

February 10, 1977

Chairman Brand called the meeting to order at 9:00 a.m., all members were present.

Hargesheimer submitted his summary, see attachment #1.

HB 623-Rep. Lund, sponsor--This bill permits the Department of Institutions to purchase clothing without letting bids. At Mountain View they have to tell the Department how much they need, and the Department lets the bid. All of the clothes are the same and the girls are bad about destroying them. The department thinks it would be a better training exercise to let the girls go downtown and buy their own clothes.

DON ROBLE, Superintendant, Mountain View--I have worked at Mountain View for 10 years, and have been concerned about the girls' clothes -- we have wasted alot by the girls destroying things. You can't force them to wear these clothes; they put them in the toilets and it plugs the sewer. The emphasis there is to have an open institution. They work in town and we have lots of visitors on the grounds. When we go out, and the girls are all in the same clothes, they get back to this self image business. These shopping trips could provide - I don't intend to allow them a totally free hand but I want them to learn to shop and choose their own clothes. I want the same amount of money we have had for the last two years, I just want to use the money differently.

CHARLIE MCCARTHY, Chief, Child and Youth Development Bureau, SRS--We would wholeheartedly support this.

LUTHER GLENN, Administrator, Purchasing Division, Dept. of Administration--We favor the concept. We think the clothing should be defined as "style garments" rather than clothing.

REP. ANN MARY DUSSAULT--This was presented to me by constituents who have a daughter at Boulder, and I would favor the concept very much.

LUND-I wouldn't object to the amendment. This sort of system works well at Swan River. I would suspect that there might be attempts to amend this to include Boulder.

GLENN-Including Boulder might be a possibility, but amendments would be necessary. BRAND-What does 82-1917 refer to? LUND-This is the procedure for bidding. So this is an exemption from that section. BRAND-You said that the boys at Swan River are allowed so much money a month for clothing, would this be a good idea at the other institutions -- this bill applies to correctional institutions only. ROBLE-Some other states have gone to that program; but it would be a interagency policy. We have had no input from Pine Hills or Swan River about such a thing - they seem to be satisfied. The girls are the ones who are most bothered. LUND-The amendment says that the department "may" exempt; so it isn't mandatory. I have talked to the superintendant of Swan River, and he likes what he has, but Pine Hills said they wouldn't mind trying this. SMITH-Do the girls get an allowance? ROBLE-25 cents a day. Many of these girls have clothes when they come in, or have other funds to use for clothing, so I would hesitate to see all of them given this allowance when they don't really need it.

HB 625-Rep. Metcalf, sponsor--This is as close to Mom, Apple Pie, and God fearing America as you can get -- every good American has given time to a volunteer service. (he went through the bill briefly) I call your attention to Section 3 - in no instance, may a volunteer be placed in a staff position meant for an FTE.

NANCY RAUE, Volunteer Bureau Chief, Human Resources Division, DCA--Ms. Raue submitted written testimony, and a fiscal worksheet - see attachments #3 and #3a.

BOB LOHN, Governor's Staff Attorney--I add a strong endorsement. The question of increasing cost would not be a factor here. Incidentals might come up. I checked with Mike Young (Adminis., Insurance & Legal Division, Dept. of Admin.) and this will not increase our costs.

DAN NEWMAN, Director, Human Resources Division, DCA--We feel we would be able to implement this without any additional costs - incidentals like desks, work space, etc. we could absorb.

GARY BUCHANON, Juvenile Justice Planner, Planning Bureau, Dept. of Justice--Mr. Buchanon submitted a statement from Steve Nelsen attesting to the support of the Montana Board of Crime Control - see attachment #4.

CAROLYN ZIMMIT, Chief, Community Services Bureau, Dept. of Institutions--We support this.

REP. POLLY HOLMES--Many people would be pleased to do work like this but have no training. We would want to provide training, and this program would facilitate that. This bill saves money because it takes alot to pay a professional person to provide the same services that a volunteer could.

CHARLIE MCCARTHY, Child and Youth Development, SRS--We support this.

OPPONENTS

DON JUDGE, AFSCME, AFL-CIO--I am rising as an opponent to get your attention on the thing about no additional money. There would be additional monies needed in the department budgets for training. We have problems with training of our regular employees. What happens to the needs of the department when the volunteers stop coming? What happens when they don't come, and you have instigated an additional service that would have to be continued? Who is responsible for actions taken while volunteers and regulars are working together? How do you see the supervisory channels? I wonder about the labor laws - I don't think this would be legal if the Fair Labor Act hadn't been repealed. If the Fair Labor Standards Act happens to apply to public employees, this might be illegal. What happens to the CETA funds -- which are based upon a justified need of the department? Are you getting into a situation where you might lose CETA money? I would appreciate your consideration on these matters.

