

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

March 30, 1983

The 12th meeting of the Senate Finance and Claims Committee met on the above date in room 108 of the State Capitol. Senator Hims1, Chairman, called the meeting to order at 8:09 a.m. to hear House Bills 667, 892 and 907.

Roll call was taken with all members present except for Senator Stimatz.

CONSIDERATION OF HOUSE BILL 667: Representative Switzer, District 54 said this is a crimestoppers bill, it creates a crimestopper program within the Department of Agriculture. He said he had some figures on the facts about theft of Montana livestock that would show the need for the bill. In 1981 the Brands Enforcement Division had 344 cases, in 1982 they had 266. There were 67 felony cases in '81 and 81 in '82. There were 1511 stopped vehicles carrying livestock that were checked by the investigators in 1981. In 1982 the number of vehicles went down and the livestock numbers went up. In spite of the Highway Patrol helping, the numbers were up on livestock. In '82 there were 1,012 strayed or stolen livestock reported. There are three states that now have the crimestopper program. North Dakota, Colorado and New Mexico. This bill is patterned off the New Mexico program. There will be a Commission, appointed by the Chairman of the Board of Livestock and will consist of the administrator of the Brands Enforcement Division, a member of the Board of Livestock, a law enforcement official and two members of the public appointed at large. A Chairman will be elected from the members. Compensation will be expenses only. The start-up money can be from the earmarked estray fund. They hold this money for 2 years to see if the ownership can be found. It is \$10,000 annually. The Lewis & Clark County Sheriff is here and testified in the House Committee and there may be others. I also was told by the drafter of the bill that a statement of intent should have been attached and should go through this committee, and be attached to the bill.

SHERIFF CHUCK O'REILLY, Sheriff, Lewis & Clark County and a Vice President of the Peace Officers Association spoke in favor of House Bill 667. He said he would speak in favor of the crimestopper program throughout Montana and nationally. It is the most successful citizen program we have ever had come into existance. In 1982 they had 213 calls in Lewis & Clark County, 57 were arrested and there was 100% conviction rate. These are cases that would not normally be solved through normal investigation. No leads existed and the cases have been literally tabled. If it was not for the program these people would have been out and free. We have recovered about \$1.19 for every \$1 taken in. The same thing is true throughout the United States. This bill is expressed on confidentiality. There are three elements in crimestoppers that make it a successful program; law enforcement, the public and the press. These

three are necessary to run the program, and in my years of working with law enforcement, it is the first time I have ever seen them get together. We do support this bill.

Mons Teigen, Montana Stockgrowers, Montana Woolgrowers and Montana Cowbells, said they also support the bill. The stockmen have had a reward program going for several years but people are refusing to come forward because they have to come forward and testify. I have observed first hand the operation of the Lewis and Clark program. This does not cost the state anything, it is money that would go back into the industry.

Jo Brunner, Women Involved in Farm Economics, said that WIFE is in full support of the bill. She said that when farmers or ranchers have stock several miles from home on leased land or pasture, they have a lot of loss. She said her local sheriff is also for the bill. She said she was also giving the support of Pat Underwood, lobbyist for the Farm Bureau who could not be here today but said his organization was in favor of the bill.

Don Hilger, rancher, said one rustling crime can exceed \$50,000. He said while most of the cattle and horses are branded, many unbranded calves are stolen.

Les Graham, Department of Livestock, said while this was not a department bill, they were wholeheartedly in support of it. He also submitted a letter from Pat Goggins, President of the Public Auction Yards, Billings, in favor of the bill, attached, exhibit 3. He said they know of some cattle that had been stolen and people are scared to come forward because they have to testify. In one case, from Fairfield, where a truck load of heifers had been stolen and among people in Glendive who saw the truck parked there before going on to Wisconsin, there was a brand inspector who saw the truck. He noted the truck and some information on it without making an investigation since it seemed odd to have a truck of heifers there at that time in the morning. Other people had seen it, but had not turned it in. The truck was located and the heifers recovered.

