grants due to the increase of federal funds.

The second modification, Juvenile Justification Act, increases from the base amount. This was the first increase in a number of years. The increase allows a slight increase in the Administrative portions used within the crime control level for planning, advisory and reporting in this act. There is some

match, \$7500 each year to match the state's portion for planning. There were no FTEs involved.

The third modification is the Victims Assistance. There is zero allowance in this program for administration costs. The seventeen programs are receiving no support from the Board. There is no monitoring, no assessment, no quality control other than submitting a grant. There are concerns within the Department that more needs to be done for the victims of abuse. There is a need for a statewide victim's assistance coordinator.

The fourth modification is the DARE program. There are unmatched funds. There are funds for administration costs. There is no FTE in this program and no General Fund.

SEN. STIMATZ asked if there was a general witness protection program fund. Mr. Hall said there was no witness protection program, but there is a program to get victims and witnesses to court. Mr. Racicot said there is a US federal marshall to handle situations like SEN. STIMATZ discussed. Those cases are rare.

Mr. Racicot stated there would be no consolidation of law enforcement throughout the state and there would be no "state police force." There are liquor investigators who investigate the liquor business and there are gambling investigators. The Legislature needs to look at consolidating these types of services.

CHAIRMAN QUILICI asked how the new network the Department of Administration was implementing would affect operations in the Department of Justice. Mr. Robinson stated one of the positive points would be a statewide management of communications relating to the data processing in state government. There is a need for a more efficient type of statewide communication network. Mr. Racicot said the system is overloaded and cannot operate any longer. There are people holding the system together with their knowledge and total dedication. The total consolidation issue needs to be looked at and analyzed. A correctional facility is built there, counties continue to build jails, aftercare is put here, court systems continue to mushroom with their own information systems and communication abilities, all of those things need to be defined.

CHAIRMAN QUILICI asked about the makeup of a Task Force. Mr. Racicot said it would be professional researchers and specialists offering analyses of government delivery systems and placed within a neutral agency like the Board of Crime Control, Department of Administration or Legislative Council or anyplace with a recognition of there is a two-year job to be performed here. This would be based on that everything is to be questioned and examined to get a more efficient system.

Tape 2, Side 1

HEARING ON THE COMMISSIONER OF POLITICAL PRACTICES

Clayton Schenck, LFA, gave a brief overview of the Commissioner's budget. **EXHIBIT 5**

Delores Colburg, Commissioner of Political Practices, briefly reviewed the office and its functions. She appeared before the Subcommittee to request an additional FTE during her "peak" workload time period which is in the years that campaigns are in full swing and elections are taking place. The Commissioner's office had 4 FTEs and in 1989 the Commissioner came before the Subcommittee to say she didn't need four FTEs. Legal counsel is provided on a contract basis with the Department of Justice. She returned this session to request the return of an additional FTE because she had misjudged the workload. The workload has increased tremendously over the year, especially during a campaign year and with all the complaints filed in the office. The staff can no longer keep up with the work. In addition, an administrative assistant expects to retire in November 1991 and the current commissioner's term ends December 92. The lump sum payment of accrued but unused leave needs to be considered.

A lengthy discussion was held on how to efficiently use a .5 FTE during the peak work times.

Kim Wilson, Common Cause, spoke in support of the Commissioner's budget. **EXHIBIT 7**

John Motl, Attorney, stated he was a lobbyist for Common Cause and had worked with that organization on a nationwide basis. The Commissioner's Office deals with ethics and actions of candidates running for elected office. It is vital to our democratic way of government and he supported the budget.

C.B. Pearson, Director of Common Cause, testified on behalf of the Commissioner of Political Practices' budget.

CHAIRMAN QUILICI questioned Ms. Colburg about the increase in number of complaints and had they had difficulty answering those complaints. **Ms. Colburg** stated that in the last four years there have been more complaints filed and answered than during the two other commissioner's time together. She did not know the reason for the increase. Twenty-nine complaints were filed in the 1990 election; twenty-three were handled and two are pending. The biggest complaint was against Senator Burns, the state Republican Party, the National Republican Party and the National Republican Governor's Association.

SEN. TVEIT asked if the additional .5 FTE was approved would the office be able to complete the annual report. **Ms. Colburg** answered that she had misjudged the workload in 1988 and relied on previous history. She made the judgment with the heavy

workload that something had to give so the report wasn't done. Election discrepancies have to be handled in ten days so they were dealt with. It was her opinion that candidates and their treasurers exert a conscientious effort in doing their jobs correctly.

CHAIRMAN QUILICI asked if the budget were accepted as requested along with the added .5 FTE, could the responsibilities and duties be upheld. **Ms. Colburg** replied that she hoped that would be the case. Having this other person would relieve her from doing duties that have to be done but that she shouldn't be doing. The annual report can then be completed as mandated by law. The majority of information that goes into the report is done but just not put together in one report.

ADJOURNMENT

Adjournment: 11:15 a.m.



JOE QUILICI, Chair

JQ/ac

EXHIBIT 1
DATE 1-9-91
Gene Hor

Extra II

CRIMINAL JUSTICE PLANNING UNIT

November 5, 1990

Contents

- I. Introduction
- II. AG's motion
- III. Discussion and further remarks.
- IV. Methods/approach
- V. Fiscal note
- VI. Project management
- VII. Organization Chart

HOUSE OF REPRESENTATIVE
GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE

ROLL CALL

DATE Jan. 9, 1991

NAME	PRESENT	ABSENT	EXCUSED
REP. JOE QUILICI, CHAIRMAN	✓		
SEN. LARRY STIMATZ, VICE-CHAIRMAN	✓		
REP. TOM ZOOK	✓		
SEN. LARRY TVEIT	✓		
REP. MARY LOU PETERSON	✓		
SEN. HARRY FRITZ			

HR:1991
CS10DLRLCALED SUB

I. Introduction.

During August 1990 the MBCC sponsored a conference in Great Falls designed to assess the problems facing the justice system as we approach the 21st century and to define an agenda for the Board for the decade of the '90s. It was clear from the conference that a myriad of problems face the justice system and that they are not effectively resolvable without a coherent plan encompassing the spectrum of justice functions. From that foundation Attorney General Racicot and the members of the Board of Crime Control mandated that the staff prepare a concept paper or proposal outlining the need, the approach, and the cost of preparing a comprehensive plan for submission to the Legislature in 1993.

This document is in response to that mandate. It includes the Attorney General's remarks to the Board and the motion carried by the Board. It adds further detail to the scope of the problem using charts, lists of findings from the conference and amplifies the need by reviewing a 1980 National Governors' Association report. A general approach or method is outlined which includes the staffing necessary, a fiscal note detailing the costs, a preliminary time plan, and an organizational chart.

This document is prepared for the December 14, 1990 meeting of the Board of Crime Control and will probably serve as the basis for material submitted to the Legislative Fiscal Analyst and Office of Budget and Program Planning.

II. The Attorney General's remarks to the Board, September 1990 and his motion.

A. Remarks.

Attorney General Racicot reminded the Board that they had taken part in the symposium in Great Falls last month and that there are a number of people in the room today who have dedicated their lives to the criminal justice system in one fashion or another. There is an extraordinarily large number of people in the State of Montana, with a number of them operating within the confines of the halls of the Board of Crime Control, that have the ability, intelligence and dedication to try and improve the criminal justice system on a daily basis. Studying the systemic issues developed out of the symposium in Great Falls he has become convinced that, in this legislative session, the Board will not be successful in addressing the systemic problems that face the criminal justice system in Montana. Looking at all of the various problems that have been presented from court management, uniform funding, information systems, the number of courts Montana has, whether they ought to be state funded, to whether or not there ought to be a Department of Justice.

The Department of Justice should be analyzed and determine if it is appropriately placed within the authority of the Attorney General and whether or not it should be a Department of Public Safety with all of the law enforcement functions of state government consolidated within that Department. The Board needs to take a look at the criminal justice system from top to bottom because the institutions, from the town marshal types of concepts to those kinds of delivery systems through the provision of jail services, are archaic and not delivering the kinds of services to the people of Montana that they deserve and ultimately have to vote upon.

Montana is never going to be in the posture of addressing these problems comprehensively until we have a plan. The Board and staff do not have the ability to sit back and survey these problems in order to collect budgets, to look at systems, legislation, look at statutes and their revision, etc. in order to re-organize the criminal justice system. If the Board had some planning agent in place the Board could constrict substantially a number of different administrative problems as well as save some money, although it would also take the infusion of additional funds to make this system the way it ought to be. We will never be able to address this issue in any way other than a piece meal fashion if we do not have the ability to survey the landscape, determine what the problems are, and present a unified, comprehensive solution to the problem as we enter into the year 2000.

The Board should establish a planning unit within the Board of Crime Control that has as its charter to look at the criminal justice system from top to bottom, from the Department of Justice to Corrections, from Courts to Law Enforcement, looking at unifying everything that can possibly be unified with no holds barred. The unit must examine the system and the delivery systems that exist within it and have as its charter to develop a plan for the people of Montana that they can live with and provide the level of services that they are entitled to.