BRIAN GARRITY, AFSCME, Boulder--see witness statement.

METCALF-I think Judge raised some good questions. We have people here who might be able to answer those. There is a fiscal note, and this money would go to the departments and would be available to any services volunteers required - it would not be taken out of the regular program.

NEWMAN-This is also matched by a \$37,000 federal grant. CETA is temporary, it is only money for labor programs, and until the economy reaches a viable place. The kind of service you create under this might be the answer to very needed services once we don't have CETA anymore. Where we use both volunteers and CETA now, we find cooperation between the two. As to who is responsible when the two work together, the department and the FTE would cover that.

(Ms. Raue pointed out that her testimony contained certain references to the liability involved with employees.)

METCALF-The bill is simply allowing us to use volunteers, so in any area where there are questions, they can be handled.

O'CONNELL-Why is it necessary to bring in a bill? RAUE-What we are trying to do is put in a management tool for departments. Nothing has ever defined clearly these programs as to responsibility. MULAR-Do you feel that volunteers would absorb overtime for FTE's? JUDGE-Yes. They can be used to replace the overtime. MULAR-Do you feel this would increase your areas of liability? JUDGE-Yes, in Boulder we had that problem. MULAR-Do you feel this will have a severe impact on the labor market in Montana? JUDGE-Yes - the recurrent thing bothers me. BUCHANON-My experience is that it requires more time of the FTE because it is expanding the responsibilities of the FTE. So the existing employees are taking on more responsibilities. I can't see how it could possibly take away jobs. KROPP-How many volunteers would you be talking about. METCALF-We don't have figures for every department. BUCHANON-A program in Missoula has 50 people to work with 50 kids. This does not take away jobs. When you ask for volunteers, you increase your work load. RAUE-I don't see them doing anything other than what the departments want, and we want to talk to the departments and see where they could most use volunteers. There are a great many instances where they could be used. TURNER-As far as funding - who will do the training in a situation where you might have several thousand people? NEWMAN-The training aspect - within our division we have 10 offices that run volunteer programs. They have these within their operations. This appropriation matches a federal grant to get training materials out to the organizations already using volunteers. So, it is a support grant more than anything else. MENAHAN-Why can't we help the people who need it? METCALF-Big Brother has 110 children on it's waiting lists, and we can't get enough people to volunteer. This bill addresses itself to lots of programs, not just DCA. BARDANOUVE-Is this program coming from the Federal Crime Control Commission? BUCHANON-No. NEWMAN-It originates from ACTION - a federal agency. There's no provision that the state be asked to pay anymore than the grant shows. These programs have been operating since the 60's. ROBBINS-Mr. Lohn, do you see FTE's being replaced? LOHN-No, but if the legislature passes everything in this session that has a fiscal impact, we wouldn't have enough money. Here is a way to bring in some additional people without additional FTE's. Good placement of volunteers can make it much easier for government. TOWER-Since you have used volunteers for 10 or 12 years, how many volunteers can an FTE supervise? NEWMAN-In areas where we have used volunteers, the best example was the winterization program - that created 41 CETA slots that were federally funded. In some cases it is one to one. Our biggest problem is that we have all kinds of people who want to volunteer, and no system to accomodate them. KANDUCH-When this all boils down, are you just trying to get money? RAUE-This is giving us a process to manage these programs; the money will give us the opportunity to train the people. MULAR-You referred to the tort liability - do you think you might be in violation of the Workmens' Compensation Law? LOHN-I can check today, and get it for you in writing. (such information was never submitted to the secretary) MENAHAN-Why can't each institution develop a volunteer program, and why does it have to be a bureaucratic program? RAUE-Then why haven't the institutions done this? NEWMAN-They are doing what you say, but we provide the kind of materials they need.

HB 643-Rep. O'Keefe, sponsor--the representative submitted written testimony, along with numerous articles - see attachments #5, #6, & #7. This bill applies to executive, legislative and local branches of government. Page 3, line 2 is important because later on in the bill it establishes a time requirement, and this gives provisions if

that time element isn't met. There are things that are public information and must be provided but there is a grey area that the Attorney General hasn't ruled on. If he decides the document may be held secret, he may be overruled -- so this bill puts a lot of strength to the law. There is a \$1,000 fine for noncompliance, and this is pretty strong, but such things are sometimes required. There have been other laws in various states that have reduced this penalty. What we are trying to do is make this stronger. The agency must be responsible to the taxpayer or whoever is requesting the information. As I say, the act is in addition to good laws already on the books, but this gives the citizen more power.

ED ANDERSON, Helena Realtor--Ignorance of the law is no excuse for breaking it. I have had a tremendous amount of experiences where public employees have given people the wrong information and most times this was when they were opposed to what the person was doing. This way, a citizen doesn't have to get a lawyer, and sometimes even attorneys don't know.