There were no further proponents, no opponents, and the Chairman asked if there were questions from the committee.

SENATOR AKLESTAD: The money is coming from where? Switzer: A number of cattle that the ownership cannot be established on, it is here for two years and then goes into the operational budget of the Department of Livestock. This is the source of the money. It would be tapped.

SENATOR AKLESTAD: What will this board really do? Seitzer: It will organize publicity and establish contracted people on this end.

SENATOR HIMSL: There is \$156,000 in that account as of the last annual statement. This bill would appropriate money from this

fund to the crimestoppers program.

SENATOR BOYLAN: How do they get around the law of facing the accuser? O'Reilly: Basically what happens when you receive a call from crimestoppers, it is not a one on one confrontation. It is a means of further investigation. Once you get the proper leads and information and you have established the case. It prevents us from having to go out and beat the bushes.

SENATOR STORY: How does the reward work? O'Reilly: The informer calls the treasurer of the board and they set up a system. There may be a blank drop or a meeting spot between them.

SENATOR STORY: You wait until after the conviction, or what? O'Reilly: No. It is only information received that is paid for. The information comes into the crimestoppers coordinator and he says your number is 543 or whatever, and you are going to call me back one week from today and we will tell you what the value of the information is.

SENATOR VAN VALKENBURG: Senator Smith, you sat on the subcommittee on Agriculture. Do they have money from the general fund? Smith: The only place is in the area of rabies control and testing things that affect the general public.

SENATOR VAN VALKENBURG: My concern is the money will come from the estray fund which would otherwise go back into the department. If it would go into this program and then they would need general fund, as you explained this, I guess it could not happen.

REPRESENTATIVE SWITZER in closing said he had nothing more to add and hoped they would pass the bill.

DISPOSITION OF HOUSE BILL 667: Motion by Senator Etchart that we do pass and attach the statement of intent to House Bill 667. Voted and carried unanimous of those present.

MOTION by Senator Smith that House Bill 667 be concurred in with the Statement of Intent attached. Voted and passed, unanimous of those in attendance. Senator Smith will carry the bill.

Senator Hims1 mentioned that they do have some problems with the Crimestopper program. In Kalispell area a squealer ratted on his group and wanted the reward money but it was not given to him.

CONSIDERATION OF HOUSE BILL 892: Les Nilson, Great Falls, Representative of district 37 and chief sponsor of House Bill 892 said this is a supplemental to allow the Fish and Game to pay their bills. The Board of Personnel Appeals awarded a grade increase from 12 to 13 and from 13 to 14 for game wardens. It was \$809,000 for the total bill. This bill asks to pay \$478,000 before the end of this fiscal year. The source of the funds is the fishing and hunting license fees. They have the money.

JIM FLYNN, appearing in behalf of the Fish, Wildlife and Parks, said this is the result of an appeal on grade class that began back in 1979 at the same time that the highway patrolmen also were requesting an appeal on theirs. The Department of Administration through their Board of Appeals granted the increase to the Highway Patrol and we were notified that they could not see any difference in ours and issued a notice that we upgrade ours. We concurred and we do have the revenues at hand at this time and request the authorization to pay the bill.

TOM SCHNEIDER, Executive Director MPEA, said the sum is really determined by a law passed in 1977 which limits retroactive pay to 30 days prior to the appeal. We are in support of this and would be happy to answer questions.

There were no further proponents, no opponents, and Chairman Himsel asked if there were questions from the committee.

SENATOR AKLESTAD: This went through the personnel appeals board? Who established this? Flynn: The process that started out went to the Board of Personnel Appeals from the Department of Administration Personnel Division. After that it was ordered to give the up-grade by the Board of Appeals.

