

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

April 9, 1985

The 15th meeting of the Senate Finance and Claims Committee met in room 108 on the above date. The meeting was called to order by Senator Regan, Chairman at 8:01 a.m. following roll call.

ROLL CALL: All members present except Senator Aklestad.

CONSIDERATION OF HOUSE BILL 320: A bill to appropriate \$20,000 for the 1987 biennium to study family unification facilities at Montana State prison and bring proposed rules and implementation costs before the 50th legislature.

Representative Waldron, chief sponsor said this bill as it was amended in the House provides for a study and the gathering of funds for utilizing the family visitation program. Not so much conjugal visits as family visits. The studies we have looked at shows a lower rate of recidivism in family visitation programs. In talking to those individuals who get up the programs in the other states, they have all indicated they were against the family visits program and yet every one now believes the program is a success. From a management perspective it helps with behavior. From the taxpayers perspective it has positive results from the decrease in recidivism. There are 3 benefits in that it keeps the inmates and families together, keeps the inmates in touch with the family living and family life. Family visitation programs help promote a healthy family relationship. Many said in the areas where they have it that it often keeps the marriages from breaking up. It was our feeling the institutions should collect the funds and set up the rules. There is \$20,000 in the bill. It will require purchasing a couple of trailers and putting up some chain link fence for children to play in. No common law marriages, but those with a marriage decree.

PROPONENTS FOR HOUSE BILL 320: Curt Chisolm, Deputy Director of the Department of Institutions said we would support the bill. At this particular time given the direction it has taken the Department can support it. Waldron's bill would give the spending authority to take up donations to purchase the trailers, etc. Evidence shows it has a positive impact on the prisoners. We did not initiate the program, but can support it.

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

Senator Bengtson: Are there advocacy groups in the community that are willing to raise the funds or do you plan on doing that?

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Representative Waldron: I have been in touch with some of the church programs and they are very interested in it. The Council of Churches, John Ortwine says they are very interested. Several groups have indicated interest.

Senator Keating: You use the word study. Does it mean it is a pilot program?

Representative Waldron: The program will not be implemented until after the next legislature. That way we will have a chance to review the rules etc.

Senator Keating: \$20,000 to study the thing. It sounds like you already have studies and guidelines, etc. In listening to your presentation I felt that you might actually like to buy a trailer and get the program started.

Representative Waldron: It was the concern of the people in the House that they wanted to see what rules there were before placing the program. Now all we actually need is to have the blessing of the legislature. There was also some concerns about rules about common law wives, how extensive the family visitation would be, etc. If the Senate wishes to implement it now, they could tell the Department of Institutions to do it.

Senator Keating: Do you have to have \$20,000 before you can start writing the rules?

Senator Bengtson: You want spending authority to spend the funds?

Representative Waldron: To collect them.

Senator Bengtson: If the department writes it up, why do you need the \$20,000 now?

Representative Waldron: Part of the funds can be used to help the Department with the study and implement the rules. The prisoner is changed, contraband is at a minimal, and recidivism is down.

Senator Gage: Assuming that the 40th legislature says go ahead, do you have any estimate as to what the funding would be to fitting the program in there, the annual operating costs, etc.

Representative Waldron: The operating costs should be a real minimal, possibly a wash. The inmates are required to pay for the operating costs, laundry, etc. Normally the wives bring in food to cook if they stay over night.

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Representative Waldron closed by saying I have a number of studies. Mississippi has the longest program. The Hopper study from the prison in Parchmont Mississippi --I would like to read you a bit from this. (He read from a report)

Senator Regan declared the hearing closed.

CONSIDERATION OF HOUSE BILL 206: Representative Bardanouve walked the committee through the bill. His explanation is attached as exhibit 1, H. B. 206.

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

Senator Bengtson: The Utilities and the public service commission having to go before a firm in Washington DC. Is there any sort of projection in the difference in costs that the state will have to provide. I am wondering about the \$20,000 in general fund money they allowed them to go to Washington D. C.

Representative Bardanouve: I think it is state witnesses primarily.

Senator Bengtson: How many of those?

Representative Bardanouve: I do not know. If interstate they can take their case to Washington. I imagine they will have to ask.

Representative Bengtson: What does the PSC anticipate as happening?

Bob Nelson, Attorney PSC, said there are ongoing cases now. We have been participating in the cases that led to this. We have established on phase 2, 3 and there will be a phase 4. We know we will be a party in that document.

Senator Bengtson: Have you built within your budget those type of anticipated costs? It just happened in the last year, but if you look forward what sort of an obligation are you requesting for in the future?

Bob Nelson: We have requested some--what is there, but have not built in any ongoing cases in the budget. The first series of cases are critical to you.

Senator Smith: Silicosis. Ever since 1975 there is always bills putting additional appropriations in for them. We were told that under the new laws this would be built into the mining laws so that the company was responsible.

