

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 21, 1985

The seventh meeting of the State Administration Committee was called to order at 10 a.m. on January 21, 1985, by Chairman Jack Haffey in Room 331 of the Capitol Building.

ROLL CALL: All members were present with Senator Manning arriving late.

CONSIDERATION OF SENATE BILL 82: Senator Daniels sponsors this bill entitled, "AN ACT ESTABLISHING A MONTANA LAW ENFORCEMENT MUSEUM IN THE OLD STATE PRISON IN DEER LODGE; PROVIDING FOR FUNDING AND A LAW ENFORCEMENT MUSEUM ACCOUNT IN THE STATE TREASURY; AMENDING various sections; AND PROVIDING AN EFFECTIVE DATE." Senator Daniels said the purpose of this bill is to establish a Montana Law Enforcement Museum in Deer Lodge at the old prison. The museum would show evolution of law enforcement through the years. It would give credit to those that lost their life in the law enforcement area, and to educate the public in crime prevention and safety. It is a ready-made area and we already have some artifacts already there. It would generally show historical things from the vigilante days to the present. There would also be a display that would show confiscated materials that the inmates have made weapons out of; simple articles that you would not believe could be made into a weapon. However, most people are not happy with the funding in its present form. It seems macabre to fine a man for killing someone and have the money put into the museum.

PROPOSERS: Sheriff Charles O'Reilly, Lewis and Clark County Sheriff and member of Montana Sheriff and Peace Officers Association, said that law enforcement has had a long and colorful past in Montana. He said that it would be nice to have a memorial for the people who have given their life in this profession. Sheriff O'Reilly supports this bill.

Marvin Dagel, Sheriff of Granite County, said that this is a worthwhile effort and he supports it. He said that they have met with people and looked the project over.

Kurt Chisholm, Deputy Director of Institutions, stated that they have a lease with the city of Deer Lodge, who has a sublease with the Art Institute of Powell County, which expires in 2005. If this bill passes, they would be willing to cancel the lease, but they would suggest that the museum be overseen by a state agency other than the Department of Institutions.

OPPOSERS: There were no opponents.

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Senator Haffey then asked for questions from the Committee. Senator Lynch asked with regard to Mr. Chisholm's statement have you talked to the City? Senator Daniels said that the Mayor did not see any problem. Senator Daniels felt that it was simply a mechanical problem. Senator Lynch then asked if Senator Daniels and Senator Haffey felt that there should be a subcommittee appointed to study the problem of funding. Senator Daniels said yes and that he would work with them and so would the peace officers. Senator Lynch then asked if they would use all the floor space in the old prison. Senator Daniels replied that it is presently in the old Administrative Building. Senator Haffey remarked that it lists square feet in the fiscal note, but that if it goes into a subcommittee, they can look at it at that time. Senator Mohar asked if there was another law enforcement museum in the state, and Sheriff O'Reilly replied no. He said there was a badge display at the Montana Law Enforcement Academy but that's all. Senator Harding mentioned that it does not designate State Administration to oversee it and she wondered if there would be a cost involved in having the State Administration administer it. Senator Daniels said no, it may be administered by the man who is administering it now. Senator Haffey then asked Senator Daniels if he had a copy of the fiscal note and Senator Daniels replied no. Senator Manning asked if there were some fines included and Senator Daniels replied that there were, and that this was a matter that should be studied. He said Mr. Hartley has a plan. Mr. Hartley is the present director of the Powell County Museum and operator of the Towe collection. Senator Haffey closed SENATE BILL 82.

Senator Haffey appointed a four member subcommittee to report back to the Committee by Friday. Appointed were Senator Harding, Senator Farrell, Senator Lynch and Senator Mohar. They are to work out any amendments to the bill that would be necessary, and to include; 1. Funding; 2. Question of lease and sublease between the city of Deer Lodge and the Department of Institutions; and, 3. Should this be attached to a state agency. Senator Haffey further stated that Valencia Lane, staff Attorney, would work with the subcommittee. I would ask that you all please attend so we have a full circle of communication. Senator Lynch said the subcommittee would meet at 9:00 a.m. tomorrow, January 22, 1985.

CONSIDERATION OF SENATE BILL 100: Senator Daniels is the sponsor of this bill entitled, "AN ACT TO ALLOCATE TO THE HIGHWAY PATROLMEN'S RETIREMENT PENSION TRUST FUND 10 PERCENT OF ALL FINES AND FORFEITURES COLLECTED AS A RESULT OF CITATIONS BY HIGHWAY PATROLMEN FOR VIOLATION OF THE MANDATORY MOTOR VEHICLE LIABILITY INSURANCE LAW; AMENDING SECTIONS 19-6-401 and 61-12-701 MCA." This is a bill to allocate 10% of fines and forfeitures to the highway pension fund from people who do not carry the mandatory insurance. During subcommittee 3's hearings, it was brought to our attention that the highway patrolmen were being less than eager to enforce this law, and this is, if you will, a carrot to get them to enforce this law very strictly. Senator Daniels then asked Senator Neuman to close for him as he had another meeting.