OPPONENTS

SAM GUILLULY, Montana Press Asso.--I dislike going on record as opposing this. The federal act is a good one, but at the same time, under the present law the press feels it is pretty well protected and can cooperate. We were fearful that with this bill some of the rights would be defeated. Apparently, with his amendments that won't be the case. Page 2, line 22 - this may make it more difficult for the press. We are a right now business. We can't wait 15 days. So this could turn into a bureaucratic kiss-off. The Administrative Procedures Act might also bring delays for the press. We would have to oppose any closing of such proceedings. We support the amendment about the records of the court. There is some language on page 7 that might be ambiguous. Lines 23 - 25 leave the privacy matter open to the decision of the bureaucracy. While that is constitutional language, it could be dangerous. Page 8, lines 1 - 15 might obscure what is being done in Senator Hazelbaker's bill. We are opening a tremendous area in the public sector here.

BRUCE MCGINNIS, Department of Revenue--I am not really opposed. I have prepared an amendment which takes care of our problem. The 1976 Tax Reform Act stated that if a state taxing agency is going to continue to exchange information with IRS, then that information has to be confidential. The amendment I submitted would add another section to the bill within section 8 on information that should not, under any circumstances, be given to the public. I should point out that this is the only information we feel should be held confidential. We feel this is necessary to continue in federal exchange programs.

O'KEEFE-I don't feel this bill is premature; we have tried to work with the press. If you will refer to page 7, line 27 - I would suggest that this could be inclusive in the objections that the Department of Revenue has. Again, with the press mentioning the criminal justice information - I would have no objection to replacing page 8 or striking this to comply with Hazelbaker's bill.

LIEN-Is there any limit to the requests the public can make? O'KEEFE-The limiting feature would be if the person is willing to pay the cost of obtaining the information. GUILLULY-The public's right to know must be balanced by the right to privacy.

At this point in the hearing, Chairman Brand relinquished the chair to Rep. Lien, in order to speak as sponsor of the following two bills.

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HB 645-Rep. Brand, sponsor--HB 109 allowed fire department retirees to belong to group insurance plans with the costs being born by the retired people. When you get that old, many insurance companies won't insure you. In some cases, it will raise the costs; but I haven't received any objections from any insurance companies. I wrote a letter to the Department of Administration, who informed me that HB 109 wasn't inclusive enough, so this bill was drawn up to cover all employees whether state or local.

AL SAMPSON, Montana Firefighters' Asso.--Mr. Sampson submitted hand-written testimony, please see attachment #9.

RAY BLEHM, Montana Firemens' Asso.--Mr. Blehm wrote his testimony on a witness sheet, see attachment #11.

DON JUDGE, AFSCME, AFL-CIO--Presently, we don't have to pick up the cost of continued coverage. We would like to point out that this will give people the opportunity to continue on the insurance package when they need it most - after retirement.

NO OPPONENTS

BRAND--The one thing I would like to note - if we don't provide some service for these older people, they will eventually end up on welfare - this bill applies to people who have retired, but are not eligible for medicare yet - so it would behoove us to pass this.

BARDANOUE--I keep hearing that this doesn't cost anything - I think you're all a little off. Then you say, we will negotiate - don't you agree that it will cost as soon as the contracts are renegotiated? SAMPSON--When you renegotiate, the insurance company will receive more money which will come out of the economic package offered to the employees. These are benefits that you don't pay income tax on.

HB 534-Rep. Brand, sponsor--The intent of this bill is to coordinate the services and functions of SRS and the Department of Institutions. (He showed the committee charts comparing the two departments and illustrating clearly the duplications in terms of FTE's and services)

REP. ANN MARY DUSSAULT--I support this bill. I would like to take you back a couple of years when I sponsored an HJR that brought vociferous objections from Don Judge. I didn't persue that resolution very heavily at that time because of a study being done in the governor's office. The study was a BUST, and I think it is time to stop studying, stop talking about the problems, and start doing something about it. It is rare when I believe that reorganization does anything other than reorganize - we seem to use it as a panacea. The services in these two departments are fragmented, there is massive duplication, lack of coordination, protection of faculty, and passing of the buck. This bill would enable us to go to one director, and the buck would stop there. So, I hope that you will give this serious consideration. If you feel that it would be impossible to meet the effective date - then extend it, or give the executive branch some leeway.

REP. POLLY HOLMES--I encourage that you look in the direction of reorganizing our system so that it aims to the needs in our society rather than promoting (?) the various kinds of buildings that hold people. I do agree that a delayed effective date would be helpful.

REP. JAMES MULAR--Mr. Mular submitted written testimony, see attachment #10.