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Representative Bardanouye: The new law since we passed the Occupational Disease Law. We picked up the ones from before that. We then passed in 1959 the Silicosis laws. They were prior cases to the occupational disease law. It is a very dormant disease.

Senator Smith: Then I misunderstood you. You said because of the hard rock mining cases.

Representative Bardanouye: No. I referred to hard rock mining somewhere else in the bill.

Senator Gage: The \$7½ million general fund, is that already reflected in the governor's budget?

Representative Bardanouye: Yes, it has been taken into consideration all along. We got some federal money on the fire and that reduced it.

Senator Keating: You said the general fund on page 5 the general fund assistance development, is that extra for the silicosis?

Representative Bardanouye: That does not come under silicosis. That is the language that allows them to spend some money. The money will not be spent by July 1 and it allows them to carry the money over to finance the program.

Senator Regan: Dealing with the vacancy savings and the Supreme Court and Highway -- Francis, do you have a breakdown for that?

Representative Bardanouye: I don't have a breakdown. Most of it was the 4 judges. There was a little other, but most of it 4 judges.

Senator Bengtson: On page 3, line 6 and the vocational Education funds. You indicated school district should have picked it up. I am confused on this.

Representative Bardanouye: The local agencies did not keep up their effort. You have to keep up the local effort to get the federal dollars. The federal said we should have this for maintenance of effort.

There were no further questions and Representative Bardanouye said he had no closing remarks. Senator Regan announced the hearing on 206 closed.

CONSIDERATION OF HOUSE BILL 212: Representative Eudaily as chief sponsor of H. B. 212 explained the bill. He said this bill is an appropriation for the 4% foundation program bill. 211 is the actual bill that contains the schedule and the other is the appropriation. The only change is on line 21 and it represents the 4 and 4 foundation increase.

There was a 97-2 vote on 3rd reading. That is the figures used to balance the budget in the House. I would much have preferred to bring it to the 7-7 because it reflects the level it should be, but will urge you to support this at 4 and 4.

Proponents for House Bill 212: Eric Feaver, President of the Montana Education Association said we don't want to support the 4 and 4 but feel if we don't support it you in your wisdom, might support it at less than the 4 and 4. We have not heard anyone suggest that 7 and 7 is not responsible, but we will support 4 and 4 since the state cannot afford the 7 and 7.

Representative Menahan said in the House we attempted to put on a rolling average amendment to the bill because we felt it would be right. Some people opposed the amendment which basically boils down to one high school and probably 2 elementary ones. We have lost 70% of our base. We lost \$800,000 on the suit over tearing down the smelter. The school district thought they would win the suit and lost it. They cut back 30 teachers, no athletics on the lower level and they are making a lot of cut backs. We are asking for a one time let-down and we would spread it over 2 years. We would have to have at least 25% drop in evaluation to qualify. We had the one industry town and the smelter shut down. Anaconda appealed their taxes. The constitution does say everyone in the state is entitled to an equal education. The tax base for an elementary--\$7,000 in Anaconda and it is an average of \$17,000 per student over the state. We have 1/3 of the ability to raise the taxes because our tax base is 17 and in others some are 49.

Representative Eudaily said he would also like to speak in favor of the amendment. He said he would like to go on record in favor of the amendment. Representative Menahan requested this in the House. We did not feel we were ready to get into the rolling average in the 211 House Bill. We felt it was more proper to do this in 212 rather than 211 and suggested this be brought to you as a part of 212. Anaconda is the only one in the state really facing the problem in the state and the children there are the ones that are going to be hurt. This would be a one time let-down for Anaconda.

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

Senator Gage: What percentage would the 62-8 come out to?

Representative Eudaily: 7%.

Senator Gage: The rolling average. Determining all A & B.

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Representative Menahan: Yes. You could go at 3 or 5. We used the 5 year.

Senator Hammond: Is it still dropping?

Representative Menahan: High School. 1757 and now it is 1350. Elementry was 916 to 730.

Senator Hammond: What is the projection?

Representative Menahan: It has leveled off some in the last 2 years. There is no place for the people to go to get more jobs. They are cutting 30 teachers off. They have closed 3 schools and tore one down. They are closing 2 more this time and trying to bunch them up.

Senator Hammond: That has happened in other places, but taxable valuation has not dropped.

Representative Menahan: 435 mills were voted in for county and school districts. If we maintain that with the smelter gone we will be \$1½ million short. The \$800,000 is gone.

Representative Eudaily closed by saying we had no objection to a larger 6-6 or 7-7 but do not expect it.