He proposed that the Board endorse and start preparing, and ask Ed Hall to prepare, a concept paper for the establishment and for presentation to the Legislature of a criminal justice planning unit within the Department of Justice that will begin to seek funding from the Legislature, begin operations in July of 1991, and take a look at this entire system from top to bottom and come back with a unified, comprehensive plan that can be dealt with either in segments or universally, when the Legislature reconvenes, to address our criminal justice problems hereafter. We need an impartial, neutral planning agency that has nothing else to do in their daily affairs but to examine the criminal justice system.

B. Motion.

Attorney General Racicot moved that the Board request Ed Hall and his staff to articulate a plan for the creation of a planning agency with the intent of doing what he just described above and to come back to the Board at the December meeting with a proposal in that regard that we can either agree or not agree to and present it to the Legislature in 1991. Curt Chisholm seconded the motion.

III. Discussion.

The Attorney General's remarks and motion may, in fact, understate the dimensions of the issue he presented. The charts on the following pages characterize the magnitude of the "justice system". As a nation we expend almost \$60 billion dollars on this "system".¹ Montanan's expend over \$104 million dollars, about \$130 for each and every adult and child in the state, on our justice system.² Over 3,700 full time equivalent jobs, 79% of which are either in law enforcement or corrections, are devoted to this end in Montana.

The MBCC conference in Great Falls, "Approaching the 21st Century", resulted in statements decrying the lack of a coordinated system and calling for planning. As an example, some of the statements of the group moderators included:

"There is a need to reexamine Montana's court system..."

"The 'justice system' needs to perceive itself as such."

"Explore reorganization potential..."

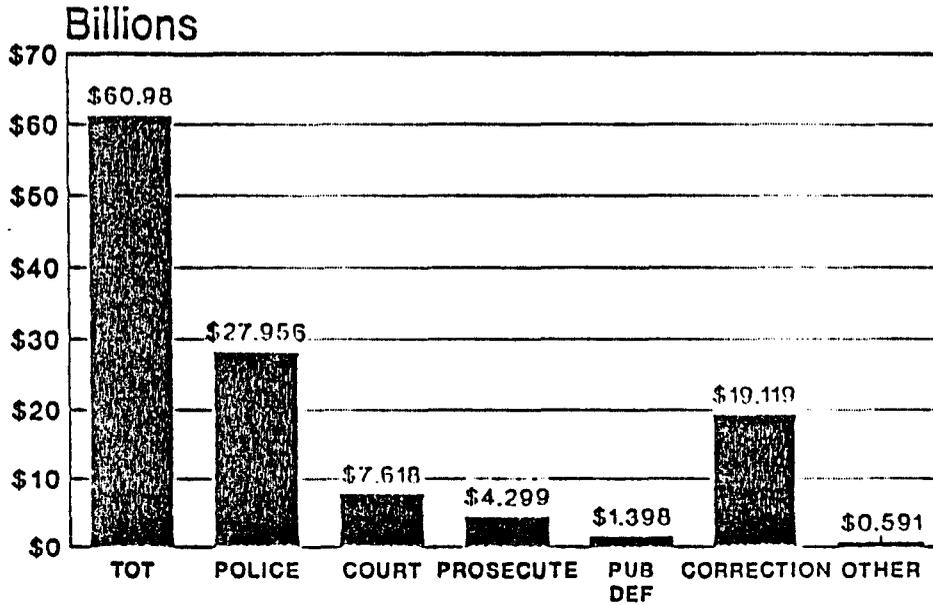
The bulleted list of issues raised at the conference, page 9, is in itself a call to the MBCC mission of improving the justice system. A quick perusal will convince you of the magnitude of the issues.

¹. FY 88 data. Total federal, state and local dollars.

². Based on a population of 1,805,000.

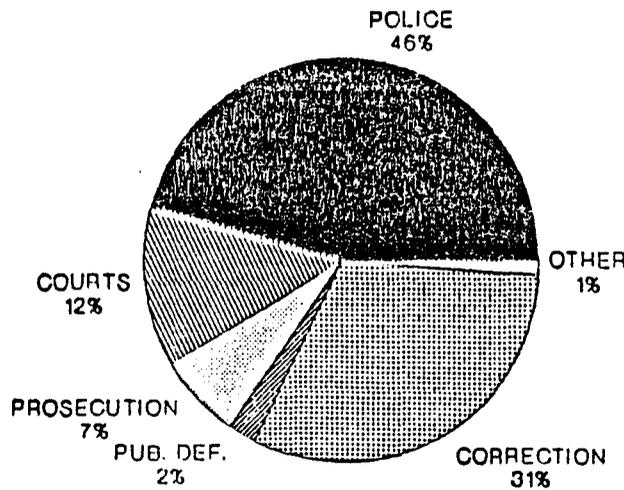
EXHIBIT 1
 DATE 1-9-91
Gen. Govt.