SENATOR AKLESTAD: I have a lot of trouble with the personnel of the Board of Appeals. They are actually appropriating money. How can we stop them? Schneider: Last session in House Bill 840 the pay plan bill, there was language that took away the right to make these appeals. This and the Highway group were the last to take that action and are the last that can be filed under the law of 1974. This is not going to happen again. These are the last 2.

SENATOR AKLESTAD: How can they file after the fact? Schneider: These two cases were in the process since they were filed in 1979. Anything in the process had to go through.

SENATOR AKLESTAD: No more? Schneider: No more.

SENATOR SMITH: In the last interim many agencies of the State Government would get reclassified and a lot of people got an increase in salaries. I introduced a piece of legislation so that in the interim it would be tracked, so that we would know what the upgrades were. I don't know what happened to that.

SENATOR AKLESTAD: Under the existing law they do automatically get a grade and step increase don't they? Schneider: That is about a departmental upgrade and that is different.

SENATOR AKLESTAD: All at once we have taken up for a step increase.

SENATOR HIMSL: You are talking about something different. You are talking about step increases in departmental increases.

SENATOR DOVER: They can still go in for reclassification if they don't feel they are classified right, can't they? Schneider: Yes. If they are a secretary 2 and feel that they are doing secretary 3 work. If a secretary 2 and taking a secretary 3 is going up and should be a grade 9 then they cannot do it. They can go up a step level but not a grade level.

SENATOR DOVER: What if they feel they are classified too high? Schneider: The Department of Administration can reduce grade levels. They are doing a continuing basis of reexamination. If they feel they are over classified they can reduce it.

SENATOR DOVER: These people came in on this job. It would look like they knew what it was. Did the work load increase or what made them think they should get paid more? This leads to the domino effect since if the Highway got it someone else could get it, etc. Schneider: In this case both groups filed within 15 days of each other. It was where jobs were compared to others. It took years that it had to be adopted, upgraded, and so in this case, when we examined these positions when they were compared in 1974 the last had gone up. It was tied together since it seems they were the same.

SENATOR HAFLEY: The decision long before '79 that put the Highway Patrol at a certain grade was based on some criteria. Was it about the same as the decision to put the Wardens at the same grade? Schneider: In 1974 the jobs were very similar.

SENATOR HAFLEY: Which one was filed first? Schneider: Highway Patrol, by 10 or 15 days.

SENATOR KEATING: I would address this to Flynn. This will be earmarked revenue? Flynn: Yes. Out of the general license account.

SENATOR KEATING: If this is a supplemental, can you tell me, is it actually from the earmarked fund for this biennium? Do you have a surplus in there? Flynn: Yes. This would basically give us the funding authority to pay it.

SENATOR KEATING? Have the game wardens received their back pay etc.? Flynn: No. Keating: If this group were to not concur in this bill what would be your recourse as the head of the Department? Flynn: We have an order from the Board of Personnel Appeals. I suppose if we didn't get the money then we would have to cut back in enforcement. Keating: How much in the enforcement division.

SENATOR DOVER: You have a surplus but you are raising fees to cover expenses. You have about \$500,000 for the next biennium

you may be lopping it off the next biennium. Flynn: What we have done in projecting the expenses, we have anticipated spending it down through the next biennium. Part of the expenses does include this amount of money. With this expended we will still have the minimum balance we feel we should have.

SENATOR AKLESTAD: What do you generally do with these earmarked funds? What is your expenditures? Flynn: 75 to 80% of the operations.

SENATOR OCHSNER: What does this increase come out to on a total average wage for the warden? Flynn: I believe it is about an 8% increase. About \$180,000 a year. Ochsner: Per individual? Flynn: I don't know. It would be 8% of whatever he is making.

SENATOR SMITH: Are Game Wardens paid the same salary as the Highway Patrol? Flynn: It is my understanding that that is correct.

Nilson in closing said he had nothing more to add, and Senator Hims1 declared the hearing closed.