CONSIDERATION OF HOUSE BILL 633: Representative Lory, chief sponsor of the bill said this bill would stabilize the subdivision bureau and sanitation account. We agree it should be supported by fees. They came in in favor of earmarked funds. The water quality handled them for a short time since we wiped them out. This would stabilize them from general fund and then they would put the money back so it will be a wash. The state recognizes the review is a state mandate and we really have to have someone do it. These are technical people and we cannot just hire for the day. We have to keep on a skeleton crew. There is one correction --an amendment on line 20 the figure would be 198,796 and on line 21, 207,077 for 87. Those are the operating fees estimated for the bureau. This is a leveling affair. It does give the subdivision bureau some continuity.

Proponents for House Bill 633: Steve Pilcher, Water Quality Bureau. You have all been through this in the past. I would like to make a couple of comments on the difficulty we have in administering it. These are the number of reviews in the past years.

| | |
|---|----------------|
| In 1976 3500 lot reviews | In 1977, 6,000 |
| In 78, 15,000 | In 79, 14,000 |
| In 80, 10,000 | In 81, 8,000 |
| In 82, 6,600 | In 83, 4,300 |
| In 84, we were back up to 5,700 and we would expect it to remain close to this. It is obviously tied to the economy and we cannot out-guess it. We are really using general funds | |

but they will be a trade off.

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

Senator Smith: I have a question. The comments were made that there would be no obligation to the general fund. On page 2, line 4--reimbursements be made to the greatest extent possible. It sort of leaves the door open. In the greatest extent, it could be an obligation.

Representative Lory: If our estimation of the lots coming in--there could be a short fall. Part of the sanitation is done by the counties that have sanitation people.

Senator Smith: I have been wondering about the drop. Even if we see the drop coming they still keep on a full staff and I was wondering if it would happen in this case.

Representative Lory: There are only 4½ employees in the subdivision level

Dr. Drynan, Director, Public Health, said they only have 4 FTE authorized and there are only 3 people employed since we did not have the money for 4. We are behind. We have brought on the 4th into this because of the back log. We will have some excess dollars at the end of the year.

Senator Keating: Aren't the lot fees set by statute?

Dr. Drynan: \$48 a lot in statute with that as the maximum.

Senator Keating: In regard to the figures that are being changed. This isn't an appropriation bill, is it?

Representative Lory: It appropriates from the general fund and the lot fees are to come back.

Senator Keating: Isn't the appropriation in 400 for the subdivision?

Representative Lory: The Governor had \$30,000 general fund. It was 40 and was cut to 30. This is just to offset the lot fees. This is not in 400.

Senator Story: Senate bill 140 did pass the House, didn't it? The bill for local participation in the review?

Pilcher: Senate Bill 415 is the new version, and it has passed.

Senator Story: The number of lots you will look at in the future will be lower.

Pilcher: The numbers that are utilized in 415 appear to be very small. Not many have shown a pressing desire to do this, it is a local option package.

Senator Boylan: Last time we loaned you \$48,000 or \$50,000 out of the general fund. Was that put back?

Dr. Drynan: We never used it, and we did repay it. The lots came up. That was a loan.

Senator Christiaens: I have a question regarding the fees. Previously they were \$48 a lot. Under the new language are we sure the fees will be commensurate with the actual cost?

Representative Lory: The language remains the same. The amendments were put in to cover the cost and if it was in trouble they would have the loan fees every time.

Senator Gage: A couple of weeks ago there was a request from the audit office to put money into special revenue fees to let them spend it and now we put it into the general fund so that we can.

Representative Lory: Obviously an inconsistency of the legislature.

Senator Gage: It really should go one way or another and be consistent in how it goes.

Senator Hammond: 4½ FTE . What was the average?

Pilcher: The FTE level fluctuated. 4 in '76, it increased to 8.5 during the years with the 1500 and 1400 reviews. Then it began to drop off and since '83 has operated on 4 and during the last year or so even though authorized, the 4, due to uncertain revenue, we tried to operate on 3.

Senator Regan: The \$48 a lot has been stricken and it seems to me you have a blank check to set it at whatever.

Representative Lory: That is true, but not to exceed. It was stricken by appropriation and when they put the change it covers the cost. The original language was reintroduced in the bill.

Senator Regan: The language remains stricken. Is it your intent that the \$48 be reinstated? If so then it would seem an amendment is necessary to do that.

Representative Lory: That is our intent.

Senator Haffey: We have a bill that does not have an amendment the House apparently made. The bill that came to us has "not to exceed 48 in it".

Senator Regan asked if there were any other questions, and with none asked, Representative Lory closed by saying he would urge the committee to concur, that it is a good bill and maybe would stabilize the program.

Senator Regan announced the hearing on H. B. 633 closed.