JUSTICE SYSTEM EXPENDITURES FY88 NATIONAL DATA - ALL LEVELS OF GOVERNMENT



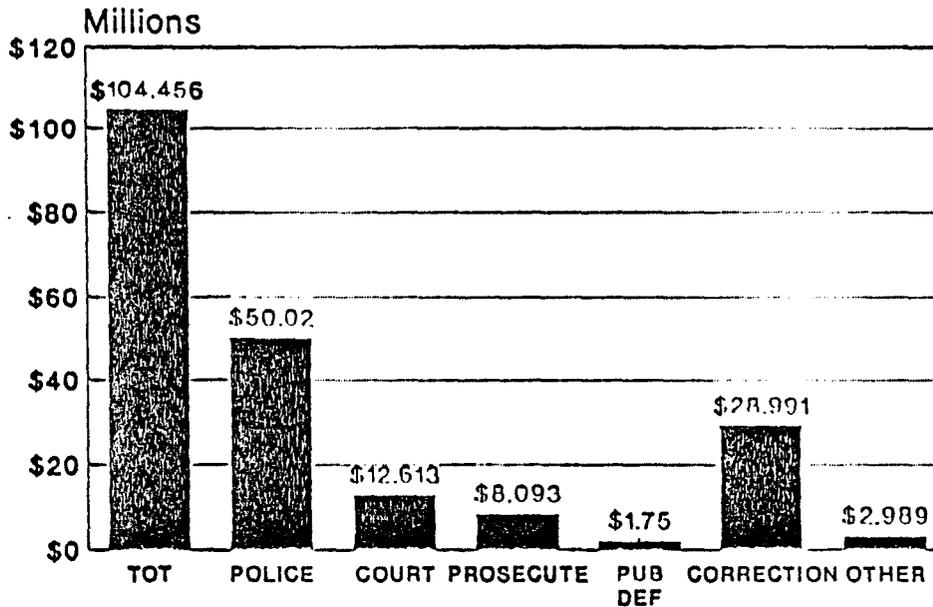
Sourcebook 1989. DOJ

JUSTICE SYSTEM EXPENDITURES FY88 NATIONAL DATA - ALL LEVELS OF GOVERNMENT



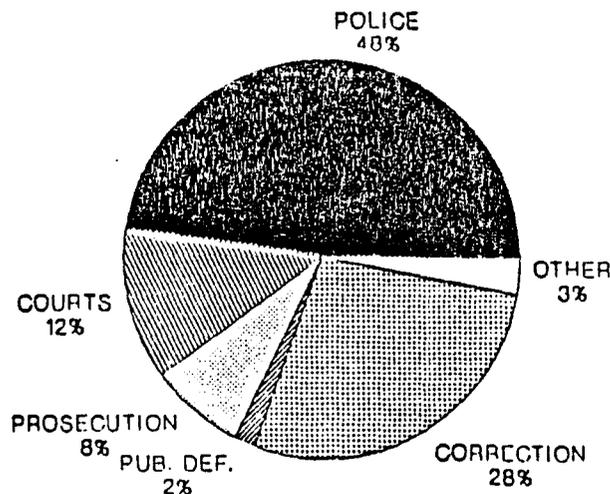
Sourcebook 1989. DOJ

JUSTICE SYSTEM EXPENDITURES FY88 MONTANA DATA - ALL LEVELS OF GOVERNMENT



Sourcebook 1989. DOJ

JUSTICE SYSTEM EXPENDITURES FY88 MONTANA DATA - ALL LEVELS OF GOVERNMENT

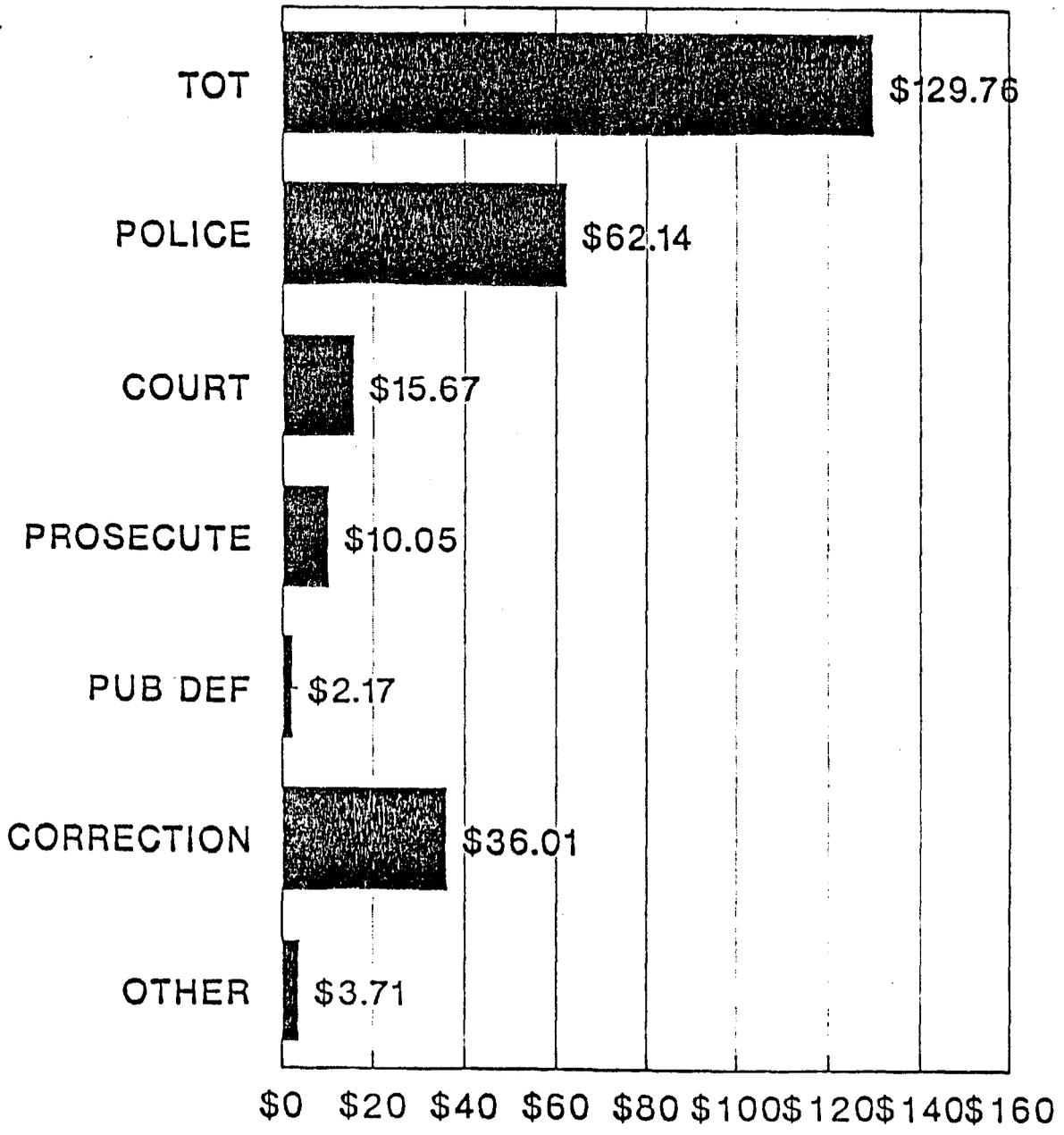


Sourcebook 1989. DOJ

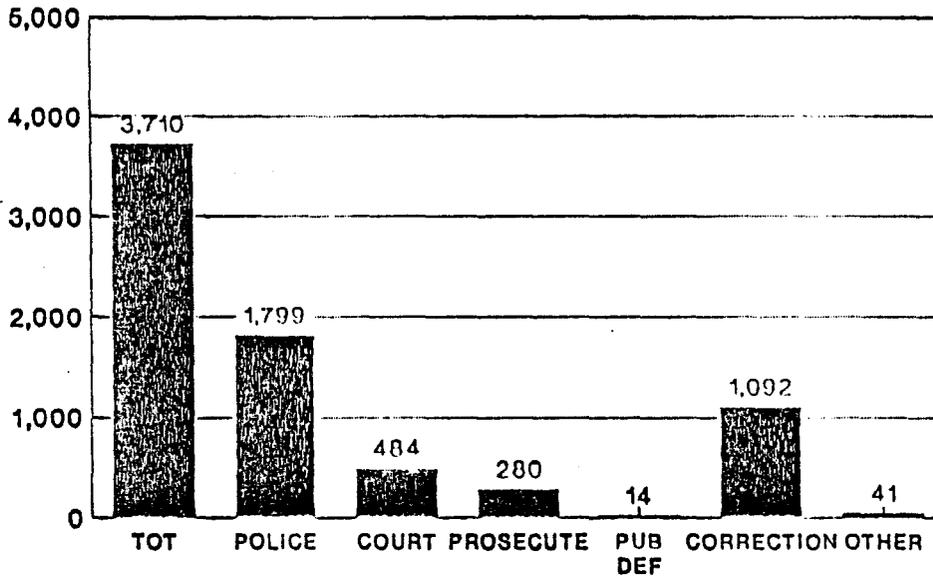
EXHIBIT 1
DATE 1-9-91
BM

JUSTICE SYSTEM EXPENDITURES FY8

MONTANA DATA - ALL LEVELS OF GOVERNMENT
PER CAPITA SPENDING (805,000 pop.)

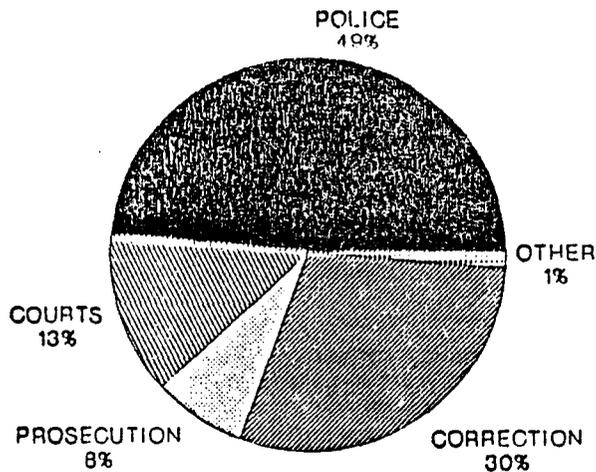


JUSTICE SYSTEM FTE FY 88
MONTANA DATA - ALL LEVELS OF GOVERNMENT
 FTE in Justice System



Sourcebook 1989. DOJ

JUSTICE SYSTEM FTE FY 88
MONTANA DATA - ALL LEVELS OF GOVERNMENT
 FTE in Justice System



Sourcebook 1989. DOJ

Regardless of the dimensions of the system, regardless of the call, financial support for MBCC, as Montana's only justice planning agency, has been eroded and abraded away Session after Session across the past few years. While MBCC can sustain its current useful and constructive programs, it can not regain the proactive, planning role it should have without an infusion of resources. In a state which expends over \$104 million on the 'justice system' if only 1% were devoted to planning MBCC's budget would more than double³. Review the fiscal note on page 13 and notice that it is less than 25% of the \$104 million annual expenditures.

Crime is an base problem confronting Montana. As State Senator Gage, along with a chorus of others, states "the primary responsibility of a government is to provide safety for all its citizens." Yet this responsibility and its massive expenditures are based, for the most part, on concepts and structures of past centuries. To paraphrase a 1980 National Governors' Association publication ⁴ "the continuation of crime problems combined with diminishing financial resources demands we reexamine the current directions of the state in this critical area."

In fact this 1980 publication is so pertinent that it merits quoting several statements germane to the Attorney General's proposal.⁵

Because crime continues to be a major problem at a time when diminishing financial resources appear likely, some basic issues at the state level need to be reexamined. For example, to what extent are criminal justice problems clearly identified and used to formulate informed public policy? To what extent does a coordinated 'system' of justice services exist? And to what extent is this system organized in a rational, efficient, and effective fashion?

The best way to meet these problems is with a coherent criminal justice policy. In order to develop such a policy we need to consider some basic questions, such as how to identify major problem areas, how to translate policy into measurable goals and objectives, how to organize the fragmented system of law enforcement and criminal justice agencies to assure attainment of goals, and what resources, mechanisms, or staff are available to help. ...Governors, Attorney Generals, Legislators have a limited amount of time and energy to allocate to criminal justice issues. Therefore we need to develop a staff capability to assure that problems are identified and policies are carried out in an efficient manner. Such a staff, however organized, would have generalized responsibility for planning and coordination of criminal justice.

For a variety of constitutional and historical reasons, major elements of the typical state criminal justice system are and will remain relatively autonomous

³. General fund dollars only. MBCC= .48% of \$104 million.

⁴. Criminal Justice: A Governor's Guide. National Governors' Association. Washington, D.C. 1980.

⁵. Pages 1-6.

and not subject to the type of political or administrative controls that are possible in other functional areas. These elements frequently have conflicting goals and their services are often organized illogically and inefficiently. For example, courts operate as a separate body because of the separation of powers provided in state constitutions. Yet the courts must be coordinated with other parts of the criminal justice system if the system is to be a cohesive one.

To actually complete a criminal justice planning process and have a product for the 1993 Legislative Session requires at least two elements:

1. Sufficient mandate coupled with sufficient financial support; and,
2. Complete dedication to this task.

Current MBCC staffing, operations and budget can not support this task as envisioned. Moreover, to be successful the staff assigned to this project can have no other duties or responsibilities. As long as the planning staff have this task as the sole responsibility it is feasible to accomplish the task by 1993. To operationalize this concept and provide for a planning team with no additional duties the general approach (or method) and a supporting budget proposal are described below.

