

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

February 10, 1987

The meeting of the State Administration Committee was called to order by Chairman Sales on February 10, 1987, at 9:00 a.m. in Room 437 of the State Capitol.

ROLL CALL: Reps. Pistoria and Peterson were excused. All other committee members were present.

CONSIDERATION OF HOUSE BILL NO. 418: Rep. Bachini, House District #14 and primary sponsor of the bill, stated HB 418 is basically a self-help bill. The bill will assess each member of the Police Officers Association .5% of his paid monthly wage for a life insurance premium. This legislation will not cost the city or state one penny. The reason for the assessment is to provide some insurance for its members. Rep. Bachini submitted some proposed amendments to the committee members (Exhibit #1).

PROPONENTS: Kevin Olson, a police officer for the City of Havre and a current member of the Legislative Committee for the Montana Police Protective Association, testified in support of HB 418 and submitted written testimony (Exhibit #2). HB 418 would assess a .5% deduction to be withheld from the wage of each police officer in the Municipal Police Retirement System to be used to create a death and disability benefit plan for all police officers and possibly their spouses and children.

Larry Conner, a police officer for the City of Bozeman and Legislative Chairman of the Montana Police Association, spoke in support of HB 418 and submitted written testimony (Exhibit #3). For the last several years, members have indicated they would like to have a group insurance policy. This legislation would allow a funding source for this benefit. The Association strongly supports this legislation.

Naomi Sullivan, a widow of a police officer from Anaconda, reaffirmed the need for death and disability benefits for police officers who lose their life in the line of duty. Montana is one of the few states that does not provide some type of death benefit for the survivors of police officers. Some states offer as much as \$100,000-\$200,000 death benefits; nearly all states offer some benefit. In a way, by providing these benefits, these states recognize the brave sacrifices made by the deceased police officers and express

appreciation by providing these benefits for the survivors. The small percentage of salary set aside each month would mean much for their future and that of their families.

Bill Steele, Montana Retired Police Association, spoke in support of HB 418.

OPPONENTS: Sgt. Troy McGee, a member of the Helena Police Department and representing the Helena Police Protective Association, spoke in opposition to HB 418. In this bill, monies would be directed to the Montana Police Protective Association which does and never has represented all police officers in the state of Montana. It is a private organization with a voluntary membership. At no time while this bill was being drafted, did the Association approach any of the 77 officers or city police departments that do not belong to the MPPA to give them any information whatsoever about HB 418 which would take money away from them. The bill is unjust and should not be considered. His written testimony is included as Exhibit #4.

Bill Allison, a patrolman for the Helena Police Department and current president of the Helena Police Protective Association, spoke in opposition to HB 418. He reiterated the merits of Sgt. McGee's testimony and requested that this legislation not be forced on them.

DISCUSSION OF HOUSE BILL NO. 418: Rep. Cody asked Rep. Bachini if there was any way this bill could be amended to address just the members of the Montana Police Protective Association. He replied that that was discussed but if there is going to be a benefit plan, all the members should participate. The insurance company can provide benefits at a cheaper rate if the membership in the plan is larger. Rep. Cody asked Larry Conner if term insurance as opposed to straight life insurance was being considered, and he replied "yes". Rep. Cody expressed the thought that straight life insurance coverage is better than term because it decreases over the term of the policy. Kevin Olson replied that numerous insurance companies have been contacted but no decision regarding a plan has been made, or will be made, until this legislation passes. At that time, the decision regarding term or straight life coverage will be made. Rep. Cody then asked Kevin Olson what the death benefit would be for a widow if this bill passes. He replied that \$20,000 is the plan most seriously being considered at this time. Rep. Cody then asked Naomi Sullivan if she received social security benefits for her family. She replied "no," not until she is age 62. She has received the Municipal Police Officers' retirement benefits that her husband accrued, however. Rep. Moore asked Sgt. Troy McGee if he was concerned about his family's well being if he should die in the

line of duty. He said he certainly was and that he has made adequate provisions for his family in that eventuality. Rep. O'Connell asked Kevin Olson if the bill could be written to just include those who belong to the MPPA. He replied that they want to make membership mandatory so there is always a guaranteed source of funding.

Rep. Bachini closed discussion on HB 418 stating that the benefits of the bill far outweigh what the opposition has stated. 93% of the members of the Association voted in favor of this bill as did 85% of the retired members of the Association. In order for the benefit plan to be successful, the bill has to remain as it is, including his proposed amendments.

CONSIDERATION OF HOUSE BILL NO. 504: Rep. Kadas, House District #55 and sponsor of the bill, stated the bill addresses the initiative process and the ability of people to bring to the Supreme Court the legitimacy of an initiative. He is concerned that the whole initiative process is going downhill because whenever someone does not like an initiative, it goes to the courts. Often an initiative gets tied up in court before it is even voted on. What this bill does is to allow an initiative to be brought to the court if there is a procedural problem. It would not allow an initiative to be challenged on grounds of unconstitutionality in content.

PROPONENTS: Kim Wilson, representing Common Cause of Montana, spoke in support of HB 504 and introduced amendments which are submitted as Exhibit #5. Common Cause believes Montana is blessed with a very efficient and workable initiative process which allows citizens a much greater role in the lawmaking than citizens of other states. They support the integrity of the initiative process and are in support of giving people the fullest access to the lawmaking process. While they support HB 504, they do feel the public must not be unduly limited in their right to challenge initiative issues. He agrees with Rep. Kadas that there should be the ability to challenge an initiative on procedural grounds but also thinks the public should have a right to challenge an initiative on further grounds, such as an initiative being unconstitutional on its face. HB 504 with the amendment proposed in Exhibit #4 will also restrict any challenges on the substance of a bill. The bill sends a strong signal to the people of Montana that the initiative process is alive and well. HB 504 as drafted is a good bill. He suggested the committee look at his additional amendments and urged support of the bill.

Larry Akey, Chief Deputy to Secretary of State Jim Waltermire, stated support for HB 504. Secretary Waltermire believes the initiative process is an important part of

the Montana political heritage and that heritage deserves protection from challenge by special interest groups through the court system. He supports the bill with a couple of reservations: 1) there needs to be a time limit set in the bill so untimely challenges are prevented; and 2) attempting to eliminate jurisdiction of the courts might be held unconstitutional as an undue violation of separation of powers. He has concerns that Rep. Kadas' bill could not withstand a constitutional test. With those reservations, the Secretary of State's Office supports the bill and urged a do pass.

OPPONENTS: None

DISCUSSION OF HOUSE BILL NO. 504: Rep. Nelson asked Kim Wilson if the constitutionality of an initiative was determined by the Attorney General before it went onto the ballot. Mr. Wilson replied that the Attorney General cannot refuse an initiative on the grounds of unconstitutionality. Judy Browning from the Attorney General's office interjected that under the present statutes, the Attorney General does not have the authority to rule on the constitutional content of an initiative.

Rep. Kadas closed discussion on HB 504 stating that the bill just changes when the initiative can be challenged. He opposed the amendments submitted by Common Cause (Exhibit #5). He addressed Larry Akey's concern regarding the timeframe for an initiative challenge for procedural reasons; he felt perhaps a 30-day timeframe would be more appropriated.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 22: Rep. Rapp-Svrcek, House District #51 and primary sponsor of the bill, stated there has been and continues to be considerable "grousing" in the legislature at the federal government's exercising dictatorial authority over states' rights or usurping rights traditionally reserved for the states. One of the latest and most serious examples of usurping of states' rights is the Montgomery Amendment. It is serious because it reverses 200 years of tradition and is, at best, of questionable constitutional compliance. It was adopted after 10 minutes of debate on the floor of the U.S. House and without any public hearing whatsoever. It removes the clear constitutional authority that governors have over the training of the National Guard in peacetime. Governor Schwinden has protested the Montgomery Amendment. He urged adoption of HJR #22.

PROPOSERS: John North testified on behalf of Governor Schwinden and submitted written testimony in support of HJR 22 (Exhibit #6). The Montgomery Amendment severely limits

the governor's authority to control training of the National Guard. For nearly 200 years, Congress has recognized and adhered to this constitutional reservation of power to the states. The Montgomery Amendment further provides that a governor may not, even in peacetime, withhold consent for training of the Guard outside the U.S. because of an objection to location, purpose, type or schedule of duty. Governor Perpich of Minnesota has filed suit against the federal government seeking to have the Montgomery Amendment declared unconstitutional. Because Governor Schwinden prefers that control over the peacetime training of the National Guard be retained in the governors, he supports passage of HJR 22.

Patrick Driscoll, Chief Assistant to the Attorney General, stated support for HJR 22. The Office of the Attorney General has been evaluating whether it is going to join the state of Minnesota in its lawsuit and will continue with this evaluation. If HJR 22 passes, Montana will participate in the lawsuit. It appears that there is substantial reason to believe that the federal government is making an effort to overtake state power that has been granted to the states by the constitution. The states should actively oppose the Montgomery Amendment.

OPPONENTS: George Poston, President of the Montana State Reserve Officers Association and spokesman for the United Veterans Committee of Montana, said he opposed the resolution. The better our military personnel are trained, the less casualties are sustained. The federal government controls the funds for the National Guard. If we put restrictions on the federal government's use, the funds will be cut. If we want each state to control the National Guard, then we don't have a National Guard. He urged a do not pass.

Major General Jim Duffy, Adjutant General for the Montana National Guard, stated the bill is misleading, and he referred the committee members to page one, lines 23-25 and page two, lines 1 and 2. The Montgomery Amendment just allows the governor control over location, purpose, type or schedule of training outside the continental U.S., but it also gives the governor the power and authority to stop persons from training outside the continental U.S. if there is a bona fide emergency in the state or if they have already deployed overseas, they can be recalled.

The Montgomery Amendment is a stop-gap to keep the state's rights from being eroded. This issue will be heard at the National Governors' Association winter meeting later this month, and this is where this issue should be decided, if the governors feel strongly that the states' rights have

been violated. He stated he has a serious and moral responsibility to train the members of the Montana National Guard to the highest state of readiness.

Dan Mortag, a rancher from Cascade, Montana, a Major in the Montana Air National Guard, and President of the Montana National Guard Officers Association (which represents over 500 active and retired Montana National Guard officers) spoke in opposition to HJR 22 (Exhibit #7). When National Guard members take their oath of enlistment, they promise to defend the constitution of both the U.S. and the constitution of the state of Montana. They swear allegiance to both the President of the U.S. and the Governor of Montana. This dual mission makes the National Guard unique. They are asked to support both a federal and a state mission, but the funding for completion of these missions is not a 50-50 proposition. The federal government provides 97% of the total budget to support the National Guard (Exhibit #8) in the state of Montana. Therefore, the Montana National Guard is available for use during state emergencies as seen on page 2 of Exhibit #8 and federal funds are provided to support the federal mission. Since 1973, this federal mission has been to train as a part of the Department of Defense total force. Montana National Guard Army and Air Units are evaluated, exercised and governed by the DOD Army and Air Force regulations. Both the Montana National Guard Army and Air Units have received national recognition. The Montana National Guard Officers Association feels that the federal chain of command should not be curtailed. The Association also believes in the powers vested to the congress by the U.S. Constitution allowing Congress to prescribe the training National Guard units receive. He urged the committee to vote against HJR 22.

Joe Upshaw, a private citizen from Helena speaking as past President of the Montana Association of U.S. Army, past President of the Montana National Guard Association and a retired military officer with 40 years military duty, spoke in opposition to HJR 22. He stated HJR 22 is not needed at this time. He agrees with General Duffy that it should be approached in the correct manner at the Governors' Winter Conference later this month. We should support the National Guard and realize that as they perform their mission, they need to be trained for hostilities. Without federal funding, it would be forced to disban.