CONSIDERATION OF HOUSE BILL 667: Senator Donaldson said this bill would provide that a delinquent youth could be detained at Mountain View School and would alleviate the problems the counties are having with the federal regulations. He said there has been a law suit filed in Hamilton as of this morning. The new federal regulations say you cannot hold a youth in an adult facility, nor use the same staff to serve them. As a result of this it has put many of our counties in a precarious position. Mountain View, where they might be housed before coming to trial would help to solve this problem. The bill has been amended considerably. The counties will pay 100% of the costs. \$187,000 in the bill to do some remodeling and get the program on line. Then the counties pick up the costs. It could help to keep them out of court. Page 3 and 4 point out the cost borne by the counties involved.

Proponents for House Bill 667: Steve Nelson, Board of Crime Control said he would like to discuss the problems the counties have. He passed out a statement, attached as exhibit 1, HB 667. He said we either do something or we have a series of law suits. He said Mountain View and Pine Hills can be used for those after a trial, but the problem is before the trial. There are no pre-trial facilities in Montana.

Steve Waldron: Chairing the Institutions subcommittee we reviewed this. I became convinced it is a logical way to proceed. The feds are putting some real stringent rules on us. Not even the same staff can be used to serve the youth as the adults. I see this as an interim measure to try to deal with the program. It will be no cost to the state. The cost of remodeling will be amortized to the counties. The institutions will determine the rate to recover the cost. The area they will be kept in has a steel door and will handle up to 5 boys. It is Cottonwood Cottage where the girls will be kept will handle 3 girls. We could have a total of 8 juveniles at any one time.

Dick Meeker, in charge of a group home, said he supports the facility of Mountain View for this purpose. You cannot hold them in other facilities that we have for that long and if we have this we could hold 5 youth for longer than 5 days in a year. I would urge you to back the bill.

Beverly Gibson, Montana Association of Counties said they recognize the cost of the counties and we endorse this concept of regional juvenile detention centers and feel this would temporarily solve the situation until we know more about it.

Curt Chisolm, Deputy Director, Department of Institutions, said this is not our bill, but we are more than willing to accomodate the bill. It is coming from the counties, etc. We normally do not get into this business. We worked up the costs of what we feel will be the costs as we anticipate them, including the depreciation. It would cost the counties \$60.75 a day in 1986 and \$60.53 in 1987.

Tim McCaully, working on new jail facilities with Jefferson and Lewis and Clark said Jefferson is a small county and a small facility, they will be trying to deal with the problem of juveniles. There are citizen advisory groups formed that are trying to look into this. The counties are dealing with a limited budget. Basically they made the decision that they cannot afford to house juveniles. We did not design any long term facilities for juveniles. This could help resolve the problem.

There were no further proponents, no opponents, and the sponsor did not make any closing remarks. Chairman Regan asked if there were questions from the committee.

Senator Christiaens: The language on page 4, line 21 says "The children must be 10 years of age or older and under 21 years of age." The new language says age 18. I did not know we were going up to age 21.

Steve Pilcher: That is current law. You can hold a juvenile until age 21.

Curt Chisolm: The courts can commit up to 18 but can detain up to 21.

Senator Christiaens: The FTE level--it will require additional staff. How many and the type?

Curt Chisolm: We would have to staff the facilities 24 hours a day, 365 days a year. To do that we will have to staff at 4.8 cottage life attendents. We will need to maintain some maintenance programs if in detention over 10 days and they would need one teacher. The teacher will be retained for both boys and girls, the costs of food, clothing, etc. We would share in a depreciation cost over 10 years. If the average of 5 per day we will recoup all the general funds from the counties. .36 100ths of a teacher.

Senator Gage: The house 18 or over but under 21. Some other facilities other than Mountain View? If they are tried after 18 years of age they are tried as an adult.

Steve Pilcher: The 18 to 21 here should not affect the counties

They would be tried as an adult and would not have to be held in a pretrial juvenile center.

Senator Gage: Those held over 5 days, what age group do they average?

Steve Pilcher: 15.7 years of age in jail. Those of 5 days or more are probably a little bit older.

Senator Gage: Do you anticipate that the counties will pay within 60 days?

Representative Donaldson: From what we have heard, the alternative is a pretty grim one and they should pay on time.

Senator Smith: There is a federal law that mandates this? If a youth in Plentywood is picked up he cannot be held in the county jail.

Representative Donaldson: Yes

Senator Smith: You would immediately have to transfer him to Helena?

Representative Donaldson: You can hold him for a few hours.

Steve Pilcher: If it is a serious crime he can be held up to 24 hours. It is real unrealistic for local areas. This is an alternative idea for seeing what comes out in the next few years. It will be helped mostly by case laws.

Senator Manning: Over all, cost wise, if this program was not instituted the way it is, what would it cost the counties in the state of Montana as you see what it is now?

Steve Pilcher: Three regional centers would be a capital cost of \$4.5 million and an annual operating cost of \$½ million.

Senator Keating: The appropriation. The \$63,000 for the remodeling would be amortized over 10 years?