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PROPOSERS: Senator Ted Neuman, District 21, supports this bill 100%. Senator Neuman said that in New Mexico they have a board set up to check on insurance. He said this was very unwieldy. They mailed forms to the people, who mailed them back, and then the highway patrol wrote to those that didn't have insurance and asked for their licenses. All this only sampled 1% of the people. He said that it was asked that the state contribute 1.05 of salaries to make that fund sound. We think this is a better idea. Senator Neuman said this bill had two purposes, to help make the fund sound and to make them attractive so highway patrolmen will check insurance liability.

Larry Nachtsheim, Administrator of Public Employees Retirement System, said we originally had a bill to increase salaries to this fund, but we decided not to ask for that, as this bill is a much better way to make the fund sound. If this bill is successful, we may have to increase it to 20% at a later date.

Tom Schneider, Director of Montana Public Employees Association, said that they support this bill. This is not the first retirement system to receive fines, the Fish and Game receives a portion of the fines that they levy and it goes into their retirement system. Some judges receive a portion of the fines that they levy. He went on to say that some highway patrolmen will be more conscientious about enforcing this when they have a vested interest. I frankly don't think that this will have to be raised in the future. I am not worried about this fund not being sound.

OPPOSERS: Janelle Fallan, Montana Chamber of Commerce. She said that they were not really against the bill but they had some questions and they all seemed to be negative. When Senator Daniels mentioned that this is a carrot to get the highway patrolmen to do their job, we object to this. This looks like bounty hunting and we object to that.

SENATE BILL 100 is closed. Senator Haffey then opened it for questions from the Committee. Senator Neuman closed by saying that he hoped the Committee would not look at it as a bounty hunting bill. He said the Fish and Game does this and he doesn't think they are any more stringent about enforcing their laws than they were before this source of funds became available. Senator Manning said that he felt that these laws should be enforced if they were not being enforced because right now they are a mockery. Don't you think this will work? Senator Neuman answered that he felt that this was the best idea that they have come up with. Senator Lynch asked if they would object to its not being amended. He would like to have it on the books for two years to see if it will work. Senator Neuman said there was no problem and he didn't think it needed to be amended.

EXECUTIVE ACTION on SENATE BILL 100: Senator Manning made a motion that SENATE BILL 100 DO PASS. Senator Harding said that this bill

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took money out of the general fund and she was not in favor of that. Senator Tveit wondered if this shouldn't properly be before the Finance and Claims Committee. Valencia Lane, staff Attorney, said that she believed there are a couple of other bills amending this section and one of them substantially increases these fines and you may have more fiscal impact than you are looking at. Senator Lynch said that it will pass out of the Senate and it will go to the House State Administration Committee and Repr. Bardanouve will redirect it to the proper committee. He takes care of all these bills that have a fiscal impact. There followed some discussion about the amounts of these fines. Some people said their areas were really being hit and the people were paying upward of \$200.00. Valencia said that the maximum fine is \$250.00. Senator Hirsch said that he was philosophically opposed to this bill. He didn't think we should reward them for doing their job. Senator Lynch said that this is not a crime that they will have stops for. When they stop you for speeding or something, they will automatically ask you for your registration and your proof of insurance form. They will simply be more conscientious about it. Senator Manning then called for question and Senator Haffey asked for a roll call vote. The vote was 6-4 in favor of SENATE BILL 100, so SENATE BILL 100 DO PASS.

Senator Haffey said that we will further consider Senate Bill 10 on Friday and Senate Bill 11.

The meeting was adjourned at 11:06 A.M.



SENATOR JACK HAFLEY, CHAIRMAN

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date 1-21-85 Senate Bill No. 100 Time 11:02 ~~5:15~~

NAME	YES	NO
SENATOR ANDERSON	✓	
SENATOR CONOVER	✓	
SENATOR FARRELL		✓
SENATOR HARDING		✓
SENATOR LYNCH	✓	
SENATOR MANNING	✓	
SENATOR MOHAR	✓	
SENATOR TVEIT		✓
SENATOR HIRSCH, Vice-Chairman		✓
SENATOR HAFHEY, Chairman	✓	
Total	6	4

Glenda Pennington
Secretary, Glenda Pennington

Jack Haffey
Chairman, Senator Jack Haffey

Motion: _____

DATE: Jan 21, '85

COMMITTEE ON State Administration

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with General Counsel.)

STANDING COMMITTEE REPORT

January 21 1935

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE BILL** No. **190**

first reading copy (**white**)
color

FINES FROM VIOLATION OF LIABILITY LAW TO HIGHWAY PATROL RETIREMENT FUND.

Respectfully report as follows: That **SENATE BILL** No. **190**

DO PASS

DO NOT PASS

Chairman.