Master Sgt. Dwight McCarty, representing the Enlisted Association of the National Guard of the State of Montana, stated the members of the National Guard have a high sense of responsibility to their families, fellowmen, the state and our country. Their peacetime mission is to maintain a high state of readiness for any state emergency mission or

federal wartime mission. Their ability to respond to these missions is based upon their training and training is based upon federal funds allocated to the state. Repeal of the Montgomery Amendment denies the opportunity for the state to train soldiers to the utmost of their abilities to assure peace. He submitted written testimony (Exhibit #9). The federal government will not fund a force which cannot be trained to meet the federal missions.

Others wishing to be noted as OPPONENTS OF HJR 22 but who did not have a chance to verbally testify due to time constraints are as follows:

Mike Bullock, representing the Executive Committee of the Military Affairs Committee of the Helena Chamber of Commerce (Exhibit #10).

J. Lynn Fred, member of the Helena Chamber of Commerce, Military Affairs Committee (Exhibit #11).

Robert Pennington, representative of the Helena Chamber of Commerce, Military Affairs Committee (Exhibit #12).

Marilyn Polich, representing the civilian side of the Butte-Silver Bow Military Affairs Committee (Exhibit #13).

Dennis F. Dolan, member of the Butte Military Affairs Committee (Exhibit #14).

DISCUSSION OF HOUSE JOINT RESOLUTION NO. 22: Rep. Roth referred to Section 3 on page 2 of HJR 22 and asked Mr. Driscoll how much it will cost the state to join in the lawsuit against the federal government to seek an immediate injunction to halt implementation of the Montgomery Amendment. Mr. Driscoll replied that the "fiscal impacts should be manageable". Rep. Moore asked General Duffy if he felt HJR 22 should stand aside until the Governors' conference. He replied that HJR 22 should be killed. Rep. Phillips asked General Duffy what percentage of guard training outside the continental limits of the U.S. took place in Central America. General Duffy replied that somewhere around 42,000 men and women trained outside the continental U.S. last year. It was a pretty small percentage that trained in Central America; however, there will be 13 members of the National Guard training in that area in March of this year. Rep. Fritz asked Dan Mortag which issue was more important, the economic impact on the Montana National Guard or the need for flexibility in military training. He replied that training is the more important issue.

Rep. Whalen asked General Duffy to explain the difference in the roles of the National Guard.

Gen. Duffy replied that the National Guard serves a dual mission. Until 1903, the National Guard was totally supported by the state, with no federal funding. In 1903, the federal government began giving arms and ammunition to the National Guard and at that time, the National Guard became part of the federal force. Members of the National Guard swear an oath of allegiance to both the President of the U.S. and the Governor of the State of Montana. The other reserve components only have allegiance to the President and not to the state. Rep. Whalen then asked Gen. Duffy who has ultimate authority over the National Guard. Gen. Duffy replied that in peacetime, the governor has ultimate authority and is Commander-in-Chief, and in wartime, the President of the U.S. would be the Commander-in-Chief.

Discussion on HJR #22 was closed by Rep. Rapp-Svrcek who stated that this proposed legislation in no way impunes the readiness, duties or dedication of the Montana National Guard. This is not the issue being discussed today. The issue is the continued usurption of states' rights by the federal government. We need to make a stand, and this is a good place to start.

The committee recessed at 10:50 and reconvened at 11:00 a.m. to hear HB 538.

CONSIDERATION OF HOUSE BILL NO. 538: Rep. Winslow, House District #89 and primary sponsor of the bill, stated that in the area of human needs, we have a big building but it is not built upon the needs of humans; it is built upon administrative structure. New energies need to flow. HB 538 is a total realignment of human services based on needs of people and not administrative structure. If we can consolidate the present programs that are available, the dollars can be channeled to the people where they belong. The people are ready to make a change, and we should be ready to provide the services in a better way. The bill calls for a gradual implementation, and he acknowledged there are areas that need to be worked out. He submitted GREY HB 538 for the committee members' review (Exhibit #15) and stated that of all the things we have before us during this legislative session, down the road this may be one of the more important things the legislature deals with.

PROPOSERS Rep. Cobb, House District #42, submitted a handout to all committee members outlining the administrative structure of the various human services (Exhibit #16). He stated there was a tremendous amount of fragmentation and lack of coordination in human services at the present time. This bill would coordinate the functions and put them where they should be. The present arrangement is simply not working.



Gene Huntington from the Governor's Office, supports the bill to the extent of creating a Department of Family Services as discussed previously, and he submitted amendments to the committee for review (Exhibit #17). He does not support the portions of the bill that would abolish departments or substantially change departments.

Others wishing to be noted as PROPONENTS of HB 538 are: Bob Frazier (Exhibit #18), Montana State University.

Jim Smith, Montana Human Resources Development Councils Association.

Rena Wheeler, STEP Billings.

Bradie Mall, Conrad.

Steve Waldron, Montana Council of Mental Health Centers (Exhibit #19).

Evelyn Pool, Montana Independent Living Center, expressed some concerns and would like to see some careful changing, particularly in the area of disabled persons.

Wade Wilkenson, Low Income Senior Citizen Advocate, endorses concept of the bill but feels some careful changing can bring about greater efficiency.

OPPONENTS: Lelia Proctor, representing the Montana Association of the Blind, agrees with the concept of the Disability Department with the Division for the Blind as a separate entity. She would like to see the rehabilitative services taken out of the SRS and placed with the Labor Department since most of the blind people are seeking employment or retraining for employment.

David Lackman, lobbyist for the Montana Public Health Association, stated the bill as written makes no reference to public health and Montana would be the only state without a Health Department. He submitted written testimony (Exhibit #20). He does not vigorously oppose the bill but feels with further study it could be a very good concept.

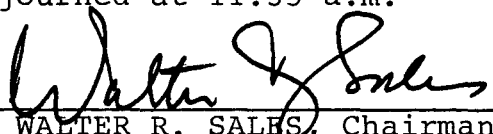
Dale Bozdog, Chairperson of the Montana Coalition Healthy Mothers, Healthy Babies, was not present at the hearing but submitted testimony in opposition to HB 538 (Exhibit #21)

DISCUSSION OF HOUSE BILL NO. 538: Rep. Whalen stated to Rep. Winslow that he did not understand how this would work as far as the study portion is concerned. Rep. Winslow replied that the executive branch has suggested more flexibility

than he proposes. They agree with the disability part of the bill and with the family services portion, but they would like to leave the job training and health to SRS. The GREY bill does not leave public health out at all. The purpose of the study would be for the executive branch to decide what they want to do within the scope of the bill. But, reorganization has been studied extensively, and it is time that legislative action be taken.

Rep. Winslow closed the discussion of HB 538 by stating that he understands the fears inherent in change, but if we want to make a better human services system,. HB 538 is the blueprint.

ADJOURNMENT: There being no further business to come before the committee, the hearing adjourned at 11:35 a.m.

  
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REP. WALTER R. SALES, Chairman

# DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

2/10/87

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson			
Paul Pistoria			
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen			

EXHIBIT #1  
DATE 2/10/87  
HB 418

SPONSOR AMENDMENTS TO HOUSE BILL NO. 418:

1. Page 2, line 17.

Following: "(5)"

Insert: "(a)"

2. Page 2, line 22.

Strike: "member"

Insert: "police officer except as provided in subsection (5) (b)"

3. Page 2, line 24.

Strike: "member"

Insert: "contributing officers"

4. Page 3.

Following: line 2

Insert: "(b) An employer may not deduct the amount provided for in subsection (5)(a) from the monthly compensation of a chief or assistant chief of police or a captain unless such individual notifies his employer in writing to make the deduction. An individual who contributes under this subsection is a full member of the Montana police protective association entitled to all membership rights and benefits, including those benefits provided for in subsection (5)(a)."

7040a/CNCL87

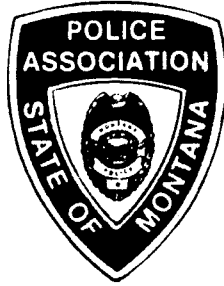
EXHIBIT #2  
DATE 2/10/87  
HB 418

WITNESS STATEMENT

NAME KEVIN OLSON BILL NO. HB 418  
ADDRESS 929 6<sup>th</sup> AVE. HAVER, MT DATE 2-10-87  
WHOM DO YOU REPRESENT? MONTANA POLICE PROTECTIVE ASSOC.  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



**Montana Police Protective Assn.**  
*To Serve and Protect*  
Since 1938

My name is Kevin Olson, I am a police officer for the City of Havre and am currently a member of the Legislative Committee for the Montana Police Protective Association.

Before testifying in behalf of this bill I would first of all like to tell you a little bit about our Association. Our Association represents 357 police officers of the 436 that currently contribute to the Municipal Police Retirement System. These 357 police officers are employed by 12 of 16 police departments that benefit from this retirement system. All members of our Association currently pay \$15.00 per year dues to the Association to help defray costs of administering the Association. With passage of this bill we hope to eliminate these yearly dues with a monthly deduction from each officer's wages. In turn each officer who is a member of the Municipal Police Retirement System would become a member of the Association with all rights and privileges granted to current members.

I am here today to fully endorse and support House Bill 418 introduced by Representative Bachini. This bill would assess a  $\frac{1}{2}$ % deduction to be withheld from the wage of each police officer in the Municipal Police Retirement System to be used to create a Death and Disability Benefit Plan for all of these police officers, and possibly their spouses and children. This assessment would also help defray the costs of administering such a plan.

To date we have researched various plans through numerous insurance companies. The one plan we would strongly like to develop would be one where we would become partially self-insured to begin with and then hopefully become self-supportive. This would amount to us picking up the first claim and an independent insurance company paying the second and subsequent claims for the first year. The next year we hope to save enough money where we could pick-up the first two claims and over the years raise the amount to where we would save enough money to increase the amount of the benefits to each member.

To date, over 90% of the individual Associations support this proposal. The major dissenters stating their reasons as that they could provide their own life insurance policy for a comparable rate. But the realism of this is just how many of these individuals will actually go out and purchase such a plan. Being the humans we are, we always talk about providing such benefits for our families, however we always seem to find something better to use our money for at the present time. But on the other hand if this is simply deducted from our monthly wages, we commonly tend not to miss the money, sort of the old saying, "out of sight, out of mind", yet the benefit is there.

With the creation of this benefit we would also alter our present form of administration of the Association. We would hope to create a Board of Directors to oversee and administer the plan.

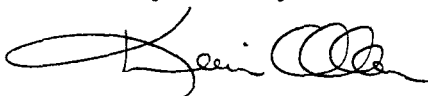
I am 26 years of age. I have been a police officer for 7 years. I have a wife and a 5 year old daughter. If I were killed in the line of duty tomorrow, my wife would receive \$10,000 from a City Life Insurance policy, \$50,000 from a Federal Death Benefit Plan, and my standard retirement. Now in looking at this realistically, this would not be enough money to support my family for very long. My wife could not go to college to learn a profession and within two years would have to obtain a full-time job in order to meet hers and my daughters financial obligations. By no means am I saying that this benefit plan we have proposed would satisfy all of these obligations and problems, but it sure is a good start.

On January 7, 1987, I came before the House Education and Cultural Resources Committee endorsing House Bill 23 which would have waived college tuition charges for peace officers and fire fighters who died while in the course of their employment. This bill was killed in the House. In talking with some of the Representatives I learned that it was not a matter of whether or not this benefit was needed or if it was not deserving, but rather a matter of economics. With the financial hardships that the State faces presently, it was just not feasible to pass such a bill.

However, we come before you now with another benefit that is badly needed, this time with the people that would directly benefit from this plan, paying for the plan. There would be no cost to anyone other than the members.

Your time and consideration this morning is greatly appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin Olson", with a stylized flourish at the end.

Kevin Olson  
Legislative Committee  
Montana Police Protective Association

Feb 10-1987

My name is Larry Conner and I am a police officer, employed by the City of Bozeman. I also represent the MT. Police Assn. as their legislative chairman, and am here today to endorse and request your support on HB 418.

I have been actively involved with the State Association for about eight (8) years and I am proud to be a member of this organization. For the past several years, members have indicated they would like to have a group term policy for members of the MPPA. HB 418 would allow a funding source for this benefit.