Curt Chisolm: Yes.

Senator Keating: The \$187,000 biennium, staff and operating costs and meals, clothing, etc.?

Curt Chisolm: Yes.

Senator Keating: The idea then is that the \$187,000 for the next biennium will be replaced by the counties. They could set up as a special revenue account rather than the general fund.

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Representative Donaldson: There is a need for some minor remodeling.

Senator Keating: The \$63,000. The biennium with 4 FTE etc.

Representative Donaldson: Yes.

Senator Keating: Food, etc. If the counties are going to pay for it why do you need the \$63,000?

Representative Donaldson: Money on line to get it started, hire the help, etc.

Senator Keating: I have one other question. My concern is I guess, you talked about it. You will make room for 8 individuals under detention. If you talk in terms of average age, etc., do you think these spaces will be filled? What is the occupancy rate under this situation? Do we have this many youths that need to be detained today and day in and day out?

Steve Pilcher: The average population was about 3½ days. If they go to the expense of transporting them they will probably be held somewhat longer. We are guessing at about 5 days for pretrial purposes. The population has been changing so rapidly, but approximately 100 youths held for more than 5 days.

Senator Hammond: Would you be willing to consider that maybe they are afraid to put them in jail and that could be cutting down on the number.

Steve Pilcher: We are faced with this dilemma. That population seems to be stabilizing off at about 100. I wish I could tell you the exact amount.

Senator Hammond: Statistics show the maximum we could handle here. Lewis and Clark 60 in jail. Each of the 365 days there would have to be some in jail.

Senator Himsel: Following up on that. Did you have a survey as to what counties would use the services?

Steve Pilcher: Yellowstone has been very active of support for this. Cascade also. Flathead is developing a separate one and they will hire some staff to run it. Maybe that is what the future position will be. You are developing a separate facility.

Senator Himsel: But there are 56 counties.

Steve Pilcher: The bulk of the 100 comes from the western $\frac{1}{2}$ of the state.

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Senator Gage: Can the Kalispell facility contract with other counties?

Steve Pilcher: They are planning on staffing it with part time senior citizens. They might be able to.

Representative Donaldson said in closing that this may not be the ultimate solution, it is an opportunity for many counties to cope with it now. This will give the various counties, for the next 2 years, a chance to look at it and find the best solution.

Senator Regan declared the hearing closed on House Bill 667.

CONSIDERATION OF HOUSE BILL 684: Representative Waldron, chief sponsor of H.B. 684 said this bill, an act appropriating money to the Dept. of Administration to satisfy the claim of Vision Quest in the matter of James Romero. He said this bill came about because a judge attempted to appropriate money from the general fund. The justice branch came to us because a judge had committed a youth to Vision Quest in Arizona. The youth had committed arson; the Dept. of Administration and the Dept. of Institutions had refused to pay the bill since they had no spending authority to do so. The judges say we pay for it out of state commitments. We recently passed a house bill in an attempt to pay for this out of placements. While the judge made a previous error, I find his attempt to try to usurp legislative powers was inexcusable, but he was thinking about the youth. The Department of Administration has worked out an agreement that will probably cost a lot more with a trial and more money for interest, etc.

Proponents for HB 684: Dave Ashly said it is the request of the department and they would go on record in support of the bill. He said he was from the Dept. of Administration.

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

Senator Hammond: This case is three years old or more?

Representative Waldron: Four or five before we are done.

Senator Smith: Because of this instance most of the judges recognize some problems -- or can you sue a judge for making this type of thing? This judge has not tried to do anything like this before. There is a mechanism for sending a kid out of state and paying for it now.

Senator Keating: How did the kid turn out?

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Representative Waldron: I talked to someone a few years ago and he has had no problems since.

Representative Waldron closed by saying the youth did burn down the Denver Building. We do not need that kind of thing around.

Senator Regan declared the hearing closed on House Bill 684.

CONSIDERATION OF HOUSE BILL 873: Representative Harry Fritz, chief sponsor of HB 873, a bill which establishes Montana Statehood Centennial office and commission under the office of the Lieutenant Governor. He said this would be to celebrate in 1989, and this bill is here because it contains an appropriation. \$238,220 is the amount, that originally was funded from the general fund, then when we saw the crunch it was changed to the crime victims, and then was amended to be taken from the junk vehicle account. This is not an appropriation--it is a loan. It is an advance. The amount will be put back by the office which is a money making operation. It goes out and seeks grants, requests and donations. Corporations, etc. donate for this. They are planning to sell license plates, there is a bill where you can buy a personal centennial plate. The centennial acres--the state will sell square inches of land. I think it will raise \$188 million to celebrate it. They are planning a logo and franchise it out to a wide range of promotions.

