

MINUTES OF THE MEETING OF
HOUSE APPROPRIATIONS SUBCOMMITTEE ON ELECTED OFFICIALS
MONTANA HOUSE OF REPRESENTATIVES

March 8, 1977
9:00 a.m.
Room 428A
State Capitol Building

The meeting was called to order by Chairman Lynch with all members present except Representative Gunderson.

In reference to the Executive Action Session of February 26, 1977, page 4, County Prosecution Unit for the Department of Justice, the votes on the motion "to accept the budget and write in the bill that this program will terminate on June 30, 1979" are: Representative Gunderson, aye; Senator Lockrem, no. The FINAL VOTE: The motion carried with five (5) aye votes and one (1) no vote (Senator Lockrem).

Citizens' Advisory Council on Energy: Mike Fitzgerald of the Governor's Office distributed the Montana Energy Advisory Council Report, January 1977, to the committee members, and drew their attention to page 10 where the C.A.C.E. is discussed. He explained that they have revised their request for the C.A.C.E. and its funding to a 40 member council (rather than 60 members) with funding of \$20,000 (rather than \$27,900) per year. This proposal is in response to House Bill 458. Many members are not able to come to the meetings because they cannot afford the time and expenses involved without assistance. House Bill 458 charges them with having citizen input in matters relating to energy. Mr. Fitzgerald described the activities of the council and what they will be doing in the future. The council would work closely with Bill Christiansen's Energy Office which would also provide secretarial and support staff for the council. The council was appointed in March of 1976, shortly thereafter they applied for H.E.W. funds but did not get that funding.

Claudia Meloy, committee member, spoke as a proponent saying that the council serves a very important function; it is an information link between the government and the public. She pointed out that most of the committee members are also active on other committees and in other organizations. The council does need the funding as the attendance was low because people could not afford the time and expense to come to Helena or the places where the meetings were held. It was the people from the university and the industries who were able to attend more meetings; a broad base of individuals is essential for the effectiveness of the council. They were initially attached to the gasification task force and developed alternatives; but they should be able to expand in to other areas in the future. They are working more closely with M.E.A.C and U.R.P.O. and have a firm commitment from these groups and the Governor's Office to work closely with the C.A.C.E.

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Mr. Fitzgerald added that Gene Mahoney was chairman of this organization and he has agreed to serve as chairman if elected or at least as a member. But Mr. Mahoney has stated that he does not think the council can function without the funding for those people especially who cannot afford to get to the meetings.

Chairman Lynch asked why there was not this kind of support shown when the budget was heard by the committee earlier. Mr. Fitzgerald replied that it was an oversight on the part of the Governor's Office; it did not indicate a lack of interest in this council. Robert Long, speaking on behalf of the Governor's office, stated that they were uncertain of the status of the U.R.P.O. The participation and involvement on the part of the citizens is valuable and important, he added.

Chairman Lynch asked for a break down of the \$20,000 requested. Mr. Fitzgerald said that they figured this at \$500 per year per individual member for travel and per diem for 6-10 meetings total; 2-4 meetings of the whole body and 6-10 with the individual subcommittees.

Senator Lockrem asked how the cut was made, and who was cut from the council. Mr. Fitzgerald replied that some people were not participating because of lack of interest and they would probably not continue with the council. Senator Lockrem followed up by asking then if the Montana Power representatives and the other company representatives would be receiving the money? The response was that they would hope that the people that were having their expenses paid by other means or that could afford the time and expenses would not ask for the funding; but there would be no real way they would be able to legally say that some could be paid and others could not.

For explanatory purposes on the budget request, Mrs. Meloy added that the council has been in a state of limbo; they were to be terminated as of January 1977. She thought that the \$27,900 was based on an average mileage cost. She indicated they would ask the council members who want to remain on the council and expect that about 20 will not want to. They feel that 40 members would be large enough to ensure representative but would not be an unwieldy number. They would be cutting the membership by one-third; therefore, they could cut the budget request by one-third also.

Senator Regan asked if this council is under the Lt. Governor's Office; Mr. Fitzgerald stated that it is, but more specifically it is under the M.E.A.C. headed by Bill Christiansen. Mr. Long added that under U.R.P.O. there would be an office set up as the office on energy; Lt. Governor Schwinden would head the office which would include Bill Christiansen's council and the C.A.C.E.

How important is this program to the Governor's Office, Senator Regan asked. She stated that the committee had thought that they cut this program and now find they still want it funded; what light program could be dropped from the office? Mr. Fitzgerald was not in a position to say.

On behalf of this subcommittee, Mr. Gosnell will work with the Lt. Governor's office and the budget office on funding for this program.

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Youth Detention and Shelter Care Plan: Representative Mike Meloy said that the House has passed a bill that provides some good changes to the Youth Court Act. He explained that since 1974 some alternative places have been developed for juveniles that need to be detained but jail is not indicated. Group homes have been developed as alternatives in 6 communities. There are some federal monies, Representative Meloy said, to continue the function of those existing group homes and to provide for new homes.

The total amount of monies the Crime Control Board could provide is \$255,934 for the biennium; these are LEAA funds. In order to receive that amount the legislature would have to provide matching funds in the amount of \$28,437 for the biennium; these would be general funds.

Chief Justice Hatfield is very strongly in favor of providing these services, Representative Meloy stated, and has encouraged that money be provided through the Judiciary budget at this time.

In response to a question from Senator Regan about this program in 1981, Representative Meloy said that a sunset clause could be put on this. Senator Regan responded that she didn't think one can put a sunset clause on LEAA funds; Representative Meloy indicated that the clause could be put on the state's matching funds.