Several police departments in our association experienced a wage freeze this past year. It is likely several departments may again experience another wage freeze due to city funding problems.

About 50% of the police departments in our state association presently enjoy a term death benefit provided by their employer. At one time, I too enjoyed a \$10,000.00 term policy provided by my employer. But, the lack of money and tough times experienced by the city resulted in this benefit being eliminated. Other cities may experience the loss of this benefit also.

HB 418 is a unique approach to this problem. I guess HB 418 could be referred to as a "self help" type bill as funding is provided by police officers. There are no costs to the state or the cities. With this "self help" approach, other benefits to police officers may very well be provided.

LARRY CONNER



Information Sheet: HB 418

During the 1986 Montana Police Protective Association state convention that was held in Havre, the following represented associations voted on this proposed legislation. A roll call vote was called for, and delegates from each attending city responded as follows:

<u>City</u>	<u>Number Votes</u>	<u>Yes/No</u>
Billings	96	Yes
Bozeman	23	Yes
Butte	40	Yes
Great Falls	57	Yes
Havre	15	Yes
Kalsipell	19	Yes
Lewistown	9	Yes
Livingston	10	Yes
Miles City	14	Yes
Missoula	*51	*No

\*Missoula Police Association has reversed this position and are now in favor of HB 418 - refer attached letter dated 1-15-87.

Total Votes: 334

Yes: 334

No: -0-

Member cities/associations not present during the 1986 convention:

Anaconda 14 members: to date, I have not received any negative response from this city on HB 418

Glasgow 9 members: opposed to HB 418

The total membership of the MPPA is 357 members/police officers. 93.5% of the membership is in favor of HB 418.

Information Sheet: HB 418

Amendment to 19-6-601 MCA - Employee Contribution:

Purpose: To increase the employee contribution one-half ( $\frac{1}{2}$ ) percent, with this one-half ( $\frac{1}{2}$ ) percent going to the MPPA.

Costs:

State of Montana	--	no cost
Employer	--	no cost
Employee	--	additional $\frac{1}{2}\%$ of salary

Estimated Income -  $\frac{1}{2}\%$  of salary:

\$43700.00

\$ 9.43 per member / per month (average) This amount will depend on the salary of the individual officer. Example, the  $\frac{1}{2}\%$  for a new officer with the Bozeman Police Department would be \$5.60 per month.  $\frac{1}{2}\%$  of salary for me (Larry Conner) would be \$10.60 per month.

Insurance Costs: Estimated

<u>Group Term Proposals</u>		<u>Individual Policy</u>
\$10000.00	low - \$33.60 high - \$57.60	\$10000.00 / non-smoker rates
		Age 25 - \$90.53
\$15000.00	low - \$48.60 high - \$81.00	Age 35 - \$102.12
\$20000.00	low - \$62.40 high - \$108.00	Age 45 - \$143.65

Association member benefits upon passage of HB 418:

Term insurance policy on each member of the retirement system

Possibility of:

- 1) spouse/dependent child(s) term coverage
- 2) scholarship fund

Other considerations:

- 1) Some cities provide a term policy on their employees. Many cities do not provide this benefit. At one time, the City of Bozeman provided this benefit, but with tough times, this benefit was dropped. Those cities who now have insurance on their employees may also experience less money to work with.
- 2) Cities are working with limited funds and a wage freeze has happened and is very likely to happen again. Officers are willing to provide funding for HB 418.

Information Sheet: HB 418

Below is a list of those officers/delegates who attended the 1986 Montana Police Protective Association state convention.

<u>Police Association</u>	<u>Officer</u>
Billings	Dennis Trimbo Jerry Archer Jere Wamsley August Bentz Jr.
Bozeman	Larry Conner Stan Tenney Scott Miranti
Butte	John Walsh Don Davis Dan Casey Jerry Williams
Great Falls	Tim Shanks Cloyd Grove "Corky"
Havre	Kevin Olson Rex Dramstad Gene Harada
Kalispell	Ron Young Jim Brown
Lewistown	Charles Bulson Brad Doney
Livingston	Curt Logan
Miles City	Blair Martenson
Missoula	Kevin Clader

Larry Conner  
MPPA Legislative Chairman



# Missoula Police Association

201 West Spruce • Missoula, Montana 59802 • Phone: (406) 721-4700

TO: Larry Conner, Legislative Chairman  
Montana Police Protective Association

RE: Association Support for Dues Bill

DATE: January 15, 1987

During the regular scheduled meeting of the Missoula Police Association on January 14th, 1987, the Dues Bill coming before the State Legislature was brought up for discussion.

This is the second time this item has been discussed and the the first time there was not overwhelming support.

During the 1986 M.P.P.A. Convention, I voted not to support the Dues Bill on behalf of the Missoula Police Association. After bringing this back to the members of the Missoula Police Association I relayed to Representative Conner that there was not full support at that time.

The purpose of this letter is to advise the Montana Police Protective Association that the Missoula Police Association has voted to fully support the Dues Bill when it reaches the legislature.

This letter represents fifty-five (55) members of the Missoula Police Association, as voted upon by the membership present on January 14th, 1987.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin R. Clader".

Kevin R. Clader, President  
Missoula Police Association

EXHIBIT # 4  
DATE 2/10/87  
021987 418

Sgt. Troy McGee Helena Police Dept. for 12 yrs.

Mr. Chairman and members of the committee. Thankyou for the oppurtunity to testify on HB 418. I represent the Helena Police Protective Association and association of 34 professional Law Enfocement Officers and myself.

Our position on Bill #418 is of adamant opposition. We realize that this legislation was endorsed by un to 42 well meaning memebbers of the house but an error will be made if this bill is not altered or killed. In this bill monies would be directed to the Montana Police Protective Association. The MPPA does not represent all police officers in the state of Montana, they never have.

The Montana Police Protective Association is a private organization that has voluntary membership. Under this bill it would not be voluntary anymore, it would be forced on you whether you agree or disagree with the policiés of the MPPA. The legislature would not pass a law to force a citizen to join the NRA becaus he owns a gun nor would they force a farmer to join a orivate farm organization, tgis would be nodifferent then forcing a person to join the Montana Police Protective Associátion.

The MPPA indicates that it wants to help and better Police Officers of the state of Montana, but at no time while they were drafting this bill did they approach any of the 77 officers or city police departments that do not belong to the MPPA about the bill that was going to take money from them.

If the MPPA feels that this insurance is so important why do they need a bill to force everyone to pay, including their own members. Why don't their own memebbers pay already. Why is the bill necessary?

It has also come to our attention that this bill may be changed to exclude Chiefs, Asst. Chiefs and Captains. This would even make the bill more unjust than it already is as it would give a choice to some members of a police dept. but force others of lesser rank to pay and join. Why not give everyone a choice.

Lets get back to proper representation. The Helena Poliee Protective Association used to belong to the MPPA but quit because the organization did not represent the views we agreed with and also because we were not allowed to be renrsented properly in the organization. Now they are attempting to force us to

rejoin the association and take our money without our permission. It is unjust to take my money and put it into an association that many officers do not belong to and an organization with views we may not agree with.

Is this bill actually supported by a large majority of police officers? 34 from Helena don't agree, 9 from Glasgow don't agree. I contacted Anaconda and their 14 members are undecided. Then we have members from other cities that we have no idea. Then we have the MPPA saying that 334 members at their convention agreed to it. This may not be totally true. 23 delegates at the convention cast votes for their large memberships as approved. They may be officers within those cities that do not agree with the idea but they may have been a minority in the organization. If we take 77 officers that do not belong to the organization and add any officers in the organization that may not agree with the bill and add them to the membership that were against and undecided it is possible that a majority of police officers in this state do not support the bill. The MPPA just never bothered to find what individual officers felt in their own organization and from non member departments.

What about the monies that would be collected under this bill? They would be paid to a private organization that has not been endorsed by all Montana Police Officers. And what about managing the funds properly? We feel that the MPPA funds have been mismanaged in the past and would not want our money going there. The bill is very ambiguous and doesn't specify where the money is going. How much life insurance, how much to representing members of the plan, is some for lobbying? For my 132 dollars a year that I would spend to this organization I could find a life insurance plan of my own much cheaper or spend the money on what I wanted. The information sheet put out by the MPPA on what would happen to this money is unclear and full of questions.

In summary the MPPA is a private organization not representing all police officers of the state. If the MPPA wants these monies they can get their own members to pay. It appears that the bill is going to discriminate against different ranks if the changes are made. It is also possible that a majority of the police officers do not support this bill and it is obvious that there is a large number that actually don't.

This bill is self serving for the MPPA not all police officers.

We feel that either the bill should be killed or

the bill should apply only to officers which voluntarily want to donate or

the bill should apply only to MPPA members.

This legislation is a legal trick to force all officers to join the MPPA, whether they want to or not. It uses money from officers that do not belong for efforts they don't agree with.

The bill is unfair and unjust to a citizen to choose what organizations he wishes to belong or pay to. On behalf of those officers that could be here today and those that couldn't and have chosen not to belong to the MPPA please revise or kill HB 418.

#### Rebuttal

to Bachini; He states that this is a self help bill. I don't want somebody to tell me and the MPPA doesn't want someone to tell them what self help they need. To Kevin Olson; We don't want all the rights and privileges of the MPPA.

He stated that the state of Montana is on hard economic times and can't afford it. Well neither can I or some other police officers. Let us decide what we can afford, we are on a tight budget like the state.

to Connors; He indicates that the members of MPPA have indicated that they would like an insurance program, let them get one if they all want one so bad they should have no trouble getting their members to pay. He states the money is going to be used for insurance, then he states scholarships. It makes us wonder what else, maybe lobbying on views we don't agree with.

to Sullivan; She indicated she didn't have much money when her husband died.

but then she disclosed that she had her husband's retirement and some other monies. What about the \$50,000 she should have received from the US govt.. (Note; There is a US Govt plan of \$50,000 to any officers benefactors if he or she is killed in the line of duty.)

To Steele; He states that the retired officers are for the bill. They don't pay into it, they are not that affected by the bill.



*To be  
revised/  
Common Cause*

EXHIBIT #5  
DATE 2/10/87  
HB 504

Proposed Amendments to HB 504, Introduced Copies

1. Title, line 7  
Following: "Laws",  
Insert: "or to those alleging that the initiative is unconstitutional on its face."
2. Page 2, line 9  
Following: "alleging"  
Insert: "the following:
  - a. procedural defects in complying with election laws, or
  - b. that the initiative is unconstitutional on its face."
3. Page 4, line 1  
Following: "laws",  
Insert: "that the initiative is unconstitutional on its face".

Testimony of John North

HJR 22

My name is John North. I am testifying on behalf of Governor Schwinden.

The Militia Clause of the United States Constitution states that Congress has authority to provide for the organizing, arming, and disciplining of the militia, and the authority to control the militia when it is in federal service. This, however, is only first half of the Militia Clause. The second half provides that the authority to appoint the officers and to train the militia is reserved to the states.

For nearly 200 years Congress has cognized and adhered to this constitutional reservation of power to the states. However, last fall Congress passed and the President signed into law what has become known as the Montgomery Amendment. This amendment severely restricts a governor's authority to control the training of his or her national guard. It provides that a governor may not, even in peacetime, withhold consent for training of the Guard outside the United States because of an objection to location, purpose, type or schedule of duty.

Governor Perpich of Minnesota has filed suit against the Federal Government. His suit seeks to have the Montgomery Amendment declared unconstitutional.

Governor Perpich has requested the other governors to join him in an amicus, or friend of the court, capacity. Governor Schwinden believes that the most effective means for the governors to enter the suit would be as group. This matter has been placed on the agenda of the National Governors' Association winter meeting, which begins February 21.

We also should not have sight of the fact that there is another way to remedy the imbalance created by the Montgomery Amendment. HJR 22 also encourages Congress and the President to repeal the Montgomery Amendment.