DISPOSITION OF HOUSE BILL 892: Motion by Senator Regan that House Bill 892 be concurred in. Voted, roll call vote, 10 to 5, the bill passed, roll call vote attached.

CONSIDERATION OF HOUSE BILL 907: Representative Dozier, District 61, said this is a simple bill. We have a short fall in Yellowstone county, being the last one on the list and this completes the reimbursement for the light vehicle fees.

JOHN CLARK, Department of Revenue, said we got our information 2 days before I appeared before the committee. Rather than asking for an amendment to House Bill 412, we did it this way.

There were no further proponents, no opponents, and the Chairman asked if there were questions from the committee.

SENATOR SMITH: Isn't this a very expensive way of bookkeeping? Is this a flub up, or what? Clark: The 1981 session appropriated money for the program making the first year \$15,041,000 and the 2nd year with no data, we had to tell the budget office how much we estimated we would need and we said \$350,000 and we need more. This is really a 1% error which is pretty small for an error. We were shooting in the dark.

SENATOR SMITH: I realize you can't have anticipated this. Couldn't you have asked for more and then turned back to the general fund what you didn't need? It costs approximately \$5,000 to run a bill through here, wasn't this pretty expensive?

SENATOR REGAN: There are fixed costs of running the legislature. If you want to reduce the cost, everybody put in 10 more bills and the price per bill will go down. This is meaningless.

SENATOR AKLESTAD: Can't you pro-rate this out to the counties if you know you won't have enough? Don't you have that authority?

Clark: No. There is a mailing deadline. Some counties got their information in late. We didn't wait until we got in all the information or we would have had to ask for a supplemental and make out 48 checks for the different counties.

There were no further questions and Senator Himsl declared the hearing closed.

DISPOSITION OF HOUSE BILL 907: Motion by Senator Dover that House Bill 907 Be Concurred In. Voted and passed unanimous of those present. Senator Keating to carry the bill.

Senator Himsl said, we don't have anything more today, we will start tomorrow on the big appropriation bill. In the event we don't get it, I guess we will not start--we don't have it yet. My original intent was to start it for Thursday and finish on Friday. We will take it up on Monday if we get the bill and get started on it tomorrow. Monday we will start the meeting at 9 o'clock rather than 8.

SENATOR DOVER: Where do we start?

SENATOR HIMSL: Education, then Human Services, Legislative, Judicial and Administrative, Natural Resources and then I think, Institutions. We will just have to see how it goes and play it by ear. There are no fixed and fast rules on it. I don't think we will get further than Human Services since I think we will be lucky to get through 2 of them tomorrow.

SENATOR VAN VALKENBURG: Will we only open it up to Department Heads to comment?

SENATOR HIMSL: Yes. Unless something different came up. There may be things that changed that we should take a look at.

The meeting was adjourned.



Senator Himsl. Chairman

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

48th LEGISLATIVE SESSION - - 1983

Date

3/30/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Etchart, VC	✓		
Senator Dover	✓		
Senator Keating	✓		
Senator Smith	✓		
Senator Thomas	✓		
Senator Van Valkenburg	✓		
Senator Stimatz			✓
Senator Story	✓		
Senator Ochsner	✓		
Senator Haffey	✓		
Senator Jacobson	✓		
Senator Regan	✓		
Senator Lane	✓		
Senator Aklestad	✓		
Senator Hammond	✓		
Senator Tveit	✓		
Senator Boylan	✓		
Senator Himsl, Chairman	✓		

DATE 3/30/83

DATE 3/30/83
COMMITTEE ON Finance & Claims

VISITORS' REGISTER

[illegible]

FINANCE & CLAIMS
3/30/83

SERVING HELENA AND
LEWIS AND CLARK COUNTY



P.O. Box 1212
Helena, Montana 59624

CRIMESTOPPER YEARLY REPORT
JANUARY 1, 1982 - DECEMBER 31, 1982

The Crimestopper Program had a very successful year in 1982. We received 213 calls, solved 49 cases, arrested 57 persons and recovered a total of \$39,543.13 in stolen merchandise and illegal drugs. The following is a break down of the type of cases solved:

Burglaries - 17
Felony Theft - 22
Misdemeanor Theft - 3
Armed Robbery - 2
Gambling - 1
Robbery - 1
Drugs - 3
TOTAL 49

There were a total of 57 persons arrested. Of this 57 arrested, 53 have been convicted, leaving 4 cases pending. The arrests are as follows:

Adults - 30
Juveniles - 27

The total dollar amount in recovery was \$39,543.13.