IV. Approach.

To describe the general approach I rely again on the National Governors' Association publication. As they write we need "planning not for its own sake but in order to achieve some desired objective. Failure to plan means planning for failure". A general outline of the need for planning and coordination is below.

Although unique, planning for justice services can be compared to planning for other activities. An effective planning process should provide at least the following:

- *It should help to identify problems and thus can provide an informed basis for coping with problem areas.*
- *It should help to formulate policy and to progress toward the realization of this policy in suitable ways.*
- *It should help every agency head to think, make decisions and act more effectively for progress in the desired direction.*
- *It should help to keep the system flexible.*
- *It should indicate to the governor and other policy-making officials how to evaluate and check progress toward planned goals.*
- *It should lead to tangible and beneficial results.*

Criminal justice planning is not an end in itself and by itself cannot solve crime, but it can help to do so by ensuring effective public policy. Criminal justice planning is a process involving four phases:

- PHASE 1. Establishing goals and fixing their priority.*
- PHASE 2. Forecasting future events that might affect goal accomplishment.*
- PHASE 3. Making plans operational through budgeting.*
- PHASE 4. Stating and implementing policies that direct activities toward desired goals.*

Conceptually, planning means looking ahead and providing some organized, manageable forethought of possible problems. For the criminal justice system, this type of planning generally entails:

- Analyzing criminal justice problems within the state.*
- Gathering data concerning cause and effect of crime in the state.*
- Assessing options, for example, by investigating alternative ways of achieving a given purpose and likely consequences of each option.*
- Coordinating the administration of criminal justice services within the state.*
- Looking into the future, by outlining certain strategies and procedures for a day, month, several months, or several years.*

Planning is important because it provides a system-wide approach to coordinating justice services, and it is the most feasible way to introduce such in a system-wide perspective. Thus, it ensures a fair, rational consideration of competing interests and thereby a balanced and effective approach.

To accomplish the planning tasks and to develop the supporting budget several assumptions are made. First, to provide oversight and guidance to the project it is assumed the Board will act as a committee of the whole. Thus rather than forming numerous task forces for the various functional areas of the justice system, the Board and its expertise would serve that purpose. The Board, of necessity, would have to meet with much greater frequency. Eight meetings per year are built into the budget.⁶ In addition it is assumed that five staff persons are needed to accomplish the project. The

⁶. Includes regular quarterly meetings.

budget is built to support five fte. Based on existing facilities, it is not feasible to house the staff on the fourth floor of Scott-Hart. The budget assumes rental of additional space. Further the budget is assumed to be all general fund, no grant funds, and no special revenue sources are proposed.

V. Fiscal note.

The total cost is estimated to be \$428,427 over the bennium, \$225,271 in FY 92 and \$203,156 in FY 93. The attached spread sheets detail the budget.

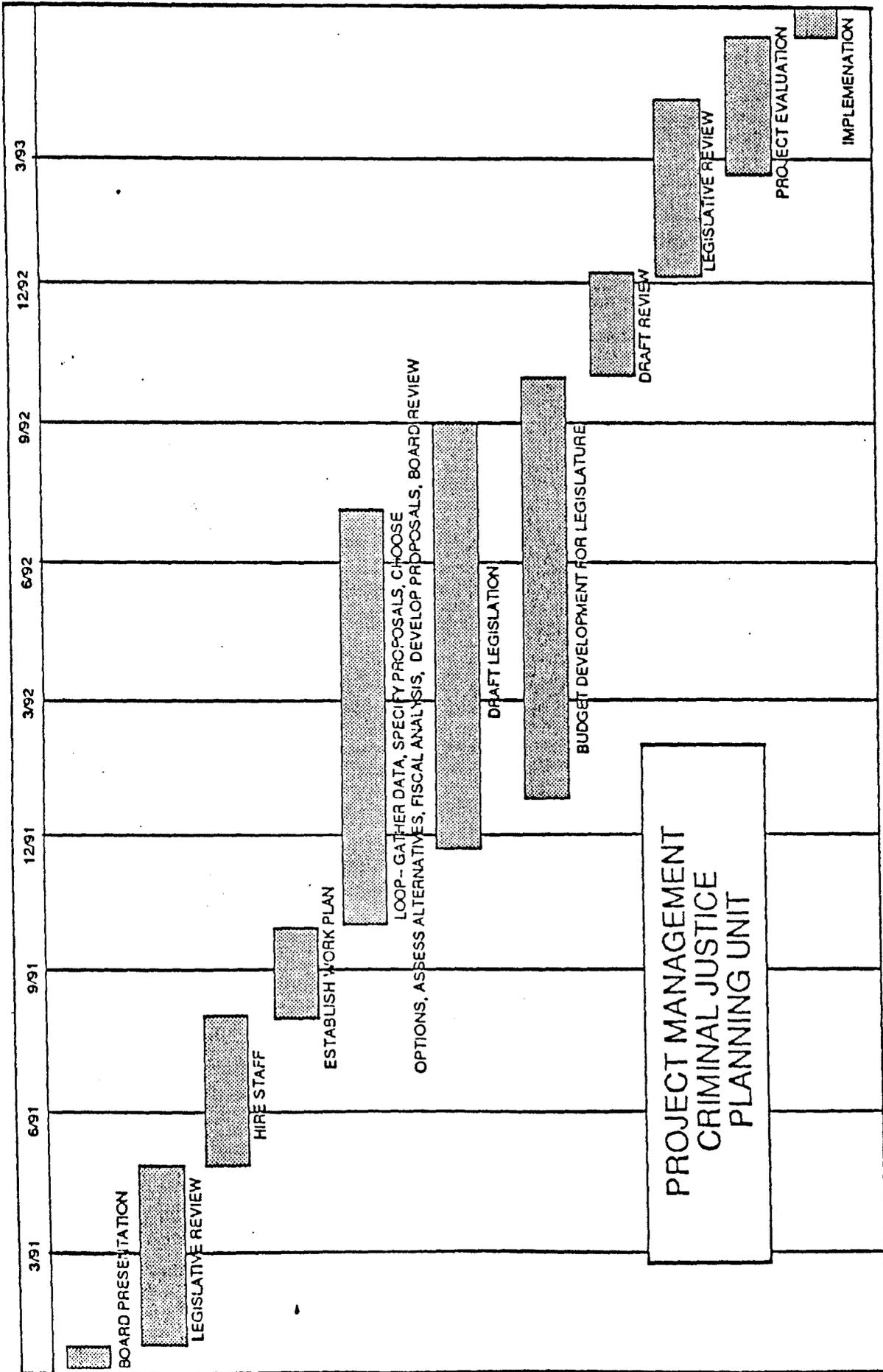
VI. Project Management.

A preliminary chart of the timing of the project is included to provide general ideas of the time lines. Clearly one of the first tasks of the project staff would be to set up a definitive work plan which achieves the planning tasks by the '93 Session.