Because Governor Schwinden prefers that control over the peacetime training of the National Guard be retained in the Governors, he supports passage of HJR 22.

EXHIBIT #7  
DATE 2/10/87  
HB 22

Representative Walter R. Sales  
Chairman, State Administrative Committee  
Montana House of Representatives

Mr. Chairman:

My name is Dan Mortag. I am a rancher from Cascade, Montana. I am also a Major in the Montana Air National Guard and am presently serving as the President of the Montana National Guard Officers Association.

It is in this capacity, representing the over 500 active and retired Montana National Guard officers, that I am here today to testify against the adoption of House Joint Resolution #22.

National Guard members, when taking their oath of enlistment, promise to defend the constitution of the United States of America and the Constitution of the State of Montana. We also swear allegiance to the President of the United States and to the Governor of the State of Montana.

This dual mission is what makes the National Guard unique. We are asked to be able to support both a Federal and a State mission. But the funding for completion of these missions is not a 50-50 proposition. Indeed, if you would look at the handout of information taken from the 1985-86 Montana National Guard economic impact booklet, you can see that the Federal government provides 97% of the total budget to support the National Guard in the State of Montana.

The importance of these figures, we believe, is that while the Montana National Guard is available for use during a State emergency, as seen on the second page of your handout, the Federal funds are provided to support the Federal mission. Since 1913, this Federal mission has been to train as a part of the Department of Defense Total Force.

Our Montana National Guard, Army and Air Units, are evaluated, exercised and governed by the Department of Defense Army and Air Force Regulations. We receive commitments, taskings, equipment and manpower authorizations based upon Department of Defense preceptions of our ability to perform our Federal mission.

We have shown that the Montana National Guard Units can and do perform with the best of the active units. Both the Montana Army and Air National Guard units have received national recognition. When the Hughes Trophy, emblematic of the best Air Defense fighter group in the Air Force, was presented in Great Falls last year, Governor Schwinden stated our units provide more "bang for the buck".

The concern our Association has over House Joint Resolution #22 is the combined funding of these Federal bucks. Background papers filed during the development of the Montgomery Amendment show increasing concern from National leaders that if the Federal Govrenment could not count on having certain National Guard Units available for training, they would consider several options. The two options most frequently discussed included changing missions to National Guard Units that would perform the training or funding just Reserve Units that would have no State mission.

As our Montana Air National Guard converts to the new state-of-the-art F-16 aircraft and our Army National Guard Units prepare for new equipment and reorganization, the Montana National Guard Officers Association feels that our Federal training should not be curtailed.

As stated in the last page of your handout, our Association also believes that the power vested to the Congress, by our United States Constitution allows the Congress to prescribe the training National Guard Units receives.

While the Naional Guard celebrates its 350th anniversary this year, our Montana National Guard members are more that willing to perform any State mission as directed by our Governor, but we also feel that when we put our uniform on to train for our Federal mission we should have the opportunity to receive the most realistic and meaningful training possible. Because we feel our Montana National Guard Units will continue to perform to their high Montana standards in this Total Force training scenario, we feel we have provided a legimate deterant to any future armed conflicts.

Mr. Chairman, I thank you for your time and urge your committee to vote against House Joint Resolution #22.

DAN MORTAG  
PRESIDENT, MONTANA NATIONAL  
GUARD OFFIGERS ASSOCIATION

Don M. Miller

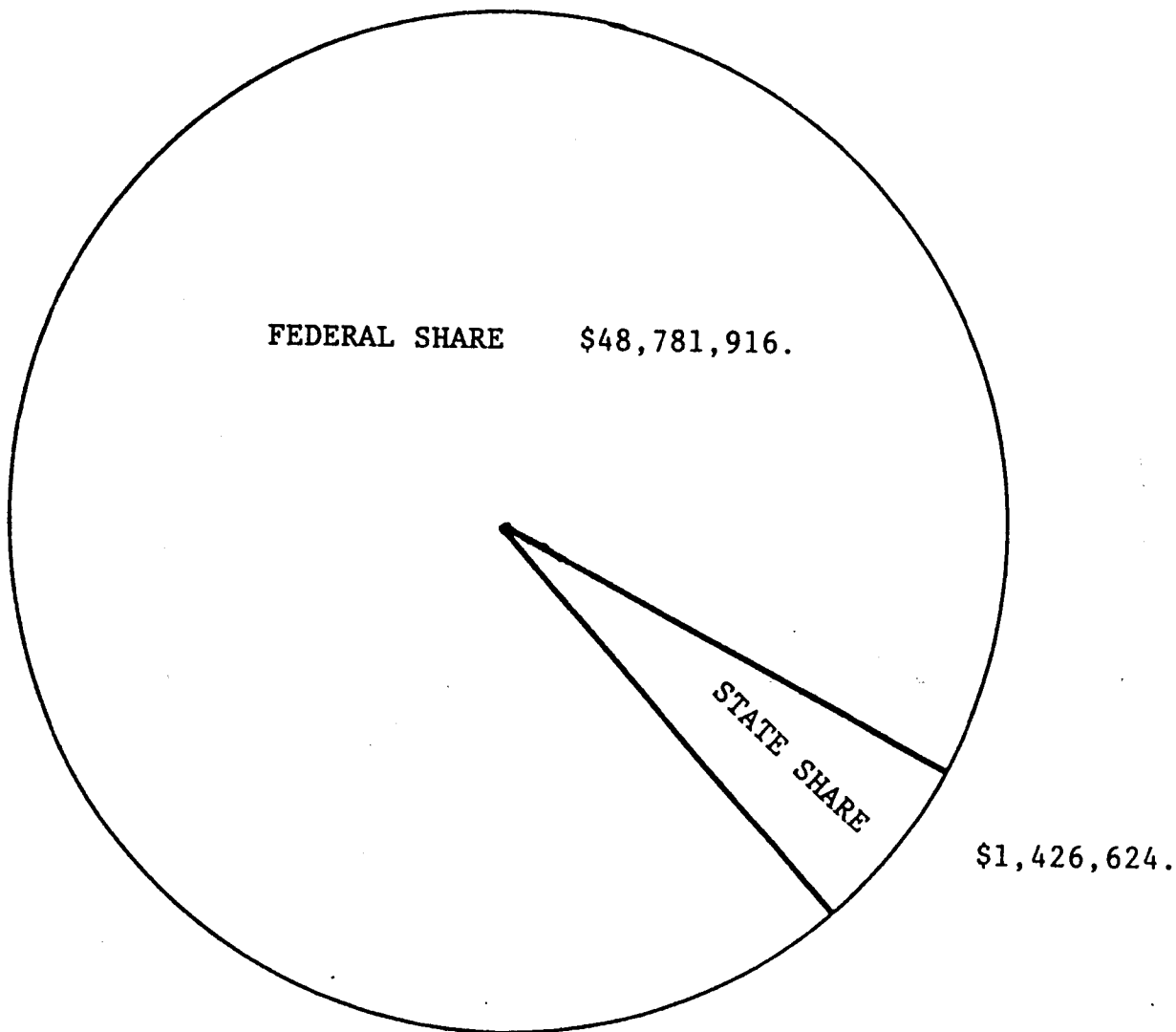
EXHIBIT  
DATE 2/10/87  
22

# THE TOTAL GUARD BUDGET

Total Payroll - Federal & State \$ 37,358,692.

Total Federal & State  
Expenditures for Operations &  
Maintenance 12,849,848.

\$ 50,208,540.



# STATE EMERGENCIES IN WHICH GUARD PERSONNEL HAVE SERVED

Flood	Milk River	7-11 April 1952
State Prison Riot	Deer Lodge	30-31 July 1957
State Prison Riot	Deer Lodge	16-19 April 1959
Forest Fire	Kalispell	15 September 1959
Forest Fire	Cascade	24-29 July 1960
Forest Fire	Clancy	5-12 August 1961
Forest Fire	Sleeping Child	3-12 August 1961
Train Wreck	Missoula	21-22 June 1962
Flood	Glacier Park (Sun River)	8-20 June 1964
Winter Disaster	Southeastern, MT	16-22 December 1964
Train Wreck	Chester	7-8 March 1966
Forest Fire	Olney	23-26 August 1967
Forest Fire	Missoula County	10-13 August 1971
Forest Fire	Western Montana	15-31 August 1973
State Institutions Strike	Warm Springs	13-21 March 1974
	Galen	
	Boulder	
Civil Disturbance	Decker	22 January 1975
Hay Lift	Glacier, Toole	9-11 April 1975
	Liberty & Cascade	
	Counties	
Flood	Cascade County	19-23 June 1975
Prison Fire	Deer Lodge	23-25 February 1976
State Institutions Strike	Warm Springs	11-13 November 1976
Explosion & Fire	Belt	27-28 November 1976
Snowbound	Eastern Montana	7-18 February 1978
Flood	Hardin	20-25 May 1978
State Institutions Strike	Deer Lodge	5 February - 14
	Boulder	March 1979
	Galen	
Flood	Helena	22 June 1981
Flood	Lewis & Clark	22 May - 2 June 1981
	County, Plus	
	Gallatin	
	Meagher	
	Deer Lodge &	
	Broadwater Cos.	
Forest Fires	Flathead County	26 August - 18
	Sanders County	September 1981
	Missoula County	
Flood	Chester	29 May - 18 June 1982
Forest Fires	Big Timber	7 July - 12 July 1983
	Columbus	
Forest Fire	Hardin	8-11 September 1983
Flood	Dillon	21-25 June 1984
Forest Fires	Buffalo Gulch	27 August - 20
	(Meagher Co.)	September 1984
	Hawk Creek	
	(Musselshell &	
	Yellowstone Cos.)	
	Houghton Creek	
	(Lincoln Co.)	
	Napi Peak	
	(Glacier Co.)	
	North Hill	
	(Lewis & Clark Co.)	
	Red Owl	
	(Flathead Co.)	
Forest Fire	Clearwater /	2-6 July 1985
	Game Ridge	
Forest Fire	Sandpoint	5-15 July 1985
Forest Fire	Lost Trail Pass	10-15 July 1985
Forest Fire	Hellgate	13-17 July 1985
Forest/Grass Fire	Woodward Ranch	8-11 August 1985
	(Jefferson Co.)	
Flood	Milk River	26 September 1
	(Malta, Chinook)	October 1986
Forest Fire	Sand Creek	16-19 August 1986
	(Pompeys Pillar)	
Forest Fire	Hot Springs	15 August 1986
	(Sanders Co.)	

... and we were there

# GUARD PERSONNEL

## IN

# MONTANA'S COMMUNITIES

<u>CITY</u>	<u>PART TIME GUARD MEMBERS</u>	<u>FULL TIME FEDERAL EMPLOYEES</u>	<u>STATE EMPLOYEES</u>	<u>TOTAL</u>
ANACONDA	50	2		52
BILLINGS	242	22		264
BOZEMAN	142	22	2	166
BUTTE	76	9		85
CHINOOK	44	7		51
CULBERTSON	68	8		76
DEER LODGE	40	1		41
DILLON	73	5		78
GREAT FALLS	693	375	20	1088
GLASGOW	68	4		72
GLENDIVE	51	4		55
HAMILTON	72	4		76
HARLOWTON	46	5		51
HAVRE	94	5		99
HELENA	589	231	15	835
KALISPELL	130	23		153
LEWISTOWN	72	5		77
LIBBY	54	2		56
LIVINGSTON	64	2		66
MALTA	63	3		66
MILES CITY	80	5		85
MISSOULA	252	20		272
PLENTYWOOD	42	4		46
SHELBY	59	4		63
SIDNEY	45	2		47
WHITEFISH	39	4		43
	<u>3248</u>	<u>778</u>	<u>37</u>	<u>4063</u>

MONTANA NATIONAL GUARD  
FEDERAL FISCAL YEAR 1986 (1 OCT 85 - 30 SEP 86)  
ECONOMIC IMPACT

EMPLOYMENT IMPACT:

3,248	"PART-TIME" OR TRADITIONAL GUARDSMEN
778	FEDERAL CIVIL SERVICE EMPLOYEES
37	STATE OF MONTANA EMPLOYEES
+ 6	ACTIVE ARMY/AIR FORCE ADVISORS
4,066	TOTAL PART-TIME/FULL-TIME NATIONAL GUARD EMPLOYEES

ECONOMIC IMPACT:

\$48,781,916	FEDERAL EXPENDITURES
+ 1,426,624	STATE EXPENDITURES
50,208,540	TOTAL
X 2.62	STANDARD DOD ECONOMIC MULTIPLIER
\$131,546,374	FY 86 ECONOMIC IMPACT TO THE STATE OF MONTANA



(POWERS VESTED IN CONGRESS)

US CONSTITUTION - ARTICLE I SECTION 8 (16)

TO PROVIDE FOR ORGANIZING, ARMING AND DISCIPLINING THE  
MILITIA, AND FOR GOVERNING SUCH PART OF THEM AS MAY BE  
EMPLOYED IN THE SERVICE OF THE UNITED STATES, RESERVING  
TO THE STATES RESPECTIVELY, THE APPOINTMENT OF THE OFFICERS,  
AND THE AUTHORITY OF TRAINING THE MILITIA ACCORDING TO THE  
DISCIPLINE PRESCRIBED BY CONGRESS.