Proponents for HB 873: George Turman, Lieutenant Governor, said after listening to the sponsor of the bill he realized he was representing the conservative side of this legislation. He said, we have history built in. We're in no sense optimistic about this, despite the testimony of Mr. Fritz. We do not plan to borrow all of the money at once. We would think of it as funds available and borrow them if and as we need them. He read some from the bill and said the task was assigned to my office. He said there is a report in respect to the centennial activities and organization -- the 89ers.

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

Senator Gage: I wonder how close this is to the figures they need. They have the L.G. office, a commission of 9, travel and some support on space. There would be a staff of 2 in the first year and 3 in the second year of the biennium.

Senator Jacobson: How many other bills are looking at this particular source of funding? The spending was transferred to the junk vehicle fees.

Representative Fritz: Yes, but Representative Quilici says there is enough in it.

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Senator Jacobson: There is the last bill and super funding that have also looked at this.

Senator Hammond: Won't this take a high pressure salesman?

Representative Fritz: There have been hundreds of suggestions. Many of them in regard to this assembly, such as arriving in period costumes and in surries, a hot air balloon, etc.

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

The meeting was adjourned at 10 a.m.



Senator Regan, Chairman

HB 667
Nelson
HB 667

HB 667 By Donaldson, Fuller et al

JUVENILE DETENTION AT MOUNTAIN VIEW SCHOOL

PROBLEM - JUVENILES CAN NO LONGER BE HELD IN ADULT JAILS

1. The Federal Juvenile Justice and Delinquency Prevention Act of 1984 mandates removal of all juveniles from adult jails.
2. An Oregon federal court case (D.B. vs. Tewksbury) condemned the practice of using adult jails for juveniles. The court found that the following conditions among others, imposed in preadjudication detention of juveniles are in violation of the due process clause: (a) failure to provide any form of work, exercise, education, recreation or recreational materials; (b) failure to provide adequate staff supervision to protect children from harming themselves and/or other children; and (c) failure to train staff to be able to meet the psychological needs of confined children.
3. National jail standards developed by the National Sheriff's Association, the American Corrections Association and the American Bar Association/Institute for Judicial Administrations call for the removal of juveniles from adult jails and the development of objective criteria for the use of secure detentions.
4. The United States Supreme Court Decision (Shall vs. Martin) in 1984 authorized the use of "Preventive Detention", but cautioned that the decision to detain a youth must be based on clearly stated, objective criteria.

THE STATUS QUO IN MONTANA

1. County jails are the only secure facilities available to detain youth awaiting court action (preadjudicatory detention). Most of these facilities do not meet nationally accepted standards for adults, and are not prepared to meet the special needs of young people (see number 2 above).
2. Montana and Wyoming are the only states in the nation with no juvenile detention facilities. The cost of construction of a 10 bed facility would exceed \$1,000,000 and cost over \$120,000 to operate per year.
3. Montana does not have a sizable enough youth population to justify local government indebtedness for construction of detention facilities. The daily population of all youth in Montana jails regardless of length of time spent is less than 5. The recommended minimum size of a detention facility is 20.

4. Of the entire youth population in Montana jails only 15% are in jail more than 5 days. This 15% constitutes approximately 100 youths who spend in total approximately 1000 days in jail; This amount equals 80% of the total time spent in jail by all youths. The average daily population of youths constituting the 15% in jail more than 5 days is 3 youths.
5. The number of youth detained in Montana has been declining for the past 5 years. A 56% decline occurred from 1977 to 1983, and the projected data for 1984 indicates another 50% reduction. This dramatic change makes it nearly impossible to determine the number of secure beds needed to meet the needs of Youth Courts.

YOUTH JUSTICE COUNCIL - BOARD OF CRIME CONTROL

During 1984 the Juvenile Detention Task Force of the Youth Justice Council met to determine solutions to the detention problem. An initial project was a survey of the Youth Courts to determine what detention criteria would be acceptable. The results of this survey were presented to the Montana Probation Officers Association and the Task Force adopted a model set of criteria which could be implemented by Youth Courts.

The Task Force, Youth Justice Council and Board of Crime Control endorsed 3 major recommendations for this legislative session.

1. Require Youth Courts to develop Detention Criteria (SB 268)
2. Providing financial assistance to Youth Courts implementing the Council's criteria (HB 589).
3. Permit the detention of youth at state correctional facilities, (HB 667).

Allowing the use of Mountain View School could reduce the juvenile county jail population by 80%

Youth detained at Mountain View School will have access to education, recreation, health and counseling services that county jails can not afford to provide.

This Bill provides immediate relief to counties trying to address the juvenile detention issue. It may prove to be a long term solution. It will certainly allow time for planning and exploring additional alternatives.