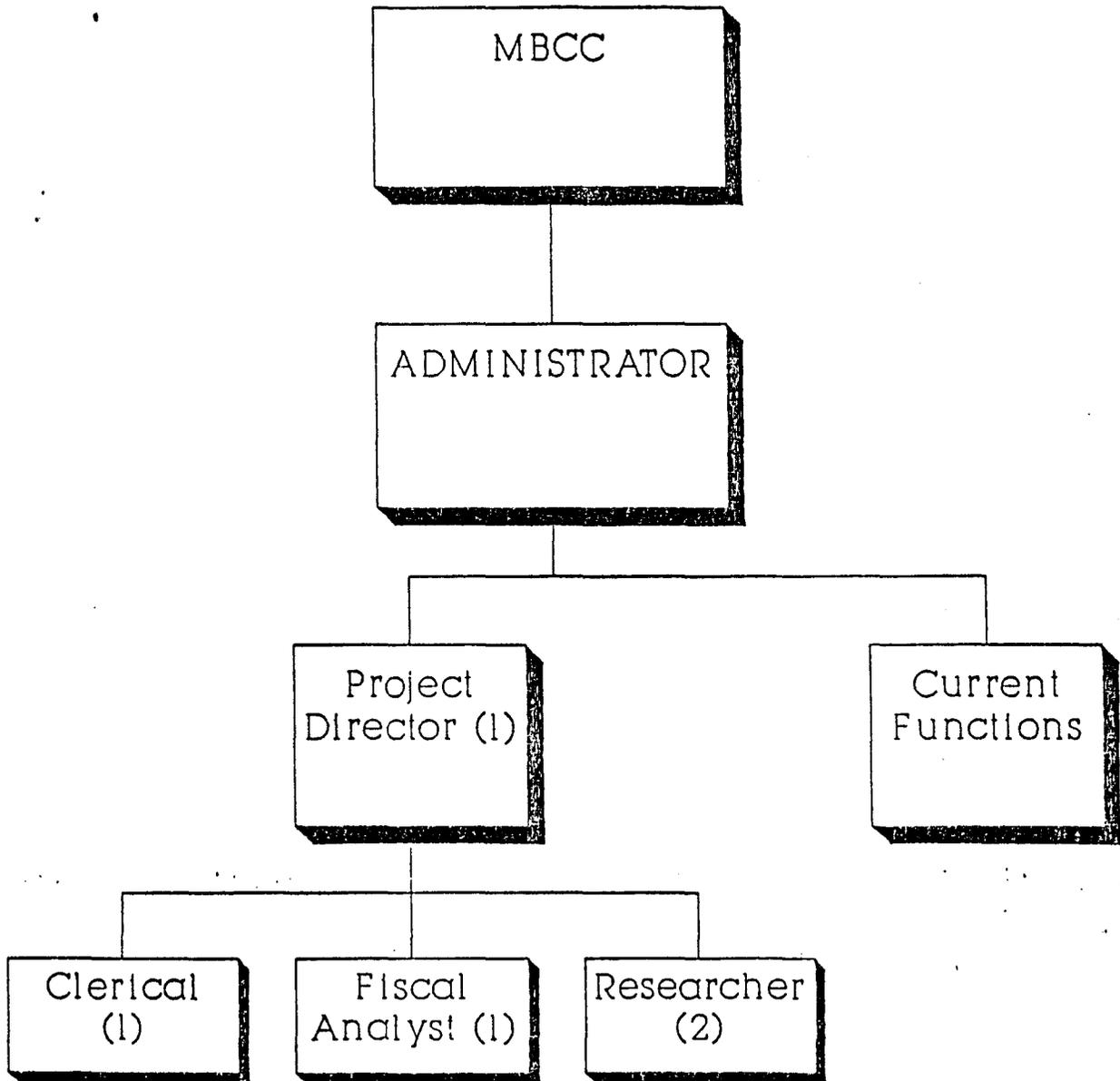
The mass of the project would be involved in a "loop" which reiterates gathering data, assessing alternatives, choosing options, developing proposals, fixing costs, and Board review. Towards the end of calendar year 1992 the project would begin developing the final reports, drafting legislation and developing budgets for the Executive Planing Process and LFA. It is also important that the project include an evaluation or assessment of the project itself during the second quarter of 1993 to help other avoid reinvention of the wheel.

VII. Organization Chart.

Mr. Gov. Del.



Proposed Justice Planning Unit



OFFICE OF BUDGET & PROGRAM PLANNING
 EXECUTIVE BUDGET SYSTEM
 BUDGET WORKSHEET -- IMPORT SKELETON

1107 CRIME CONTRAL DIVISION
 12 JUSTICE PLANNING
 0000 STATE-WIDE REVIEW

Import E0200000.IMP
 Export E0200000.PRN
 Worksheet E0200000.WKI

Run Date === > 11/09/93
 Run Time === > 03:43 PM
 Version === > 2.20.1

P Agency	Act Cntrl	Obj Ent	Actual FY 90	Request FY 92	Request FY 93	Factor C FY 92 I	Factor C FY 93 I	Inf Req FY 92	Inf Req FY 93	Bud Lev	Entity/object Description
1070200000	00000	0000	0000	5	5	1.0000	0 1.0000	0	5	ML	FULL TIME EQUIVALENT
1070200000	00000	1100	0	111,957	111,957	0 1.0000	0 1.0000	0	111,957	0 ML	CONSERVATION
1070200000	00000	1113	0	111,957	111,957	0 1.0000	0 1.0000	0	111,957	0 ML	CONSERVATION
	2nd Level	11--	0	111,957	111,957						
1070200000	00000	1300	0	1,400	1,400	0 1.0000	0 1.0000	0	1,400	ML	OTHER COMPENSATION
1070200000	00000	1400	0	16,652	16,652	0 1.0000	0 1.0000	0	16,652	ML	EMPLOYEE BENEFITS
1070200000	00000	1500	0	9,000	9,000	0 1.0000	0 1.0000	0	9,000	ML	HEALTH INSURANCE
1070200000	00000	1600	0	0	0	0 1.0000	0 1.0000	0	0	ML	VACANCY SAVINGS
1070200000	00000	2102	0	20,000	30,000	0 1.0000	0 1.0000	0	30,000	ML	CONSULT & PROF. SERVICES
1070200000	00000	2104	0	500	500	0 1.0000	0 1.0000	0	500	ML	INSURANCE & BCNDS
1070200000	00000	2114	0	100	100	0 1.0000	0 1.0000	0	100	ML	PAYROLL SERVICE FEES
1070200000	00000	2174	0	2,400	2,400	0 1.0000	0 1.0000	0	2,400	ML	DATA NETWORK SERV/D OF A
1070200000	00000	2190	0	1,500	4,000	0 1.0000	0 1.0000	0	1,500	ML	PRINTING /PUB. & GRAPHICS
	2nd Level	21--	0	24,500	37,000				24,500		
1070200000	00000	2210	0	1,300	1,300	0 1.0000	0 1.0000	0	1,300	ML	GASOLINE
1070200000	00000	2205	0	300	300	0 1.0000	0 1.0000	0	300	ML	BOOKS & REFERENCE MATERIALS
1070200000	00000	2205	0	700	700	0 1.0000	0 1.0000	0	700	ML	FILE FOLDER/CENTRAL STORES
1070200000	00000	2230	0	500	500	0 1.0000	0 1.0000	0	500	ML	OFFICE SUPPLIES CENTRAL STORES
	2nd Level	22--	0	3,500	3,500				3,500		
1070200000	00000	2304	0	1,500	1,500	0 1.0000	0 1.0000	0	1,500	ML	POSTAGE & MAILING
1070200000	00000	2370	0	1,400	1,400	0 1.0000	0 1.0000	0	1,400	ML	TELEPHONE EQUIP CHARGE/D OF A
1070200000	00000	2372	0	600	600	0 1.0000	0 1.0000	0	600	ML	TELEPHONE ADD/MOVE/CHANGE
1070200000	00000	2385	0	1,800	1,800	0 1.0000	0 1.0000	0	1,800	ML	LONG DISTANCE CHR/D OF A
	2nd Level	23--	0	5,300	4,700				5,300		
1070200000	00000	2401	0	4,200	4,200	0 1.0000	0 1.0000	0	4,200	ML	IN-STATE PERSONAL CAR MILEAGE
1070200000	00000	2402	0	1,400	1,400	0 1.0000	0 1.0000	0	1,400	ML	IN-STATE COMMERCIAL TRANSPORT
1070200000	00000	2407	0	522	522	0 1.0000	0 1.0000	0	522	ML	IN-STATE MEALS
1070200000	00000	2409	0	1,800	1,800	0 1.0000	0 1.0000	0	1,800	ML	IN-STATE LODGING
1070200000	00000	2410	0	1,740	1,740	0 1.0000	0 1.0000	0	1,740	ML	IN-STATE MEALS OVERNIGHT
	2nd Level	24--	0	9,662	9,662				9,662		

1-9-91
Gen. Govt. Serv.

OFFICE OF BUDGET & PROGRAM PLANNING
EXECUTIVE BUDGET SYSTEM
BUDGET WORKSHEET -- IMPORT SKELETON

Import E0230000.IMP
Export E0230000.PRN
Worksheet E0230000.WKI

4107 CRIME CONTROL DIVISION
62 JUSTICE PLANNING
0000 STATE-WIDE REVIEW

Run Date ==> 11/09/90
Run Time ==> 03:43 PM
Version ==> 2.20.1

Agency	Obj	Act	Ent	Exp	Actual FY 90	Request FY 92	Request FY 93	Factor C FY 92 I	Factor C FY 93 I	Inf Req FY 92	Inf Req FY 93	Bud Lev	Entity/object Description
4107020000	2515	00000	00000	2515	0	7,500	7,500	0 1.0000	0 1.0000	0	7,500	0 ML	MEETING ROOMS
4107020000	2527	00000	00000	2527	0	7,500	7,500	0 1.0000	0 1.0000	7,500	7,500	0 ML	RENT/D OF A BLDGS
2nd Level													
4107020000	2709	00000	00000	2709	0	300	300	0 1.0000	0 1.0000	300	300	0 ML	R & N VEHICLES
4107020000	2743	00000	00000	2743	0	1,500	1,500	0 1.0000	0 1.0000	1,500	1,500	0 ML	MULTI-USER COMPUTERS & TERMINALS
4107020000	2778	00000	00000	2778	0	800	800	0 1.0000	0 1.0000	800	800	0 ML	CAPITAL COMPLEX GROUNDS - PWP
2nd Level													
4107020000	27--	00000	00000	27--	0	1,100	2,100	0	0	1,100	2,100	0	
4107020000	3106	00000	00000	3106	0	24,500	24,500	0 1.0000	0 1.0000	24,500	24,500	0 ML	MULTI-USER COMPUTERS & TERMINALS
4107020000	3112	00000	00000	3112	0	6,000	6,000	0 1.0000	0 1.0000	6,000	6,000	0 ML	OFFICE
2nd Level													
4107020000	31--	00000	00000	31--	0	30,500	30,500	0	0	30,500	30,500	0	
4107020000	3421	00000	00000	3421	0	4,200	4,200	0 1.0000	0 1.0000	4,200	4,200	0 ML	MULTI USER SOFTWARE
4107020000	0000	00000	00000	0000	0	0	0	0 1.0000	0 1.0000	0	0	0 ??	GENERAL FUND