The Crimestopper Board paid out \$2,050.00 in rewards which means that for every dollar spent in 1982 for rewards we recovered \$19.29 in stolen merchandise and illegal drugs.

CRIMESTOPPER YEARLY REPORT
JAN. 1, 1982-DEC. 31, 1982


The following are comparisons between 1981 and 1982.

	<u>1981</u>		<u>1982</u>
Calls	- 114	Calls	- 223
Arrests	- 17	Arrests	- 57
Cases Solved	- 27	Cases Solved	- 49
Recovery	- \$12,276.80	Recovery	- \$39,543.13
Rewards	- \$ 1,550.00	Rewards	- \$ 2,050.00

A comparison of cases solved is:

	<u>1981</u>		<u>1982</u>
Burglary	- 7	Burglary	- 17
Welfare Fraud	- 1	Welfare Fraud	- 0
Felony Theft	- 11	Felony Theft	- 22
Misd. Theft	- 5	Misd. Theft	- 3
Aggravated Assault	- 1	Aggravated Assault	- 0
Hit & Run	- 1	Hit & Run	- 0
Armed Robberies	- 0	Armed Robberies	- 2
Gambling	- 0	Gambling	- 1
Robbery	- 0	Robbery	- 1
Drugs	- 0	Drugs	- 3
<u>TOTAL</u>	<u>- 26</u>	<u>TOTAL</u>	<u>- 49</u>

Respectfully submitted,


Sergeant Bud Carbis
Crimestopper Coordinator
Helena Police Department

BC:bf

cc: Bob Erickson, City Manager
Bill Ware, Chief of Police
~~Chuck O'Reilly, Sheriff~~
Crimestopper Board of Directors
File

3/30/83

WIFE Women Involved in Farm Economics

NAME Jo Brunner BILL NO. HB 667ORGANIZATION Women Involved in Farm EconomicsADDRESS 563 3rd St, Helena DATE March 30SUPPORT X OPPOSE AMEND **Comments:**

W.I.F.E. is in full support of HB 667. The incidence of rustling of our livestock seems to increase with the decrease of affluence in our economy. Many of us have pastured removed from our residences and are unable to keep as close a watch on our livestock as we would like. We believe that this will encourage those who do see thefts or unfamiliar circumstances to report them to the authorities. It would be a wonderful thing if we didn't have such problems, or that citizens would turn information in without reward, but unfortunately, like the increase in rustling, this is not the case. We also are supportive of this program expanding and covering all the different crimes we find happening more and more. I have discussed this with my County Sherriff and he is very supportive of any help he can get along these lines.

Thank you.

Pat Underwood - Lobbyist for the Farm Bureau has requested that a document be entered for the Farm Bureau organization

PUBLIC AUCTION YARDS
OF BILLINGS, MONTANA

P. O. Box 1781

Phone (406) 245-6447



PAT GOGGINS

3
March 11, 1983

Les Graham
Montana Board of Livestock
Helena, Montana 59601

RE: HB 667

Dear Les:

I certainly hope that the House Committee considering House Bill 667 on livestock crime stoppers will take a long, hard positive look at it. I think it is one of the best self-help ideas I've seen any state come up with.

It is very beneficial to all livestock growers and to be paid for out of industry funds, is even a greater plus!

We need surveillance in the country. We need to have some money to assist and help pay for information leading to the arrests of cattle thieves.