*4/2/1
206*

April 2, 1985

HB 206 SUPPLEMENTAL APPROPRIATIONS
THIRD READING COPY

R. L. Gray

| <u>AGENCY</u> | <u>AMOUNT</u> | <u>PURPOSE</u> |
|--------------------|---------------|---|
| SUPREME COURT | | |
| Page 2, line 14 | 46,830 G.F. | Deficit in District Court costs because there was no employee turnover and vacancy savings for the pay plan costs. Also, there was the cost associated with four new judges. |
| Page 2, line 16 | 18,779 G.F. | Additional cost of a legal secretary needed to meet the workload and reduce bottleneck. |
| GOVERNOR'S OFFICE | | |
| Page 2, line 19 | 20,000 G.F. | To provide immediate funding for an investigative study of the cabin creek mine in Canada. Recommendations will be made to the U.S. State Department. These are start up funds and will be replaced when federal funds are received. |
| SECRETARY OF STATE | | |
| Page 2, line 21 | 85,000 G.F. | Additional computer processing charges for the corporate licensing system exceeding development estimates. |
| STATE AUDITOR | | |
| Page 2, line 24 | 26,029 G.F. | To cover the extraordinary costs of a number of employees retiring at the same time. |
| PUBLIC INSTRUCTION | | |
| Page 3, line 2 | 2,745 G.F. | Because of a transfer of G.F. to FY 84 for school lunch match this additional G.F. is needed for the FY 85 school lunch match. |
| Page 3, line 4 | 9,618 G.F. | To comply with an audit exception in the school lunch match for FY 83. Should have been \$673,789 instead of \$664,171. |
| Page 3, line 6 | 40,414 G.F. | To refund the federal government for the 1976 audit of Vocational Education funds. Based upon local agencies failure to maintain fiscal effort. |
| Page 3, line 8 | 41,000 G.F. | This has to do with the sex discrimination suit regarding girls basketball. This amount is the Office of Public Instruction's share of the settlement between them and the Montana High School Association vs. Ridgeway. The total request is \$130,000, OPI - \$41,000, MHSAA - \$41,000, 3 school districts - \$48,000. |

487,089

JUSTICE

Page 3, line 13 217,000 G.F. For Indian jurisdiction legal fees in excess of amounts appropriated for the 85 biennium. Supplemental allowed in HB 447. This involves the Crow coal case where millions are in trust. The additional costs are expert witnesses and other legal fees.

Page 3, line 15 489,752 S.S. To use highway state special funds for inadequate funding of the Highway Patrol Pay Plan. Vacancy savings were not adequate. Personal services are funded by state special revenue and operations by the general fund. Savings in the general fund could not be transferred to the highway state special fund to offset pay plan costs because transfers between funds is not allowed.

PUBLIC SERVICE

Page 3, line 19 5,767 G.F.
 5,767 F.F. To pay the contract with the National Bureau of Standards for technical assistance in the investigation of the MPC's natural gas pipeline between Morel Junction and Cut Bank. The purpose is to monitor the MPC demonstration of the integrity of the line.

Page 3, line 24 20,000 G.F. To allow the Public Service Commission to participate in the FERC dockets regarding Montana/Dakota utilities gas purchasing policies which may affect Montana Power gas rates.

STATE LIBRARY

Page 4, line 5 33,329 G.F. To pay for the settlement in the Crabtree hiring court case. Handicap preference found to be absolute. In addition, \$10,815 will be covered from the Library operations budget.

STATE LANDS

Page 4, line 11 2,896,992 G.F. To pay for fire suppression costs which occurred in FY 84 and FY 85. Originally requested \$3,999,089.

LIVESTOCK

Page 4, line 13 8,000 G.F. To cover a deficit in FY 85 rabies program caused by the need for additional funds in FY 84 for the increased number of rabies cases.

LIVESTOCK

(continued)

Page 4, line 16 8,000 G.F.

To meet the additional costs associated with the four sanitarians classification appeal from grade 12's to 14's. (As approved by subcommittee, requested \$14,366.)

AGRICULTURE

Page 4, line 18 37,312 F.F.

To provide authority to expend federal funds (EPA) available for completion of the endrin pesticide project. This is the study of the effects of endrin on wild birds, such as ducks, etc.

COMMERCE

Page 4, line 23 253,144 G.F.

To cover litigation costs regarding the abandonment of the Geraldine - Denton branch line (\$196,489) and the McCarty Farms-Staggers 229 cases which charges that BN has levied unreasonable rate structures.

Page 5, line 2 20,804 G.F.

To correct the intent of HB 447 and make the Hard Rock Board's appropriation clearly a biennial appropriation. This allows a reverted amount in FY 84 to be used in FY 85. This is needed because start up costs were less in FY 84 and a biennial appropriation was expected.

SOCIAL & REHABILITATIVE SERVICES

Page 5, line 13 3,488,696 G.F.
Page 5, line 14 165,906 G.F.