1916 ACT FOR PROVIDING FOR NATIONAL GUARD AS PART OF FEDERAL SERVICE

My name is MSG Dwight E. McCarty representing the Enlisted Association of the National Guard of the State of Montana. Of the 3800 enlisted soldiers/airmen of the MT National Guard, 1200 are members of this association. All of these citizen-soldiers/airmen are volunteers and have a high sense of responsibility to their families, their fellow soldiers/airmen, the State of Montana, and this country.

Our peacetime mission is to maintain a high state of readiness for any State of Montana emergency mission or Federal wartime mission. Our ability to respond to these missions is based upon our training. Our training is based upon Federal funds allocated to the State of Montana. Without training under all conditions, (including training in unfamiliar surroundings in both stateside and overseas locations), our soldiers will be unprepared to accomplish their missions. Repeal of the Montgomery amendment denies us the opportunity to train our soldiers to the utmost of their abilities to assure their safety and success.

This training is 100% federally funded. This input of federal dollars gives the State of Montana a fully trained and organized force to respond to state emergencies on virtually a moment's notice. What other method can the State use to provide a trained and organized force at such a minimum cost?

MT National Guardsmen have trained in Japan, Korea, Greece, England, Spain, Okinawa, Italy, Germany, Alaska, Hawaii, Panama, the Carribean, and Canada. This training was conducted for both groups and individual volunteers and continues to be a vital part of our training. All of this training was directly related to the missions to which these Guardsmen can be assigned for State and Federal missions. Training under all conditions and at various locations is vital to not only the soldier's success but to his own well-being. Untrained soldiers do not accomplish missions. Trained soldiers have a better chance of survival.

The Army National Guard presently contributes 46% of the combat forces of the "Total Army" concept. The Active Army contributes 49% and the Army Reserve about 5%. The Air National Guard participation is about the same as the Army National Guard. This country simply cannot do without a trained National Guard; a National Guard trained at overseas locations to keep the battlefield from our borders. Present policy does not give us the luxury of training time upon mobilization as was the case during WWII. Our soldiers must be trained to fight immediately upon mobilization.

In the near future, a re-organization is planned for the MT Army National Guard. This re-organization will increase our strength by over 600 soldiers and will significantly increase the opportunities for the female soldier. Repeal of the Montgomery amendment may negate this opportunity and may cause a change in our present mission which will eliminate several existing positions. The Federal government will not fund a force which cannot be trained to meet the Federal missions.

As soldiers, citizens, and National Guardsmen, we ask that you afford us the opportunity to become the best trained soldiers for both State and Federal missions. We ask you to oppose the further consideration of HJR 22.

"IN NO PROFESSION ARE THE PENALTIES FOR EMPLOYING UNTRAINED PERSONNEL SO APPALLING AND SO IRREVOCABLE AS IN THE MILITARY" General Douglas MacArthur

Representative Walter R. Sales  
Chairman, State Administrative Committee  
Montana House of Representatives

EXHIBIT #10  
DATE 2/10/87  
HB 22

Mr. Chairman, members of the Committee, my name is Mike Bullock and I represent the Executive Committee of the Military Affairs Committee of the Helena Chamber of Commerce.

As a member of the Committee, and an employer of a National Guardsman, I stand in opposition of Joint Resolution 22.

If our National Guard is to be an effective military force they must receive the best training possible, in all types of conditions, regardless of where in the world the training takes place.

*Mike Bullock*

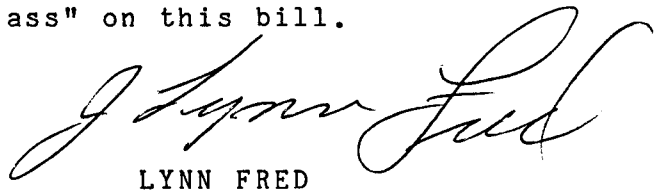
EXHIBIT # 11  
DATE 2/10/87  
HB 22

Representative Walter R. Sales  
Chairman, State Administrative Committee  
Montana House of Representatives

As a member of the Helena Chamber of Commerce, Military Affairs Committee, I wish to express my opposition to House Joint Resolution #22.

As a member of an organization committed to the maintenance of a strong, well trained and productive military, I believe that this resolution could have profound results on the effective, hands-on training of members of the National Guard.

I urge you to vote "Do Not Pass" on this bill.



LYNN FRED

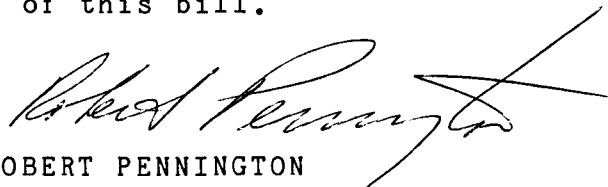
EXHIBIT 112  
DATE 2/10/87  
HB 22

Representative Walter R. Sales  
Chairman, State Administrative Committee  
Montana House of Representatives

As a representative of the Helena Chamber of Commerce, Military Affairs Committee, I would like to voice my opposition to House Joint Resolution #22.

As an active participant of an organization dedicated to the maintenance of a well developed, properly trained and productive military, I believe that House Joint Resolution #22 could have significant effects on the hands-on training of members of the Montana National Guard.

I ask your support in the opposition of this bill.

  
ROBERT PENNINGTON


Representative Walter R. Sales  
Chairman State Administrative Committee  
Montana House of Representatives

EXHIBIT #13  
DATE 2/10/87  
PAGES 22

My name is Marilyn Polich. I represent the civilian side of the Butte-SilverBow Military Affairs Committee. I am in opposition of House Joint Resolution #22.

I feel our Montana National Guard needs "hands on" training whether it be in the United States, Central America or elsewhere. We, as a State, need to have our men ready to go - and to be as efficiently trained as possible.

MARILYN POLICH

A handwritten signature in cursive script that reads "Marilyn Polich". The signature is written in dark ink and is positioned below the printed name.

Representative Walter R. Sales  
Chairman State Administrative Committee  
Montana House of Representatives

714  
2/10/87  
22

I Dennis F. Dolan, a member of the Butte Military Affairs Committee, appeared at Committee Hearing 2-10-87 to oppose House Joint Resolution #22.

Following a briefing at the 6th Army Headquarters in Presidio, San Francisco by Lieutenant General Frederick Woerner, I realize the need of training of our National Guard outside of our state. The defense of this State and our Nation is dependant on the ability and knowledge of our National Guard.

I, therefore, ask you to oppose House Joint Resolution #22.



DENNIS F. DOLAN

GREY House Bill 538 2-1-87

HOUSE BILL NO. 538 GRAY

INTRODUCED BY WINSLOW, COBB, ET AL

A BILL FOR AN ACT ENTITLED: "AN ACT REORGANIZING THE DELIVERY OF HUMAN SERVICES BY STATE GOVERNMENT; PROVIDING FOR THE ELIMINATION OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, THE DEPARTMENT OF INSTITUTIONS, AND THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; PROVIDING FOR THE CREATION OF THE DEPARTMENT OF YOUTH, FAMILY, ~~AND AGING~~ SERVICES, THE DEPARTMENT OF HEALTH AND MEDICAL SERVICES, AND THE DEPARTMENT OF ~~DISABILITY~~ SERVICES HUMAN DEVELOPMENT; ~~RENAMING THE DEPARTMENT OF LABOR AND INDUSTRY~~; PROVIDING FOR THE REALLOCATION OF FUNCTIONS AMONG THE NEW DEPARTMENTS AND THE DEPARTMENTS OF LABOR AND INDUSTRY, COMMERCE, JUSTICE, AND NATURAL RESOURCES AND CONSERVATION; PROVIDING SUCH REORGANIZATION TO BE EFFECTIVE JULY 1, 1989; PROVIDING FOR A TRANSITION PERIOD AND A LEGISLATIVE OVERSIGHT COMMITTEE; PROVIDING AN APPROPRIATION; AMENDING SECTION 2-15-104, MCA; AND PROVIDING EFFECTIVE DATES AND A PARTIAL TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1 . Section 2-15-104, MCA, is amended to read:

"2-15-104. Structure of executive branch. (1) In accordance with the constitution, all executive and administrative offices,



GREY House Bill 538 2-9-87

boards, commissions, agencies, and instrumentalities of the executive branch of state government and their respective functions are allocated by this chapter among and within the following departments or entities:

(a) department of administration;  
(b) department of military affairs;  
(c) department of revenue;  
(d) state board of education;  
(e) department of medical,--benefits,--and labor and industry;

(f) department of commerce;  
(g) department of justice;  
~~(h)--department-of-health-and-environmental-sciences;~~  
~~(i)(h) department of social--and--rehabilitation--services~~  
youth, family,--and--aging services;

~~(j)(i) department of institutions disability--services~~  
HUMAN DEVELOPMENT;

~~(k)(j)~~ department of highways;  
~~(l)(k)~~ department of public service regulation;  
~~(m)(l)~~ department of agriculture;  
~~(n)(m)~~ department of livestock;  
~~(o)(n)~~ department of state lands;  
~~(p)(o)~~ department of natural resources and conservation;  
~~(q)(p)~~ department of fish, wildlife, and parks;  
(Q) DEPARTMENT OF HEALTH AND MEDICAL SERVICES.

1 (2) For its internal structure, each department shall  
2 adhere to the following standard terms:

3 (a) The principal unit of a department is a division. Each  
4 division shall be headed by an administrator.

5 (b) The principal unit of a division is a bureau. Each  
6 bureau shall be headed by a chief.

7 (c) The principal unit of a bureau is a section. Each  
8 section shall be headed by a supervisor."

9 NEW SECTION. Section 2 . Departments of social and  
10 rehabilitation services, institutions, and health and  
11 environmental sciences abolished. (1) The department of social  
12 and rehabilitation services, the department of institutions, and  
13 the department of health and environmental sciences, ~~and--the~~  
14 ~~board-of-health-and-environmental-sciences~~ are abolished.

15 (2) The functions of the department of social and  
16 rehabilitation services, the department of institutions, the  
17 department of health and environmental sciences, and the board of  
18 health and environmental sciences are transferred as provided in  
19 this act.

20 NEW SECTION. Section 3. Department of youth, family, ~~and~~  
21 ~~aging~~ services. There is a department of youth, family, ~~and-aging~~  
22 services. The department head is the director of youth, family,  
23 ~~and-aging~~ services appointed by the governor in accordance with  
24 2-15-111.

25 NEW SECTION. Section 4 . Department of disability

1 ~~services~~ human development. There is a department of disability  
2 ~~services~~ human development. The department head is the director  
3 of ~~disability--services~~ human development appointed by the  
4 governor in accordance with 2-15-111.