Mr. Gosnell said that he feels the program has merit but questions putting it under the Judiciary rather than S.R.S. or Institutions.

Ray Stewart, Court Administrator, said that it was the view of Chief Justice Hatfield that if the legislature wanted to put it in to effect it should be under the Judiciary as there could be some accountability to the court and the court has the responsibility of dispositions of the juveniles.

Steve Nelson of the Crime Control Board also spoke as a proponent. Last session S.J.R. 22 mandated the Governor's Office to develop a comprehensive plan; that is why their Board got involved with this. He said that this would be pre-dispositional care and that is why it should be under the Judiciary.

John Wilkinson, of the Youth Development Bureau, was another proponent of this budget. The method of dispersing the funds is unique and will minimize duplications; it would be the purchasing of service arrangement, he said. The youth court would bill the Supreme Court at an average rate of \$15 per day; the money would fund the juvenile rather than subsidizing the facility. This plan has been modeled after three other states and they know it will work. During the two years that the LEAA funds would be available, the program could be developed and monitored before the states takes over the program. (See the attached handouts).

Chairman Lynch said that he felt we should have some handle on all of these activities but he questions the validity of putting them in

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the judicial branch. If this program is accepted, the state will be committed to \$300,000 a biennium in general funds after the LEAA funds run out. This action would be setting a precedent of the elected officials subcommittee handling this type of program, when the committee has not this year or other years dealt with programs of this nature. Representative Meloy responded that S.R.S. does now provide some funds and After Care (under Dept. of Institutions) also provides some; it is a good idea to consolidate it under one area, but what subcommittee should it go under since S.R.S. and Institutions are under two different appropriations subcommittees?

Senator Regan suggested that Mr. Gosnell in his spare time contact both Representatives Manuel and Gerke and find out which one wants this program and transfer it there. Mr. Nelson explained that it was a program that involves a political issue to an extent and the court is concerned that this could become a bureaucratic mess if not carefully planned.

In response to a question from Chairman Lynch, Mr. Nelson said that there could be a problem with the funding if the courts were not involved and did not participate. Mr. Stewart said that he did feel Judge Hatfield would participate in any case.

Representative Meloy, when asked which he preferred, said that he was not sure that he understood the objections of the committee to putting it in Judiciary. Chairman Lynch responded that this committee has not dealt with any care facilities and others who have worked with it and are more familiar with the programs in existence and proposed might be more objective. The other fiscal analysts are also more familiar with the programs. He feels that this would be setting a precedent that this subcommittee deal with shelter and care facilities.

Chairman Lynch asked, if the program is necessary, why should it be in this subcommittee? Representative Meloy responded that the youth court act says specifically that the court may not put a juvenile in jail; so it is a judicial problem.

Senator Regan said that she does not believe this program belongs with this budget. It is true that the district court is involved, but so are the school systems and all the communities involved with the kids. She added that she shares the same feelings expressed by Chairman Lynch.

Senator Regan MOVED that Mr. Gosnell contact Representatives Gerke and Manuel to discuss this program and tell us where this program would go; and eliminate it from this committee.

Discussion: Chairman Lynch indicated that he opposes the motion to eliminate it from this committee because there is some justification that it should remain in the judiciary branch.

VOTE: The motion carried with four (4) aye votes and one (1) no vote (Chairman Lynch).

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Montana Computerized Criminal History System: The Department of Justice requested that the committee reconsider its action on this system.

Mr. Gosnell said the S.B. 439 would have required the program be established; this bill died but the option to establish the program is still open to the committee. The system would set up a data processing system that law enforcement persons could call in for the rap sheet. This can be done manually now through the ID Bureau. The funds (which differ slightly from those given on the attached sheet) would be \$241,187 in 1978 and \$289,013 in 1979; 90% would be LEAA funds. The state's portion would be about \$50,000 for the first biennium in general funds.

Mike Meldahl, Chief of the Data Processing Bureau, distributed the handouts attached and briefly explained the program.

Wally White from the Board of Crime Control was also a proponent of this program. He reported that the Task Force reporting on Information Systems on Montana Justice, as well as the Montana Criminal Justice Plan gave this system top priority status.

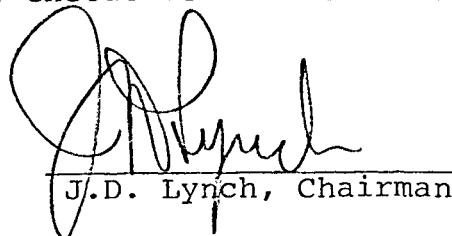
In response to question, Mr. Meldahl said they would need 3 full time employees once the program was established and in full operation to keep people in the field trained. Other costs would also be for maintaining files and maintenance and software for the computer.

Mr. Gosnell indicated that this program had been cut by the committee partly because it was contingent upon S.B. 439 but also because of the issue of the LEAA funds.

Mr. Simpkins of the Budget Office said that this was not funded because they didn't have the funds for it. Mr. Dave Lewis, also from the Budget Office, said that there were many good programs cut because of the lack of funds.

Senator Regan said that in the next six years it will cost about 1/2 million dollars in general funds for this program; and there is an estimated 54,000 criminals in the first two years. The work can be done manually now. There would be a cost savings shown under the centralization of these services, Mr. Meldahl stated. Now the agencies must use mail service, where much is lost in the process in terms of time. It would put the burden back on the law enforcement agencies if continued to be done manually. Mr. Gosnell retorted that the local governments are suppose to be doing that now. It would still be manual, but it is a good system he feels.

There being no further discussion, the hearings were closed for the day. The committee will meet for executive action on Wednesday, March 9, at 9:00 a.m.



J.D. Lynch, Chairman