OPPONENTS

BOB LOHN, Governor's Staff Attorney, speaking for the Governor and the Directors of the departments of Institutions and Social and Rehabilitative Services--What we are talking about is philosophical. This would organize the services to humans, but it is an equally valid way to say that SRS gives community services and institutions gives services to people in those establishments. Again it is a question of how you view the facts. There is valid criticism in the lack of continuity in Aftercare; but a total demise of the Department of Institutions isn't the way to cure that. There have been tremendous improvements in the institutions. Also, I am not sure that the Corrections Division should belong in SRS.

DON JUDGE, AFSCME, AFL-CIO--I don't think I will be vociferous, but I think you are creating a massive agency. Currently, the departments have different personnel policies. Collective bargaining agreements are not covered and there are all sorts of agreements that would be affected. There could also be a problem of federal grants. Our major objection is the confusion it would create. We wouldn't know who to deal with, how the policies would apply, who would control the faction. There have been some administrative problems with the Department of Institutions, and we agree that a change was needed - but that change has come about. I don't think the approach is right. We concur in the recommendation that the two departments coordinate their efforts, but this bill has mammoth problems related to it. To have a bill come up today that would be effective in July would be impossible.

BRAND--The statement that this is all of a sudden is baloney! Frank Senate, in the Governor's office, made such a study about coordination of the two departments, and no one has referred to that study. We in the legislature want to know why we are always asked to make studies but are never told what happened to the last one. One of the things we should address ourselves to are the people receiving these services. Are their needs being dealt with. As far as a massive bureau, I am saying that they aren't doing their jobs; and I am disturbed about the way they are working. This hopefully would consolidate, so that you could go to one agency. When the Department of Institutions started, they had 5 employees--they now have 80 employees and a building, and I don't think the services have improved as much.

MULAR--You spoke of a breach of continuity - can you elaborate. LOHN--In the transition period I think there would be real problems in maintaining the current level of service. There's a whole package of laws focused on state run institutions, and they are quite different from community based services. MULAR--Mr. Judge, you spoke of collective bargaining problems, when does your contract expire? JUDGE--December 31 -- but we would prefer to renew them before this took effect. We come under the Montana Collective Bargaining Act, and we could bring these proposals to the table, but it becomes a totally new subject of negotiations. We have had problems with the department, and we apologize. BARDANOUE--This bill kind of tears me up, because I see some real good merits to both sides and some things that terrify me. Have you notified the veterans about joining SRS? BRAND--They know of the bill, and they didn't oppose it. BARDANOUE--They are so violently against SRS that they won't even allow people up there to take Medicaid from SRS. BRAND--The Board of Veterans' Affairs is already under SRS. BARDANOUE--When you said consolidate, you spoke of 50 million, Mr. Lohn, where do you get that figure? LOHN--17 million to SRS, and 38 million to Institutions per year. This is everything except medicare and medicaid. BARDANOUE--The budget for

SRS including medicare and medicaid is about 200 million - if these two are combined, I might never come out of appropriations meetings! BRAND-I had a person call me about a correctional problem with a child - we currently have no facilities for children like this - Great Falls has about 50 children with correctional problems and there are no facilities to handle them. It seems we closed Twin Bridges too soon, in that there's no replacement facility. RYAN-Ms. Dussault, philosophically, do you feel that the combining of these is in keeping with what we just did in education? DUSSAULT-Two years ago, we had a new boss in Institutions, and now we have another one - I feel there's something fundamentally wrong with this department. I don't want to argue personalities. MENAHAN-It appears that all institutions run from Helena - why is this so? CURT CHISHOLM (Assistant Director, Dept. of Institutions)- I don't think that is necessarily so. Decisions are relegated to the directors of each institution - matters affecting overall policy are reserved for the director of the department to make; but we want them to be made in correlation with the superintendent. That has been the problem with the damned department for the last 30 years. We are trying to coordinate. MENAHAN-If you are making the decisions in Helena, why is it that we have a number of supervisory personnel in each institution -- in fact, you have increased the top people in each institution. CHISHOLM-We agree to some of the criticism, and had they approached us about this, we would have given some input. The department is fragmented, and most of the human services systems were not organized. Unless you analyze what we are supposed to do, and have professional people who can work to agree - well, there are as many opinions on care as there are people in this room. BARDANOUVE-My concern is over the fragmentation of the delivery of services.

VICE-CHAIRMAN LIEN-We will not have executive session on this today. I would like to know what did ever happen with this study made by the Governor's office that was referred to earlier. LOHN-I wasn't completely aware of it. The time limitations, etc. LIEN-Could we have a copy of the report? This has been an interesting hearing, but we do have to hold this to some time limit.

MEETING ADJOURNED - 12:30 a.m.

Joe Brand, Chairman

Anita C. Sierke
Anita C. Sierke, Secretary