5 NEW SECTION. Section 4A. Department of Health and medical  
6 services. There is a department of health and medical services.  
7 The department head is the director of health and medical  
8 services appointed by the governor in accordance with 2-15-111.

9 NEW SECTION. Section 5. Transfer of functions to  
10 department of youth, family,--and--aging services. The following  
11 functions of state government are transferred from the department  
12 presently responsible for their administration to the department  
13 of youth, family,--and--aging services created in section 3:

14 (1) battered spouses grant program in Title 40, chapter 2,  
15 part 4, from the department of social and rehabilitation  
16 services;

17 (2) Uniform Adoption Act in Title 40, chapter 8, part 1,  
18 from the department of social and rehabilitation services;

19 (3) custodial transfers of youth provided in Title 41  
20 previously made to the department of institutions;

21 (4) child abuse, neglect, and dependency in Title 41,  
22 chapter 3, from the department of social and rehabilitation  
23 services;

24 (5) children's trust fund in 2-15-2211 and Title 41,  
25 chapter 3, part 7, from the department of social and

1 rehabilitation services;

2 (6) youth residential services in Title 41, chapter 3, part  
3 11, from the department of social and rehabilitation services;

4 (7) Interstate Compact on the Placement of Children in  
5 Title 41, chapter 4, part 1;

6 ~~(8) supervised release program and supervision of~~  
7 ~~probationers and parolees in Title 46, chapter 23, parts 4, 10,~~  
8 ~~and 11, from the department of institutions;~~

9 ~~(9)~~ (8) child welfare services in Title 53, chapter 4, part  
10 1, from the department of social and rehabilitation services;

11 ~~(10)~~ (9) subsidized adoption in Title 53, chapter 4, part 3,  
12 from the department of social and rehabilitation services;

13 ~~(11)~~ (10) administration of child adoption agencies in Title  
14 53, chapter 4, part 4, from the department of social and  
15 rehabilitation services;

16 ~~(12)~~ (11) supervision of child day-care centers in Title 53,  
17 chapter 4, part 5, from the department of social and  
18 rehabilitation services;

19 ~~(13)~~ (12) administration of adult services, including  
20 problems of aging, adult protective services, adult foster family  
21 care, old-age assistance recovery, Montana Elder Abuse Prevention  
22 Act, and the state plan on aging in Title 53, chapter 5, from the  
23 department of social and rehabilitation services;

24 ~~(14) community services block grant in Title 53, chapter 10,~~  
25 ~~part 5, from the department of social and rehabilitation~~

1    ~~services;~~

2            ~~{+5}~~(13) Pine Hills school and Mountain View school in  
3    53-1-202 and Title 53, chapter 30, part 2, from the department of  
4    institutions.

5            NEW SECTION. Section 6. Transfer of functions to  
6    department of ~~disability--services~~ human development. The  
7    following functions of state government are transferred from the  
8    department presently responsible for their administration to the  
9    department of ~~disability--services~~ human development created in  
10   section 4:

11           (1) recipient of alcohol taxes in Title 16, chapter 1, part  
12   4, previously paid to the department of institutions;

13           (2) blind vendor administration in Title 18, chapter 5,  
14   part 4, from the department of social and rehabilitation  
15   services;

16           (3) vocational rehabilitation referrals in Title 39,  
17   chapter 71, part 10, from the department of social and  
18   rehabilitation services;

19           (4) custody of persons relating to criminal responsibility  
20   when mental competency is an issue in Title 46, chapter 14, from  
21   the department of institutions;

22           (5) providing lists of interpreters in 49-4-507 from the  
23   department of social and rehabilitation services;

24           (6) Montana state hospital in Title 53, chapter 6, part 3,  
25   from the department of institutions;

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1           (7) vocational rehabilitation, including general vocational  
2 rehabilitation, sheltered workshops, and vocational  
3 rehabilitation of the blind, in Title 53, chapter 7, from the  
4 department of social and rehabilitation services;

5           (8) vocational rehabilitation under The Crime Victims  
6 Compensation Act of Montana in Title 53, chapter 9, part 1, from  
7 the department of social and rehabilitation services;

8           (9) services and community homes for the physically  
9 disabled in Title 53, chapter 19, part 1, from the department of  
10 social and rehabilitation services;

11           (10) treatment for the developmentally disabled in Title 53,  
12 chapter 20, part 1, from the department of social and  
13 rehabilitation services and the department of institutions;

14           (11) community homes for the developmentally disabled in  
15 Title 53, chapter 20, part 2, from the department of social and  
16 rehabilitation services;

17           (12) protective services for the developmentally disabled in  
18 Title 53, chapter 20, part 3, from the department of social and  
19 rehabilitation services;

20           (13) Eastmont human services center in Title 53, chapter 20,  
21 part 5, from the department of institutions and the department of  
22 social and rehabilitation services;

23           (14) treatment of the seriously mentally ill in Title 53,  
24 chapter 21, part 1, from the department of institutions;

25           (15) community mental health centers in Title 53, chapter

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21, part 2, from the department of institutions;

(16) mental health construction plan in 53-21-204 from the board of health and environmental sciences;

(17) Montana center for the aged in 53-1-202 and Title 53, chapter 21, part 4, from the department of institutions;

(18) Interstate Compact on Mental Health in Title 53, chapter 22, from the department of institutions;

(19) treatment of alcoholism and drug dependence in Title 53, chapter 24, from the department of institutions.

NEW SECTION. Section 7. Transfer of functions to department of ~~medical,--benefits,--and~~ labor and industry. The following functions of state government are transferred from the department presently responsible for their administration to the department of ~~medical,--benefits,--and~~ labor and industry created in 2-15-1701:

(1) beneficiary of child support payments in Title 40, chapter 5, parts 2 and 3, previously credited to the department of social and rehabilitation services;

(2) operations relating to county welfare, general assistance, and general medical assistance in Title 53, chapters 2 and 3, from the department of social and rehabilitation services;

(3) aid to dependent children in Title 53, chapter 4, part 2, from the department of social and rehabilitation services;

~~(4)--medical-assistance-(medicaid)-in-Title-53,--chapter-6,~~

1 ~~part--17--from--the--department--of--social--and--rehabilitation~~  
2 ~~services;--~~

3 ~~(5)--renal-disease-treatment-program-in-Title-53,chapter-6,~~  
4 ~~part-27--from--the--department--of--health--and--environmental--sciences;~~

5 ~~- (6)--community-based--long-term-care--medicaid--services--in~~  
6 ~~Title-53,--chapter-6,--part-4,--from--the--department--of--social--and~~  
7 ~~rehabilitation-services;--~~

8 (5) community services block grant in Title 53, chapter 10,  
9 part 5, from the department of social and rehabilitation  
10 services;

11 ~~(7)~~ (6) home weatherization and low-income home energy  
12 assistance programs in Title 90, chapter 4, part 2, from the  
13 department of social and rehabilitation services.

14 NEW SECTION. Section 7A. Transfer of functions to  
15 department of health and medical services. The following  
16 functions of state government are transferred from the department  
17 presently responsible for their administration to the department  
18 of health and medical services created in section 4A:

19 (1) the board of health and environmental sciences created  
20 in 2-15-2104, and renamed the Montana board of health;

21 (2) medical assistance (medicaid) in Title 53, chapter 6,  
22 part 1, from the department of social and rehabilitation  
23 services;

24 (3) renal disease treatment program in Title 53, chapter 6,  
25 part 2, from the department of health and environmental sciences;



1       (4) community-based long-term care medicaid services in  
2       Title 53, chapter 6, part 4, from the department of social and  
3       rehabilitation services;

4       (5) functions performed by the board of health and  
5       environmental sciences, by the department of health and  
6       environmental sciences, or both the board and department in Title  
7       50.

8       NEW SECTION. Section 8 . Transfer of functions to  
9       department of commerce. The following functions of state  
10      government are transferred from the department presently  
11      responsible for their administration to the department of  
12      commerce created in 2-15-1801:

13      (1) regulations relating to school building plans in  
14      20-6-624 from the department of health and environmental  
15      sciences;

16      (2) functions performed by the board of health and  
17      environmental sciences, by the department of health and  
18      environmental sciences, or both the board and department in Title  
19      50;

20      (3) one-step licensing in Title 50, chapter 8, part 1, as  
21      lead agency in cooperation with named agencies.

22      NEW SECTION. Section 9 . Transfer of functions to  
23      department of natural resources and conservation. The following  
24      functions of state government are transferred from the department  
25      presently responsible for their administration to the department

of natural resources and conservation created in 2-15-3301:

(1) nuclear control and regulation in Title 75, chapter 3, from the department of health and environmental sciences;

(2) water quality in Title 75, chapter 5, from the board and department of health and environmental sciences;

(3) protection of public water supplies, distribution, and treatment in Title 75, chapter 6, from the board and department of health and environmental sciences;

(4) waste and litter control, including plans, funds, and administration; licensing of refuse disposal and transportation (The Montana Solid Waste Management Act); hazardous waste management; motor vehicle recycling and disposal; disposal and control of environmental contaminants; and remedial action upon release of hazardous substances in Title 75, chapter 10, from the board or department of health and environmental sciences, or both;

(5) sanitation in subdivisions in Title 76, chapter 4, part 1, from the board and department of health and environmental sciences;

(6) responsibility, with the department of agriculture, for certain pesticide hazardous waste control in 80-8-110 from the department of health and environmental sciences.

NEW SECTION. Section 10 . Transfer of functions to department of justice. The following functions of state government are transferred from the department presently

1 responsible for their administration to the department of justice  
2 created in 2-15-2001:

3 (1) criminal offender corrections and sentence matters in  
4 Title 46, chapter 18, from the department of institutions;

5 (2) Western Interstate Corrections Compact in Title 46,  
6 chapter 19, part 3, from the department of institutions;

7 (3) pardons and clemency, including parole, in 2-15-2302  
8 and Title 46, chapter 23, parts 1 through 3, from the department  
9 of institutions;

10 (4) supervised release program and supervision of  
11 probationers and parolees in Title 46, chapter 23, parts 4, 10,  
12 and 11, from the department of institutions;

13 ~~(4)-commission-for-human-rights-in-2-15-1706-and-functions~~  
14 ~~of-the-commission-in-Title-49,--chapters-2--and-3,--from--the~~  
15 ~~department-of-labor-and-industry;~~

16 (5) Swan River youth forest camp in 53-1-202 from the  
17 department of institutions;

18 (6) Montana state prison in 53-1-202 and Title 53, chapter  
19 30, part 1, from the department of institutions.

20 NEW SECTION. Section 11 . Transfer of Montana veterans'  
21 home to department of military affairs. The operation of the  
22 Montana veterans' home in Title 10, chapter 2, part 4, is  
23 transferred from the department of institutions to the department  
24 of military affairs.

25 NEW SECTION. Section 12 . Legislative human services

1 reorganization oversight committee -- directions to code  
2 commissioner. (1) There is a human services reorganization  
3 oversight committee composed of four members of the house of  
4 representatives and four members of the senate.

5 (a) The committee members are to be appointed by the  
6 leadership of each party in each chamber in equal numbers from  
7 each party.

8 (b) The committee shall meet ~~each-calendar-quarter~~ at the  
9 call of the chair. During the meetings, the committee must be  
10 briefed by agencies affected by this act regarding their  
11 transition plans and transition recommendations prepared in  
12 accordance with section 13. The committee may request that these  
13 briefings be based upon logical transition stages in such  
14 planning.

15 (c) The governor shall suggest changes to the committee by  
16 October 1, 1987, and the committee must have prepared its final  
17 recommendations to the 51st legislature by March 1, 1988.

18 (2) The committee and affected agencies may suggest  
19 legislation to the 51st legislature modifying the provisions of  
20 this act or otherwise relating to the human services  
21 reorganization.

22 (3) In consultation with the committee, the code  
23 commissioner shall draft a bill to provide for the amendment of  
24 sections of the MCA to reflect departmental name changes, changes  
25 in programs and institutions, repeal of sections, and other

1 matters necessary to conform the laws of this state to the  
2 reorganization as it takes place on July 1, 1989.