DATE 11/17/91
Steve [Signature]

07/01

AGENCY: BOARD OF CRIME CONTROL LEGISLATIVE ACTION PROGRAM: CRIME CONTROL DIVISION

BUDGET ITEM	FY 1990 Actual	Fiscal 1992		Fiscal 1993		FY 90-92 % Change
		Executive LFA Curr Lvl	Difference	Executive LFA Curr Lvl	Difference	
FTE	16.00	16.00	0.00	16.00	0.00	0.00%
Personal Services	\$449,102	\$483,505	\$0	\$483,119	\$0	7.66%
Operating Expenses	\$155,583	\$169,539	\$16,040	\$170,434	\$16,392	-1.34%
Equipment	\$3,659	\$0	\$0	\$0	\$0	-100.00%
Grants	\$1,580,795	\$2,133,500	\$0	\$2,133,500	\$0	34.96%
Benefits and Claims	\$343,390	\$375,000	\$0	\$375,000	\$0	9.21%
TOTAL EXPENSES	\$2,532,529	\$3,161,544	\$16,040	\$3,145,661	\$16,392	24.20%
UNDING						
General Fund	\$409,615	\$448,860	\$15,983	\$449,376	\$16,342	5.68%
State Special Rev	\$281,504	\$433,785	\$120	\$433,665	\$114	54.05%
Federal Revenue	\$1,841,410	\$2,278,899	(\$63)	\$2,278,962	(\$64)	23.76%
TOTAL FUNDING	\$2,532,529	\$3,161,544	\$16,040	\$3,145,661	\$16,392	24.20%

CURRENT LEVEL ISSUES:

1. DEPT OF ADMINISTRATION NETWORK FEES - The Executive includes new network fees, presented as a statewide issue.

2. BUDGET BASE DIFFERENCES - The Executive Budget is higher due to using the FY 1991 appropriation as a base, whereas LFA current level is based on FY 1990 actual expense.

TOTAL CURRENT LEVEL ISSUES

	EXECUTIVE BUDGET MODIFICATIONS:	FTE	FY 92	FY 93	GEN FUND
1. NARCOTICS CONTROL - Increased federal grant funds and FTE for grant administration (LFA Vol. 1, A-171).		1.0	\$949,101	\$976,102	G/F=\$81,000
2. JUVENILE JUSTICE - Increases for Juvenile Justice Support services administration (LFA Vol. 1, A-172).		1.0	\$28,500	\$28,500	G/F=\$15,000
3. VICTIM ASSISTANCE - Federal crime victim assistance funds and 1.0 FTE for grant administration (LFA Vol. 1, A-172).		1.0	\$137,116	\$133,985	SSR/Fed
4. DRUG EDUCATION/DARE - Increased federal drug education grant funds (LFA Vol. 1, A-172).		2.0	\$126,938	\$126,938	Federal
TOTAL EXECUTIVE BUDGET MODIFICATIONS		2.0	\$1,241,655	\$1,265,525	

---EXEC OVER (UNDER) LFA---
 FY 92 FY 93
 \$12,282 \$12,282 Gen Fund
 \$3,758 \$4,110 Gen Fund
 \$16,040 \$16,392

ELECTED OFFICIAL BUDGET MODIFICATION:

1. CRIMINAL JUSTICE PLANNING UNIT - Task force to develop comprehensive plan for reorganization of state justice system (LFA Vol. 1, A-173).

	---FTE---	FY 92	FY 93	---	---EXEC OVER (UNDER)---	LFA---
		FY 92	FY 93		FY 92	FY 93
	5.0			5.0	\$225,271	\$203,156 Gen Fund

LANGUAGE:

1. The agency requests inclusion of the following language be included in HB 2:

"All remaining federal pass-through grant appropriation authority for the 1991 biennium is authorized to continue into fiscal 1992 and fiscal 1993."

Similar language was included in the 1991 biennium appropriations bill, providing continuing appropriation authority for three-year federal grant fund authorizations.

2. The following language was included in the 1991 biennium appropriations bill:

"The Board of Crime Control shall charge tuition and fees sufficient to reimburse the general fund for costs associated with the juvenile justice training program and for technical assistance provided to local law enforcement agencies. The tuition and fees collected are to be deposited in the general fund."

EXHIBIT 3DATE 1-9-91L. Ann. Dir.

CRIME CONTROL DIVISION

	Fiscal 1990	Fiscal 1991	Fiscal 1992		Fiscal 1993	
	Actual	Appropriated	Base	Incr/Decr Recommended	Base	Incr/Decr Recommended
Full Time Equivalent Employees	16.00	16.00	16.00	2.00	16.00	2.00
Personal Services	449,102.16	503,604	482,400	53,719	482,019	53,599
Operating Expenses	155,581.65	153,076	169,086	47,979	170,038	53,119
Equipment	3,659.58	0	0	14,297	0	6,085
Grants	1,907,257.62	2,816,992	2,133,500	1,127,218	2,133,500	1,154,218
Benefits and Claims	343,390.05	375,000	375,000	0	375,000	0
Total Agency Costs	\$2,858,991.06	\$3,848,672	\$3,159,986	\$1,243,213	\$3,160,557	\$1,267,021
General Fund	409,614.84	448,480	447,359	36,001	447,930	62,946
State Special Revenue Fund	281,503.94	433,665	433,665	29,236	433,665	26,099
Federal Special Revenue Fund	2,167,872.28	2,966,527	2,278,962	1,177,976	2,278,962	1,177,976
Total Funding Costs	\$2,858,991.06	\$3,848,672	\$3,159,986	\$1,243,213	\$3,160,557	\$1,267,021
Justice System Support Service	2,858,991.06	3,848,672	3,159,986	1,243,213	3,160,557	1,267,021
Total Program Costs	\$2,858,991.06	\$3,848,672	\$3,159,986	\$1,243,213	\$3,160,557	\$1,267,021

MISSION and GENERAL DESCRIPTION.

The mission of the Board of Crime Control as the state justice planning agency since 1968 is to promote public safety by strengthening the coordination and performance of the criminal and juvenile justice system by increasing citizen and public official support and involvement in criminal justice.

The 18 member Supervisory Board appointed by the Governor is created under Section 2-15-2006 MCA and is necessary to the implementation of several sections of MCA as well as several sections of the Omnibus Crime Control and Safe Streets Act. These functions relate to Peace Officer Standards and Training, employment standards, victim's compensation, drug tax, jails, technical assistance, anti-drug abuse, drug free schools and communities, victim's assistance, juvenile justice and delinquency prevention, and crime reporting. In order to assure citizen and public official involvement as well as

comprehensiveness in planning and equitable consideration for federal funds, the membership of the Board represents a broad spectrum of justice agencies, the public, executives and Legislators.

The agency consists of the Supervisory Board, subsidiary advisory councils for Peace Officer Standards and Training (POST), the Youth Services Advisory Council (YSAC), and staff for agency activities. On July 1, 1987, the Crime Victims Compensation Unit (CVU) was transferred to the division from the Department of Labor and Industry. The division is currently experiencing change and impact from significant increases in federal programs. The implementation of the National Drug Control Strategy is being waged through the Board of Crime Control. Large increases in federal anti-drug abuse funding for state and local assistance as well as in the Drug Free Schools and Communities Act have occurred. Many of the funds are being used to initiate and implement the highly respected Project

DARE in fifth and sixth grade classes in Montana. In a similar manner, the Federal Victim's of Crime Act which funds assistance programs for victims of crimes against persons (not victim's compensation), recently reached its cap. Montana's portion of these funds increased. Federal funding for juvenile justice under the Juvenile Justice and Delinquency Prevention Act increased in FY91 as well. Finally, the purposes of the Justice Assistance Act have been incorporated into the Anti-Drug Abuse Act and, thus, this grant source is closed out. It is important to note that almost all of these funds must be passed through via grants and some allow no administrative costs.

The agency supports the Peace Officer Standards and Training Council which establishes minimum employment and certification standards for peace and detention officers. In addition, the agency acts as the state Statistical Analysis Center for adult and juvenile crime statistics. Compensation to victims of crime is carried out by the division (direct payments for victims of violent crime) from state special revenue. The Youth Services Advisory Council, (YSAC), created under Executive Order 13-89, advises not only the Governor, but also acts in an advisory capacity to the Department of Family Services. A portion of funds collected from drug tax under 15-25-122 MCA are administered by the division and YSAC. Multiple other activities of the division support technical assistance to justice agencies for specialized problems (such as city/county consolidation of law enforcement services), crime prevention/crime stoppers, study of jail issues and jail standards, and maintenance of information on privatization of jails/prisons pursuant to 7-32-2233

Ken Ehr

AGENCY ORGANIZATION

Justice System Support Services the single program for the agency, the functions of which are implemented through the simple hierarchical structure illustrated in the organization chart. There is much interplay and crossover between the components shown on the chart as functions are not necessarily unique nor isolated organizational units. For example, anti-drug abuse efforts require input from all components. The Board is administratively attached to the Department of Justice pursuant to 2-15-2006 MCA, hires its own staff, and provides broad guidance. The Board promulgates and adopts rules (regarding POST, detention officers, and crime victim's compensation). The Board makes final decisions regarding award of sub-grants for federal funds. As shown on the chart, two advisory councils provide specialized functions for the Board in the areas of juvenile justice via the Youth Services Advisory Council (YSAC) and the POST Council. The YSAC is a required part of the federal act.