To cover the additional general assistance and medical costs because of Judge Olsen's ruling and an increase in caseload. As approved by the subcommittee.

Page 5, line 15 113,860 G.F.
Page 5, line 18 1,024,740 G.F.

The \$113,860 of G.F. is needed to match the match the federal funds for the purpose of contracting for the installation of a Montana Medicaid Management Information System (MMIS). Timing is of great importance to assure the MMIS system is installed on time. This system will replace the Dikewood system for making medicaid payments.

LABOR

Page 6, line 2 49,700 G.F.

To cover a shortfall in the FY 85 Silicosis Benefits Program because of higher claimants than projected.

ROLL CALL

SENATE FINANCE AND CLAIMS COMMITTEE

49th LEGISLATIVE SESSION -- 185

Date

4-9-85

| NAME | PRESENT | ABSENT | EXCUSED |
|------------------------|---------|--------|---------|
| SENATOR REGAN | ✓ | | |
| SENATOR HAFFEY | ✓ | | |
| SENATOR JACOBSON | ✓ | | |
| SENATOR AKLESTAD | | ✓ | |
| SENATOR HAMMOND | ✓ | | |
| SENATOR LANE | ✓ | | |
| SENATOR CHRISTIAENS | ✓ | | |
| SENATOR GAGE | ✓ | | |
| SENATOR HIMSL | ✓ | | |
| SENATOR STIMATZ | ✓ | | |
| SENATOR BOYLAN | ✓ | | |
| SENATOR STORY | ✓ | | |
| SENATOR SMITH | ✓ | | |
| SENATOR MANNING (Dick) | ✓ | | |
| SENATOR BENGTON | ✓ | | |
| SENATOR KEATING | ✓ | | |

47th - Second Special Session

VISITORS' REGISTER

SENATE AND HOUSE COMMITTEE

BILL ✓

DATE 4-5-8

SPONSOR

FSC

4-9-8

| NAME | REPRESENTING | RESIDENCE | SUPPORT | Bill # | Bill |
|----------------|---------------|-----------|---------|---------------------------------|------|
| Chris Winton | Commerce | Helena | | | |
| Mary Evans | Agriculture | Helena | | | |
| Golf Day | Ref #57 | Missoula | | HB633 | |
| Don Foss | gas | Helena | | HB206 | |
| Jean Parker | State Library | Helena | | | |
| Eric Feuer | MEA | Helena | | HB212 with Menahan Amendment | |
| Bill Opitz | DHES | Helena | | HB-633 | |
| DON REED | MEIC | Helena | | HB 633 | |
| Beverly Gibson | MATC | Helena | | HB667 | |

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

April 4, 1985

WFL
6/33

Subdivisions

| | <u>FY 1986</u> | <u>FY 1987</u> | <u>1987 Biennium</u> |
|---------------------------------|----------------|----------------|----------------------|
| Anticipated Fee Revenue: | | | |
| Beginning Balance | 42,851 | | 42,851 |
| Anticipated Revenue | <u>170,925</u> | <u>170,801</u> | <u>341,726</u> |
| TOTAL REVENUE | <u>213,776</u> | <u>170,801</u> | <u>384,577</u> |

Approved Expenditure Level:

| | | | |
|--------------------|--------------------|--------------------|---------------|
| Operating Expenses | 218,736 | 201,077 | 399,813 |
| Indirect Charges | <u>15,682</u> | <u>15,692</u> | <u>31,374</u> |
| TOTAL EXPENDITURES | 214,418 | 216,769 | 431,187 |

Subcommittee Funding:

| | <u>FY 1986</u> | <u>FY 1987</u> | <u>Biennium</u> |
|-----------------|----------------|----------------|-----------------|
| Subdivision Act | 184,418 | 186,769 | 371,187 |
| General Fund | <u>30,000</u> | <u>30,000</u> | <u>60,000</u> |
| TOTAL | 214,418 | 216,769 | 431,187 |

Subdivision Account balance at end of Biennium = \$13,390

House Floor Funding:

| | | | |
|------------------------|---------|---------|---------|
| 100% Subdivision Acc't | 214,418 | 216,769 | 431,187 |
|------------------------|---------|---------|---------|

If this funding scheme is approved, the subdivision account would be short \$46,610 for the biennium. To fund the program in this manner is in fact to cut current level by \$46,610, or 22%.

U

PROPOSED AMENDMENTS TO HOUSE BILL NO. 633

(Third Reading--Blue Copy)

1. Page 2, line 13.

Following: "EST~~P~~"

Insert: ", not to exceed \$48 per parcel,"

2. Page 3, line 3.

Following: line 2

Strike: "distribution"

Insert: "proportion"

Following: "fees"

Strike: "between"

Insert: "which must be distributed to"

3. Page 3, line 4.

Following: line 3

Strike: "and the"

Following: "department"

Insert: "from the"