3 NEW SECTION. Section 13 . Transition recommendations to  
4 fifty-first legislature. (1) Each agency involved in function  
5 transfers is to examine the functions and make recommendations to  
6 the reorganization oversight committee ~~and 51st legislature~~ for  
7 changes in transferred and existing agency functions that would  
8 enhance the delivery of a service or operation of an agency as  
9 reorganized by this act. Such recommendations must be prepared  
10 after public review in conjunction with intersted groups,  
11 including agency providers, and must address at a minimum:

12 (a) the cost-effectiveness of service delivery ~~by--the~~  
13 ~~department;~~

14 (b) how to unite, ~~--from--the--recipients--rather--than--the~~  
15 ~~department's-viewpoint,~~ fragmented human service delivery;

16 (c) a statement of each new department's role in the  
17 delivery of human services, set forth in such a manner that the  
18 legislature has some means of determining the department's  
19 effectiveness and any need for future legislative corrective  
20 action. The statement must include:

21 (i) a clear expression of the department's goals,  
22 objectives, and purposes and how they differ from those of other  
23 departments;

24 (ii) departmental priorities in performing its functions and  
25 departmental priorities within functions; and

1 (iii) the department's relationship with other agencies of  
2 state and local government and the coordination of service  
3 delivery with these agencies and within the department;

4 (d) evaluation of the effectiveness of the department's  
5 organizational structure in providing services;

6 (e) conflicts between agencies providing the same or  
7 similar services;

8 (f) administrative procedures regarding personnel,  
9 supplies, and equipment that necessitate changes in law due to  
10 reorganization; and

11 (g) provisions that may conflict with or present problems  
12 dealing with federal agencies or receipt of federal money.

13 (2) The budget process for the biennium beginning July 1,  
14 1989, must be based upon the final departmental reorganization  
15 established ~~by this act~~ the oversight committee.

16 NEW SECTION. Section 14 . Appropriation. There is  
17 appropriated to the legislative oversight committee established  
18 in section 12 \$10,000 from the general fund for the purpose of  
19 administering this act.

20 NEW SECTION. Section 14A. Coordination instruction. If  
21 House Bill 325 is passed and approved by the 50th legislature,  
22 then section 3 of this act is void. The governor shall make  
23 recommendations to the oversight committee regarding any  
24 functions of state government not adequately addressed upon the  
25 passage of this act and House Bill 325.



EXHIBIT #16  
DATE 2/10/87  
HB 538

Dept. of Human Development

Vocational Rehabilitation SRS

Visual Services SRS

Alcohol and Drug Abuse I

Developmental Disabilities SRS

Montana Development Center I

Eastmont I

Montana School for the Deaf and Blind

Montana State Hospital I

Mental Health I

Center for Aged I

Handicapped Childrens services Health

Dept. of Health and Medical Services

Medicaid SRS and State Medical SRS

Health Services Health

Centralized Services Health

Renal SRS

Board of Health

DNRC

Air Quality Health

Solid and Hazourdous Waste Health

Water quality Health

JUSTICE

corrections I

Swan River I

Womens corrections I



Military Affairs

Veterans Home I

Labor

General Assistance SRS

AFDC SRS

Related Benefits Food Stamps, LIEAP SRS

Job Services and Training Labor

Work Comp Labor

Worker appeals Labor

Labor Standards Labor

Unemployment Insurance Labor

Human Rights Labor

*Gene  
Hendry*

#17  
2/10/87  
538

GOVERNOR'S OFFICE AMENDMENTS TO HOUSE BILL

538

- 1) Page 1, line 8.  
Following: line 7  
Strike: line 8 in its entirety
- 2) Page 1, line 9.  
Following: "DEPARTMENT"  
Strike: "YOUTH,"
- 3) Page 1, line 10.  
Following: line 9  
Strike: ", AND AGING"
- 4) Page 1, line 11.  
Following: "SERVICES;"  
Strike: "RENAMING THE DEPARTMENT OF LABOR AND INDUSTRY;"
- 5) Page 1, line 13.  
Following: DEPARTMENTS  
Strike: line 13 through line 14 in their entirety
- 6) Page 2, line 9.  
Following: "of"  
Strike: "medical, benefits, and"
- 7) Page 2, line 15.  
Following: "family"  
Strike: "and aging services"
- 8) Page 3, line 9.  
Following " "services,"  
Insert: "and"
- 9) Page 3, lines 9 and 10.  
Following: "institutions"  
Strike: "and health and environmental sciences"
- 10) Page 3, line 11.  
Following: "services"  
Insert: "and."
- 11) Page 3, line 12.  
Following: "institutions,"  
Strike: "the department of health and environmental sciences, and the  
board of health and environmental sciences"
- 12) Page 3, line 16.  
Following: "services"  
Insert: "and"

13) Page 3, line 16.

Following: "institutions"

Strike: "the department of health and environmental sciences and the  
board of health and environmental sciences."

14) Page 3, line 20.

Following: "of"

Strike: "youth"

15) Page 3, line 21.

Following: line 20

Strike: "and aging"

16) Page 3, line 21.

Following: "of"

Strike: "youth"

17) Page 3, line 22.

Following: line 21

Strike: "and aging"

18) Page 4, line 5.

Following: "of"

Strike: "youth"

Following: "family"

Strike: "and aging"

19) Page 4, line 8.

Following: "of"

Strike: "youth"

Following: "family"

Strike: "and aging"

20) Page 5, line 4 through line 6.

Strike: subsection (8) in its entirety

21) Page 5, line 25 through line 2, page 6.

Strike: subsection (14) in its entirety

22) Page 8, line 12.

Strike: section 7 in its entirety

23) Page 9, line 15

Strike: Section 8 in its entirety

24) Page 10, line 4

Strike: Section 9 in its entirety

25) Page 11, line 8

Strike: Section 10 in its entirety

26) Page 12, line 3.

Strike: Section 11 in its entirety

27) Page 14

Following: line 19

~~Strike:~~ "(2) The governor shall make recommendations to the  
~~Insert:~~ reorganization oversight committee and the 51st legislature by  
October 1, 1987 on the following:

(a) The assignment of functions of the department of  
institutions and social and rehabilitation services not assigned  
by this act;

(b) the assignment of functions of the department of health  
and environmental sciences and the board of health and  
environmental sciences to other existing departments of state  
government."

Renumber: subsequent sections

28) Page 14, line 20 through line 22.

Strike: subsection (2) in its entirety

29) Page 14, line 20.

Following: line 19

Insert: (3) The governor shall prepare a budget report for the  
biennium beginning July 1, 1989 that reflects the departmental  
reorganization proposed in this act as well as recommendations  
and modifications of this act recommended by the human  
services reorganization oversight committee.

7/18  
2/10/87  
538

The Reorganization of Montana's  
Human Service Delivery System

The State of Montana is presently suffering budget shortfalls of historic magnitude. Not since the early 1960's has the "bust cycle" reared its angry head to the extent seen today. When the state moved out of its last downward cycle in the mid sixties and proceeded into a much more robust economy in the seventies, state services were increased to meet anticipated needs. Those needs represent much of Montana's present governmental system. During the seventies state legislators were advised to increase state spending for education and services to meet the concerns of an expanding population. Revenue was readily forthcoming and new program ideas sprouted with continuing frequency. Many of those ideas were good ones and deserved funding while some were of less desirable quality. As the number of state programs increased, they were added with little mention made regarding how they fit into the system. The service delivery system was rarely, if ever, examined and has given us our present "hodge podge" approach to state services. This is particularly true of the human service components of state government. All entities are presently in place to provide a continuum of services, however many of them don't fit into a service delivery model which is useable by the people of Montana. There are many notable examples of such misplaced entities within departments. Some of them are:

\* Programs for disabled persons are housed in six state agencies. SRS provides some services to persons through its Developmental Disabilities, Vocational Rehabilitation and Visual Services divisions; the Department of Institutions provides services through the Montana Development

Center, Eastmont and Mental Health; the Office of Public Instruction offers services through special education; the Department of Labor serves disabled workers through Workers' Compensation; and the Department of Health provides handicapped children's services. In addition, the Montana State Library has blind and physically handicapped services.

\* There is no identified continuum of services for welfare recipients which would move individuals from a receiver of services mode to a producer of goods. Several agencies now provide services to this population. They include: the Department of Labor which provides assistance through Job Service and apprenticeship options; Social and Rehabilitation Services provides basic benefit programs to recipients in the form of general assistance, aid to families with dependent children, medical insurance, food stamps, energy assistance, etc.; OPI provides vocational education programs including some services to adult basic education; and vocational technical schools exist in several of Montana's largest cities.

\* Montana's Department of Institutions is a notable example of grouping on the basis of "physical plant". It doesn't take long for most anyone to draw the conclusion that there is little correlation in service delivery between the Montana Development Center and the State Prison, or the Veteran's Home and the Youth Treatment Center, or the Center for the Aged and the Eastmont Human Services Center.

In order to better meet the identified needs of Montana's citizens, a full scale reshuffling of social service departments

needs to take place. This adjustment would provide not only the opportunity for better service delivery but additionally would allow legislators the chance to examine more closely the services provided to the state's citizenry. Such a service delivery system would be more easily understood by the taxpayers in the State of Montana, or in other words, legislators could better explain to constituents the services the state provides to people and why.

While the following recommendations have been researched extensively, they should by no means be taken as the ultimate solution. Each of the recommendations needs to be examined closely and debated thoroughly before any final conclusions can be drawn. The impact of the recommendations could effect seven entities of state government; the Department of Social and Rehabilitation Services, the Department of Labor and Industry, the Department of Health and Environmental Sciences, the Department of Institutions, the Department of Justice, the Department of Commerce, and the Office of Public Instruction. The proposal as follows would add two departments and eliminate three departments which would have a reduction effect of one on the administrative entities of state government. The two new departments would be titled the Department of Youth and Family Services and the Department of Disability Services. One department would be renamed and expanded in scope. The Department of Labor and Industry would evolve into the Department of Benefits, Training and Labor Services. The Departments of Social and Rehabilitation Services, Institutions and Health and Environmental Sciences would be eliminated.

The three reorganized departments would be configured as follows:

Department of Youth and Family Services

Community Services Division (SRS)

Pine Hills School (DofI)  
Youth Evaluation Program (DofI)  
Aftercare Programs (DofI)  
County Probation Programs  
Center for the Aged (DofI)

Department of Disability Services

Vocational Rehabilitation (SRS)  
Visual Services (SRS)  
Alcohol & Drug Abuse (DofI)  
Developmental Disabilities (SRS)  
Montana Development Center (DofI)  
Eastmont Human Services Center (DofI)  
Workers' Compensation (DofL)  
Montana School for the Deaf and Blind  
Handicapped Children's Services (DofH)  
Montana State Hospital (DofI)  
Mental Health (DofI)

Note: Either a statutory working agreement should be established with OPI Special Services or it should be considered as another entity of such a department.

Department of Benefits, Training and Labor Services

Job Service and Training (DofL)  
General Assistance (SRS)  
Aid to Families with Dependent Children (SRS)  
Related Benefits (Food Stamps, LIEAP, etc.) (SRS)  
Unemployment Insurance (DofL)  
Labor Standards (DofL)  
Worker Appeals (DofL)  
Medicaid (SRS)  
State Medical (SRS)



Note: Statutory agreements need to be established with OPI (vocational and adult education), the Vocational Technical Schools, and the Montana University System.

In addition to complete the shift the following needs to be done to complete the system:

- \*Move the Human Rights Commission to the Department of Justice.

- \*Move the State Prison and Swan River to the Department of Justice.

- \* The VA Home now under DoFI should be given to the Veterans Administration.

- \*The Department of Health and Environmental Sciences would be disbanded by moving its three basic functions to other departments. They are: give the environmental functions to Department of Natural Resources; move the records and regulatory functions to the Department of Commerce; and move the direct service components, depending on the emphasis, to Youth and Family Services or Disabilities Services as appropriate for quality service delivery.