Since the agency is a single program entity, for clarity and presentation, the nature of the organization is described in five functional areas supervised by the administrator. Within this administrative function, all the resources of the Board and staff are used to provide specialized services (technical assistance), specialized training and to respond to unique requests for assistance and guidance. In addition to administrative functions, the five functional areas described are:

1. The Grants Administration-Support Services.
 2. The Crime Victim's Unit (CVU).
 3. The Statistical Analysis Center (SAC).
 4. The Juvenile Justice Planning functions.
 5. The Criminal Justice Planning functions.
- The overview which follows provides specific detail regarding these five functional areas and the administrative function.

OVERVIEW.

1. Grant Administration-Support Services.

The Grants Administration-Support Services component of the organization

provides support to all other components and is responsible for fiscal management of grants, benefits, agency operations, and personnel functions. It is responsible for budgeting and accounting for federal funds, general funds, and state special revenue.

2. Crime Victim Compensation Unit.

The Crime Victim's Unit (CVU) provides information to victims and is responsible for implementing Montana's Crime Victim Compensation Act to compensate innocent victims of crime from state special revenue funds.

3. Statistical Analysis Center.

The Statistical Analysis Center is responsible for data collection, data analysis, studies, and reporting of all juvenile and adult crime statistics for Montana and for reporting to the FBI.

4. Juvenile Justice Planning.

The Juvenile Justice Planning component is responsible for the implementation of the federal mandates of the Juvenile Justice and Delinquency Prevention Act and for improving juvenile justice services in the state.

5. Criminal Justice Planning.

The Criminal Justice Planning function is responsible for program implementation and coordination of several functions in criminal justice including POST and federal grant programs relating to anti-drug abuse and victim's assistance.

6. Administrative.

The Administrative function is responsible for translation of Board guidance into operable policies and programs to accomplish the Board's mission. The administrator also uses the resources of the Board and division staff to provide specialized services (technical assistance), specialized training and to respond to unique requests for assistance.

GOALS

Goals relating to each function are listed below.

1. Grant Administration-Support Services.

- * To accurately account for all funds administered by the division, to ensure compliance with state and federal regulations, and to ensure the grant policies and procedures established by the Board are followed.
- * To efficiently and effectively administer and monitor all federal block grants received by the division to attain maximum benefit to Montana.
- * To provide the Board with technical financial guidance so that they may make informed decisions regarding the award and distribution of federal monies.
- * To efficiently and effectively administer and monitor the financial aspects of all sub-grants awarded by the Board and to provide technical assistance to sub-grantees regarding finances.
- * To provide budgeting and accounting capability to the division.

2. Crime Victim Compensation Unit.

- * To provide claim forms and information to innocent victims who are injured or to the families of innocent victims who are killed.
- * To award or deny claims in 45 days or less and to pay benefits within two weeks after an award.
- * To provide information about the program to other agencies who have contact with innocent victims so referrals may be made.
- * To maintain lists of service agencies so a referral of the innocent victim may be made to another agency where appropriate.

- * To provide training to persons who have contact with innocent victims so those persons may assist innocent victims in filing claims.
- * To provide information about the needs of innocent victims to victim advocates and victims assistance programs.

3. Statistical Analysis Center.

To establish, maintain and improve a Juvenile Probation Information System (JPIS) by:

- * Providing a basic automated case management record system for twenty Youth Court Judicial Districts.
- * Improving the administration of juvenile justice by enhancing the management capabilities of state and local policy makers.
- * Providing accurate information about the characteristics of youth held in detention and referred to Youth Courts for state and federal agencies.
- * Informing policy makers and the general public about the problem of juvenile delinquency.

To establish, maintain and improve the Montana Uniform Crime Reports (MUCR) by:

- * Improving management information for law enforcement.
- * Providing law enforcement agencies with accurate and timely summary crime statistics for administrative and operational use on a monthly basis.
- * Increasing public awareness, support, and involvement in the criminal justice system and to identify and warn the public about the potential risks of victimization.

- * Analyzing data for application for federal funds and evaluation of projects.
- * Publishing an annual Crime in Montana report.

4. Juvenile Justice Planning.

- * To improve the juvenile justice system by performing system analysis at the request of the governor, legislature, local and state advisory councils and professionals in the system.
- * To provide for delinquency prevention through the coordination of children and youth services and development of a continuum of care in Montana.
- * To remove all status offenders from secure institutions.
- * To remove all juveniles from adult jail facilities within the first 24 hours of their detention and provide for the secure detention of juveniles meeting M.C.A. criteria in juvenile facilities.
- * To ensure all juveniles being held in adult facilities are held in sight and sound separation from the adult inmates.
- * To plan for children and youth services utilizing the Youth Service Advisory Council.

5. Criminal Justice Planning.

- * To provide for the continuing certification of peace officers and detention officers in the various levels of certification.
- * To provide entry level written examinations and physical skills assessments for state and local law enforcement agencies.
- * To maintain registration of Montana's coroners.
- * To develop training goals for the Law Enforcement Academy.

- * To develop a meaningful and operable statewide anti-drug strategy which reduces the demand for drugs in concert with the National Drug Control Plan.

- * To oversee federal victim assistance program funds.

- * To target programs for drug abuse prevention/education toward high risk youth.

- * To provide support services and coordination of division resources to promote public safety.

6. Administrative

- * To provide all policy direction to the division.
- * To arrange/coordinate responses to specialized service requests (technical assistance) or for special training needs of criminal justice agencies throughout the State of Montana.

AUTHORIZATIONS

1. 2-15-2006 MCA - Creates the Board.
2. 44-4-301 MCA - Defines Board functions.
3. 53-9-101 et seq., MCA - The Crime Victims Compensation Act of Montana
4. 3-10-601 (4) (f), MCA - Collection and disposition of fines, penalties, forfeitures, and fees
5. 42 USC 5601 - Juvenile Justice and Delinquency Prevention Act of 1974. (JJ&DP)
6. Governors Executive Order 13-89 - Authorizes the agency to implement the JJ&DP Act.
7. 7-32-303, MCA - Establishes peace officer employment, education and certification standards administered by the division.
8. Executive Order 22-87 - Establishes the POST Council.

EXHIBIT
 DATE JAN. 9, 1991
 IB *[Signature]*

J202 01

AGENCY: COMMISSIONER OF POLITICAL PRACTICES LEGISLATIVE ACTION PROGRAM: ADMINISTRATION

BUDGET ITEM	FY 1990 Actual	Executive	Fiscal 1992 LFA Curr Lvl	Difference	Executive	Fiscal 1993 LFA Curr Lvl	Difference
FTE	3.00	3.00	3.00	0.00	3.00	3.00	0.00
Personal Services	\$81,049	\$85,436	\$85,436	\$0	\$85,242	\$85,242	\$0
Operating Expenses	\$23,378	\$25,451	\$22,878	\$2,573	\$27,496	\$24,601	\$2,895
Equipment	\$1,687	\$1,608	\$1,608	\$0	\$2,108	\$2,108	\$0
TOTAL EXPENSES	\$106,114	\$112,495	\$109,922	\$2,573	\$114,846	\$111,951	\$2,895
FUNDING							
General Fund	\$106,114	\$112,495	\$109,922	\$2,573	\$114,846	\$111,951	\$2,895
TOTAL FUNDING	\$106,114	\$112,495	\$109,922	\$2,573	\$114,846	\$111,951	\$2,895

CURRENT LEVEL ISSUES:

2. BUDGET BASE DIFFERENCES - The Executive Budget is higher due to using the FY 1991 appropriation as a base, whereas LFA current level is based on FY 1990 actual expense.

TOTAL CURRENT LEVEL ISSUES

--EXEC OVER (UNDER) LFA--	
FY 92	FY 93
\$2,573	\$2,895
\$2,573	\$2,895

EXECUTIVE BUDGET MODIFICATION:

1. TERMINATION PAY - Termination pay in anticipation of turnover of two personnel. (LFA Vol. 2, A-57).

\$1,150 \$550

LANGUAGE:

The following language was included in the 1991 appropriations bill:

"The Commissioner of Political Practices is to charge a fee for the Summary of Contributions/Expenditures for Candidates/Committees book that is sufficient to recover the costs of printing and distribution of the book. Public libraries are exempt from the charge for the books. The proceeds from the sale of the booklet as well as the fees collected for reimbursement of copier charges must be deposited in the general fund."