I strongly urge the passage of HB 667, one of the best self-help programs for livestock men I've seen come along in years.

Sincerely yours,

PUBLIC AUCTION YARDS

Pat Goggins
Patrick K. Goggins
President

PKG/bz

EXHIBIT 4
FINANCE & CLAIMS
3/30/83

STATEMENT OF INTENT
H Bill No. 667 (LC 2027)

A statement of intent is required for this bill because it grants rulemaking authority to the Department of Livestock for the purpose of administering the Livestock Crimestoppers Program.

It is contemplated that the Department establish rules for instituting an award program, including criteria to be used in determining who will receive the rewards and the amount of the rewards in order to guarantee that the rewards be granted through a reasonable and consistent procedure.

It is also contemplated that the Department delineate rules for guaranteeing the confidentiality of persons providing crime-related information.

It is further intended that, to facilitate the transmitting of crime-related information from the public to the Department, the Department establish a toll-free telephone number throughout the state. This toll-free number should be publicized statewide on the radio and in the press.

SENATE COMMITTEE

FINANCE AND CLAIMS

Date

3/30/83Bill No. 892Time 8:50

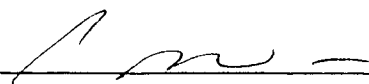
Name	YES	NO	ABSENT	EXCUSED
Senator Etchart, VC	✓			
Senator Dover		✓		
Senator Keating		✓		
Senator Smith		✓		
Senator Thomas	✓			
Senator Van Valkenburg	✓			
Senator Stimatz				
Senator Story	✓			
Senator Ochsner	✓			
Senator Haffey	✓			
Senator Jacobson				
Senator Regan	✓			
Senator Lane	✓			
Senator Aklestad		✓		
Senator Hammond		✓		
Senator Tveit				
Senator Boylan	✓			
Senator Himsl, Chairman	✓			

10 5

Sylvia Kinsey
Secretary

Senator Himsl
Chairman

Motion:



HOUSE BILL 892 BE CONCURRED IN.

STANDING COMMITTEE REPORT

March 30

..... 1983.....

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 667....

Switzer (Smith)

Respectfully report as follows: That House Bill No. 667....

BE CONCURRED IN
~~DOUBT~~

STANDING COMMITTEE REPORT

March 30

19 23

MR. President

We, your committee on Finance and Claims

having had under consideration Statement of Intent, House Bill No. 667

Switzer (Smith)

Respectfully report as follows: That Statement of Intent, House Bill No. 667 be adopted.

STATEMENT OF INTENT RE: HB 667

A statement of intent is required for this bill because it grants rulemaking authority to the Department of Livestock for the purpose of administering the Livestock Crimestoppers Program.

It is contemplated that the Department establish rules for instituting an award program, including criteria to be used in determining who will receive the rewards and the amount of the rewards in order to guarantee that the rewards be granted through a reasonable and consistent procedure.

It is also contemplated that the Department delineate rules for guaranteeing the confidentiality of persons providing crime-related information. These rules must be in accordance with the constitutional right to know and the right of privacy, so that confidentiality will be maintained only when "the demand of individual privacy clearly exceeds the merits of public disclosure".

March 30

19 83

It is further intended that, to facilitate the transmitting of crime-related information from the public to the Department, the Department establish a toll-free telephone number throughout the state. This toll-free number should be publicized statewide on the radio and in the press.

Senator Hinsl, Chairman

STANDING COMMITTEE REPORT

March 30

19 33

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 392

Hilson (Regan)

Respectfully report as follows: That House Bill No. 392

BE CONCURRED IN
~~DO MASS~~

STANDING COMMITTEE REPORT

March 30 19 33

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 907

Dozier (Reading)

Respectfully report as follows: That House Bill No. 907

BE CONCURRED IN
~~XXXXXX~~

.....
Senator Hims1 Chairman.