3202 00 00000

COMMISSIONER OF POLITICAL PRACTICES

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	-- Current Fiscal 1992	Level -- Fiscal 1993	Change 1991-93 Biennium
FTE	3.00	3.00	3.00	3.00	.00
Personal Services	81,049	85,062	85,436	85,242	2.75%
Operating Expenses	23,378	27,022	22,878	24,601	-5.80%
Equipment	1,687	0	1,608	2,108	120.27%
Total Agency	\$106,114	\$112,084	\$109,922	\$111,951	1.68%
Fund Sources					
General Fund	106,114	112,084	109,922	111,951	1.68%
Total Funds	\$106,114	\$112,084	\$109,922	\$111,951	1.68%

Agency Description

The Office of the Commissioner of Political Practices was created in 1975 to monitor disclosures of financial contributions to and expenditures made by Montana political committees and candidates and to oversee and enforce the campaign practices law in Title 13, Chapters 35 through 37, MCA. The responsibilities of the office were expanded in 1980 by Initiative 85 to include the registration of lobbyists, the filing of their principals' financial reports, and the disclosure of elected officials' business and ownership interests.

payments of \$1,608 per year for a copy machine purchased in fiscal 1991 and \$500 in fiscal 1993 for new software.

Language in the 1991 biennium appropriations bill required the agency to charge a fee for the Summary of Contributions/Expenditures for Candidates/Committees report sufficient to recover the costs of printing and distributing the report. The cost of publishing the 1989 report was \$4,500. Fiscal year 1990 revenue from sales of this report was \$2,475. The agency projects full costs will be recovered if all reports are sold.

Funding for the agency is from the general fund.

Current Level Budget

The agency's 1993 biennium current level increases 1.7 percent over the previous biennium, primarily due to the fiscal 1991 pay plan increase which continues in the 1993 biennium. Operating costs decrease due to a number of one-time costs in fiscal 1990 that are not included in the 1993 biennium budget. Operating costs are higher in the second year of the biennium due to cyclical costs of publishing election reports. Equipment costs include lease-purchase

Executive Budget Modification

Termination Pay

The agency has requested \$1,150 in fiscal 1992 and \$550 in fiscal 1993 from the general fund for termination pay in anticipation of the turnover of two personnel in the Office of the Commissioner of Political Practices. Termination pay includes accrued vacation pay and sick leave lump sum payments.



EXHIBIT 7
DATE October 9, 1991
New York

TESTIMONY OF COMMON CAUSE/MONTANA IN SUPPORT
OF INCREASING THE BUDGET FOR THE
OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES

P.O. Box 623
Helena, MT
59624
406/442-9251

9 JANUARY 1990

Mr. Chairman and members of the subcommittee, for the record, I am C.B. Pearson, Executive Director of Common Cause/Montana. I am here today on behalf of the members of Common Cause. We wish to speak in support of increasing the budget for the office of Commissioner of Political Practices beyond the Commissioner's recommendation.

Common Cause more than any organization or agency has been involved in the work of the office of the Commissioner of Political Practices. For years, the media and Common Cause have been the public's representatives in using the office.

Common Cause interns and staff have literally spent thousands of hours conducting research in the office. We have also led countless legislative efforts to defend the office, and, when appropriate, criticized the office when it has not upheld the duties and responsibilities of the agency.

Commissioner Colburg is the third person to hold the position of the Commissioner of Political Practices. This particular budget is the last budget that the Commissioner will propose to this subcommittee.

From our vantage point this is the time when the Commissioner should be most prepared to advocate for an increased budget and expanding the abilities of the office. It is a time to show leadership and genuine analysis of the weaknesses in enforcement of Montana's campaign laws. The office of the Commissioner of Political Practices is very significant because it helps build public confidence in Montana elections and elected officials, the very foundation of self-governance. Faced with these challenges, logic dictates the need for an increase in the Commissioner's budget rather than the decreases which have taken place in the past such as the 20% appropriations cut in 1987.

While the current Commissioner has not brought scandal to the office, in our opinion she has failed to advance its purposes and in at least one case failed to complete mandated duties. With all due respect to the current Commissioner, it is our view, the office of the Commissioner of Political Practices has lost ground.

We are at a time in Montana when there are more political contributions and lobbying expenditures than ever before, and at a time when the public has a greater desire for a government of integrity. This is not to say that all campaigns have misdealings. There is, however, an overwhelming need to provide strong and active enforcement to continue Montana's great tradition of fair politics. We have provided a packet of information to support our case for a larger budget.

REASON ONE FOR AN INCREASE IN BUDGET

In a way, we come before this subcommittee today with a request that is over a decade old. In 1977, Commissioner John Hanson and the LFA recommended a doubling in the budget from 3.5 FTE to 7 FTE to fulfill the mandated duties of the office. The arguments put forth in this LFA recommendation are as valid today as they were a decade ago, if not more so.

Despite this recommendation, the Legislature rejected this budget increase. John Hanson in his annual report raised some concern on this matter to the Legislature. The marked area identifies Hanson analysis of why more resources were not forthcoming. We concur with his analysis.

REASON TWO FOR AN INCREASE IN BUDGET

The last two Commissioners have not completed an annual report as required by law (MCA 13-37-120). No annual report has been completed for the last ten years. This is despite advice from the Legislative Auditor to complete the report and a stated commitment from the current Commissioner to complete these reports. These reports are valuable reviews of the office's activities for the previous year. When we have asked the Commissioner why these reports have not been completed her answer has been "I have not had enough time". This is telling. It reveals the fact that the Commissioner does not have enough time

and resources to fulfill the mandates of the office. It is also disturbing that a public official has failed to fulfill a duty ^{required} ~~required~~ by law.

REASON THREE FOR AN INCREASE IN BUDGET

Campaigns and campaigning has changed dramatically over the past years. The growth of the office of the Commissioner of Political Practices has not kept pace with the growth in contributions to and sophistication of Montana campaigns. Over the last decade spending on legislative races, statewide races, and lobbying have dramatically increased while the funding for the office of Commissioner of Political Practices has decreased. In the materials provided the first graph depicts the appropriations and expenditures of the office of Commissioner of Political Practices over the last 15 years. The second graph depicts the increase in expenditures in campaigns and by lobbyist with the Commissioner's budget. The table is the raw numbers for the graphs.

In addition to this increase, formal complaints filed with the Commissioner's office have also increased. There were 18 formal complaints accepted, by the Commissioner for the 1988 election and 22 formal complaints accepted with the possibility of two additional complaints for the 1990 election. The greater influx of contributions and expenditures, along with complaints, alone justifies an increase in appropriations.

EXHIBIT 7
DATE 1-9-91
Gen. Gov. Sec.

5

REASON FOUR FOR AN INCREASE IN BUDGET

It is our experience that the office is overwhelmed; it does not have enough resources to ensure compliance with Montana's campaign laws. We have enclosed an analysis of reporting by PACs for the 1990 primary as an example. Circled are PACs who were late in their reporting. Some were just a few days late, while others were months late. From what we can determine, in all but a few cases, these PACs received no notice to file and no penalty. From our research it appears that the Commissioner does not have the resources to properly review these reports and ensure compliance with Montana law. We shared a copy of a preliminary study with the Commissioner in August in which we raised this concern.

There exists perhaps even a worse problem in late or no reporting by political party county central committees. We have not done an in-depth analysis but the enclosed article at the end of the study illustrates this concern.

REASON FIVE FOR AN INCREASE IN BUDGET

We believe Montana's lobbying disclosure law is not being properly enforced. To our knowledge there is no reporting of administrative lobbying. Prior to a complaint filed in January 1990 no lobbying reports of interim legislative committees had occurred either. This is despite the fact that both of these

types of lobbying are required by law to be reported. From our perspective there has not been the resources nor willingness to enforce this very important law.

On another note, once principals began reporting interim legislative activity there has been no analysis of reports completed to determine if proper reporting occurred. We know of at least one principal that did not report activity properly because they made a wrong assumption about the law. To our knowledge this problem stands uncorrected.

REASON SIX FOR AN INCREASED BUDGET

There is a problem ensuring parties comply with Montana's campaign laws. As an example we have identified activity during the 1988 campaign which was not reported to the Commissioner. To our knowledge, no audit has been conducted of any campaign, PAC report or lobbying disclosure report since the late 1970's.

The recent complaints involving the Montana Republican Party raise a serious concern of non-compliance. The public would not have known of the alleged violations of Montana's laws without the Merica trial. This is an unfortunate example of the weaknesses in our evaluation of compliance with Montana campaign laws.

Ex. 7
1-9-91
Gen. Govt. Sub

CONCLUSION

In conclusion, though it may be more expedient not to request a budget increase there is however the need. It is time to advocate the addition of the necessary resources to fulfill the mandates established for the office of the Commissioner of Political Practices. By not increasing the abilities of the office to uphold the law, we fail to provide the people of Montana with a true watchdog agency that represents the interests of the people and work for fair and open politics. We therefore urge an increase in the Commissioner's budget as presented by the LFA in the 1979 biennium. It is our recommendation that the office needs to accommodate a Commissioner, an executive administrator, three auditors/financial review personnel, and a data processor. This staffing should be matched by efforts to increase public access, computerization and reporting.

Exhibit 7 also contains a booklet entitled: "Increasing the Commissioner of Political Practices Budget: Reasons 1-6." The originals are stored at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)