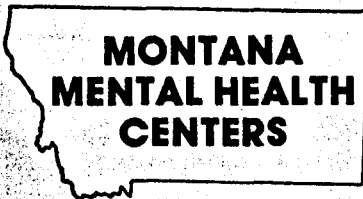
In summary, these moves would create a state service delivery system that makes sense and better serve Montanans. In the period of fiscal decline the state needs to maintain its quality of services but in order to accomplish objective, will need to examine unique ways to make do with less. This model presents the opportunity for discussion of such a system.

Steve  
Hudson

ELIGHT # 19  
DATE 2/10/87

# MONTANA COUNCIL OF MENTAL HEALTH CENTERS

538



512 Logan  
Helena, Mt. 59601  
(406) 442-7808

## POSITION PAPER ON REORGANIZATION

**REGION I**  
EASTERN MONTANA COMMUNITY  
MENTAL HEALTH CENTER  
1819 Main Street  
Miles City, Montana 59301  
(232-0234)

Montana's Community Mental Health Centers are part of regional system of providing local community mental health services. The Mental Health Centers are non-profit corporations which contract with the Department of Institutions to provide mental health treatment.

**REGION II**  
GOLDEN TRIANGLE COMMUNITY  
MENTAL HEALTH CENTER  
Holiday Village Shopping Center  
P.O. Box 3048  
Great Falls, Montana 59403  
(761-2100)

The Centers provide comprehensive mental health services to a broad range of clients. Each Center has considerable latitude in determining the programs that will be offered based on the needs of the local community.

**REGION III**  
MENTAL HEALTH CENTER  
1245 North 29th Street  
Billings, Montana 59101  
(252-2882)

The Mental Health Centers have developed formal relationships with the Montana State Hospital at Warm Springs to coordinate services. The state operated psychiatric hospital is an important component of the Montana mental health system.

**REGION IV**  
MENTAL HEALTH  
SERVICES, INC.  
512 Logan  
Helena, Montana 59601  
(442-0310)

The recommended reorganized structure in the Winslow bill, in general, seems to make logical choices for the relocation of health and human services. It is a massive and comprehensive reorganization. A reorganization study of this magnitude will require an extensive amount of time and resources by those who would undertake such a study.

**REGION V**  
WESTERN MONTANA COMMUNITY  
MENTAL HEALTH CENTER  
Fort Missoula T-12  
Missoula, Montana 59801  
(728-6870)

It is the view of the Mental Health Centers that a reorganization study should be initiated and include the following elements: (1) The study should utilize the Winslow recommendations as a starting point for the study. (2) The study committee (commission, council, task force, etc.) should include representatives of service providers, state agencies, the legislature, advocate groups, and consumers of services. (3) The study committee should have broad latitude to investigate and recommend changes in the current health and human services system. (4) A reasonable amount of funds should be directly appropriated to pay for the sizable cost of the study. (5) Full time staff will have to be provided or hired to assist the study committee. (6) Public hearings must be held periodically throughout the study process. (7) Members of the study committee must make a commitment to devote the necessary time to the study (two or three meetings per month for a year is likely to be needed).

v2:ppor.87

*When all else is lost, the future still remains. -Bovee*

(This sheet to be used by those testifying on a bill)

EXHIBIT #30

DATE 2/10/87

HB 538

NAME: DAVID LACKMAN

DATE: Feb. 10, '87

ADDRESS: 1400 Winne Avenue, Helena, Montana 59601 443-3494

~~XXXXX~~:

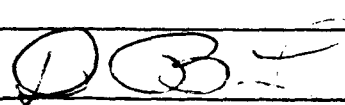
REPRESENTING WHOM? Lobbyist, Montana Public Health Association

APPEARING ON WHICH PROPOSAL: HB 538 (Winslow) Reorganization of delivery of Services by State Human Service Agencies. State Administration Room 437 Tues 2/10/87 (9:00 A.M.)  
DO YOU: SUPPORT? AMEND? OPPOSE? ~~XXXXXX~~

COMMENT: We oppose this bill. Public Health is not recognized; it seems to have disappeared. Rather than consolidate; it fragments. I am familiar with "Umbrella" human service agencies in other states. When properly established, they function well; especially in large states. Health remains as a recognizable entity. As a result of the legislation under discussion, the State of Montana would end up as the only one of the 50 states without a health department.

The department in Montana has a long and illustrious history. Under Dr. Cogswell, it was recognized internationally as a leader in the public health movement. In Connecticut, in 1929, when I first started to think about Public Health, Dr. Cogswell and the Montana Department was frequently mentioned. To split up this department would be disastrous. Furthermore, we don't consider this bill to be a valid attempt to establish an efficient Human Services "Umbrella" Agency.

THANK YOU



PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



## healthy mothers, healthy babies

EXHIBIT #21  
DATE 2/10/87  
HB 22

February 10, 1987

Chairman Representative Walter Sales  
House State Administrative Committee  
ATTN: HB 538  
Capitol Station  
Helena, Montana 59620

RE: Opposition to HB 538

Dear Representative Sales:

Healthy Mothers, Healthy Babies, The Montana Coalition (HMHB) met today and voted to contact you and the House State Administration Committee regarding HB 538, as we understand the bill is designed to eliminate the State Health Department.

HMHB requests that the Health Department be removed from this bill and remain functioning in its present capacity.

HMHB is a coalition of more than 30 statewide organizations committed to the health of mothers and children in Montana. To eliminate the State Health Department would have a devastating effect. The objectives of a public health department are:

- Health promotion and disease prevention
- The detection and diagnosis of disease
- Treatment and rehabilitation
- Improving access to health care
- Quality control
- Quality assurance
- Cost containment

By eliminating the Montana State Health Department the legislature would be eliminating the one and only agency that has as its primary responsibility the health of Montanans.

Enclosed for your convenience are copies of this letter for each Committee member. We appreciate the time you and your Committee have taken to read our letter and consider our recommendation. Please let us know if we can be of further assistance.

Sincerely yours,

Dale Bozdog, RNC, MBA  
Chairperson  
Healthy Mothers, Healthy Babies  
The Montana Coalition

Enclosures

# THIS SITUATION GONE ON? ONGOING?

percentage of the pregnant women in Montana do not receive optimal medical care for including:  
 money or health insurance  
 transportation to a doctor or clinic (opportunity is simply not available in some rural areas)  
 care providers were not acceptable  
 woman  
 care providers would not accept the patient as a patient  
 man was unaware of the importance of prenatal care  
 of pregnancy or fear of consequences  
 anxiety was revealed  
 obvious that specific objectives should be met  
 prenatal care available and affordable  
 of fewer care providers and rising costs  
 provide prenatal care to the very young  
 a socially acceptable way, and to break down socio-economic barriers that prevent women from seeking prenatal care.

## MONTANA COALITION MEMBERS

- Montana Times
- OB/GYN Society
- United Cross—Montana Territory
- Montana Attention Home
- Department of Health and Environmental Sciences
- Department of Social and Rehabilitation Services—Medicaid Bureau
- Nutrition Council
- Prenatal Association
- Public Health Association
- Television Network
- University Affiliated Program Satellite
- Senior Volunteer Program
- Children's Hospital
- Montana International Heritage Club
- Maternal and Child Health Program of Billings

Montana Coalition of  
 Healthy Mothers, Healthy Babies  
 P.O. Box 876  
 Helena, MT 59624

MONTANA COALITION



healthy mothers,  
 healthy babies

A STATEWIDE ASSOCIATION FOR  
 PUBLIC EDUCATION TO IMPROVE  
 MATERNAL/INFANT HEALTH

# STANDING COMMITTEE REPORT

February 11

19 87

## STATE ADMINISTRATION

Mr. Speaker: We, the committee on

**HB 538**

report

☒ do pass  
☐ do not pass

☐ be concurred in  
☐ be not concurred in

☒ as amended  
☐ statement of intent attached

Chairman

### Reorganization of delivery of services by state Human Services agencies.

1. Title, line 9.

Strike: "YOUTH,"

2. Title, line 10.

Strike: ", AND AGING"

Following: "SERVICES"

Insert: ", THE DEPARTMENT OF HEALTH AND MEDICAL SERVICES,"

3. Title, lines 10 and 11.

Strike: "DISABILITY" on line 10 and "SERVICES" on line 11

Insert: "HUMAN DEVELOPMENT"

4. Title, line 11.

Strike: "RENAMING" through "INDUSTRY;"

5. Page 2, line 9.

Strike: "medical through and"

6. Page 2, line 15.

Strike: "youth," and ", and aging"

7. Page 2, line 16.

Strike: "disability services"

Insert: "human development"

8. Page 2, line 24.

Following: "parks"

Insert: "; (q) department of health and medical services"

9. Page 3, line 12.

Following: "institutions,"

Insert: "and"

10. Page 3, line 13.

Strike: ", through "sciences"

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11. Page 3, line 20.

Strike: "youth,"

12. Page 3, lines 20 and 21.

Following: "family" on line 20

Strike: ",", through "aging" on line 21

13. Page 3, line 21.

Strike: "youth,"

14. Page 3, lines 21 and 22.

Following: "family" on line 21

Strike: ",", through "aging" on line 22

15. Page 3, line 23.

Strike: "youth," and ", and aging"

16. Page 3, line 25.

Strike: "disability"

17. Page 4, line 1.

Following: line 25, page 3

Strike: "services"

Insert: "human development"

Strike: "disability services"

Insert: "human development"

18. Page 4, line 2.

Strike: "disability services"

Insert: "human development"

19. Page 4.

Following: line 3

Insert: "NEW SECTION. Section 5. Department of health and medical services. There is a department of health and medical services. The department head is the director of health and medical services appointed by the governor in accordance with 2-15-111."

Re-number: subsequent sections

20. Page 4, line 3.

Strike: "youth," and ", and aging"

21. Page 5, lines 4 through 6.

Strike: subsection (8) in its entirety

Re-number: subsequent subsections

22. Page 5, line 25 through line 2, page 6.

Strike: subsection (14) in its entirety

Re-number: subsequent subsection

23. Page 6, line 7.

Strike: "disability services"

Insert: "human development"

24. Page 6, line 10.

Strike: "disability services"

Insert: "human development"

25. Page 8, line 13.

Strike: "medical" through ", and"

26. Page 8, line 16.

Strike: "medical" through "and"

27. Page 9, lines 3 through 11.

Strike: subsections (4) through (6) in their entirety

Insert: "(4) community services block grant in Title 53, chapter 10, part 5, from the department of social and rehabilitation services;"

Re-number: subsequent subsection

28. Page 9.

Following: line 14

Insert: "NEW SECTION. Section 9. Transfer of functions to department of health and medical services. The following functions of state government are transferred from the department presently responsible for their administration to the department of health and medical services created in section 5:

(1) the board of health and environmental sciences created in 2-15-2104 and renamed the Montana board of health;

(2) medical assistance (medicaid) in Title 53, chapter 6, part 1, from the department of social and rehabilitation services;

(3) renal disease treatment program in Title 53, chapter 6, part 2, from the department of health and environmental sciences;

(4) community-based long-term care medicaid services in Title 53, chapter 6, part 4, from the department of social and rehabilitation services;

(5) functions performed by the board of health and environmental sciences, by the department of health and environmental sciences, or both the board and department in Title 50."

Re-number: subsequent sections



29. Page 11, lines 21 through 23.

Strike: "commission" on line 21 through "industry" on line 23

Insert: "supervised release program and supervision of probationers and parolees in Title 46, chapter 23, parts 4, 10, and 11, from the department of institutions"

30. Page 12, line 16.

Strike: "each" through "quarter"

Insert: "at the call of the chair"

31. Page 12, line 20.

Strike: "13"

Insert: "15"

32. Page 12.

Following: line 22

Insert: "(c) The governor shall suggest changes to the committee by October 1, 1987, and the committee shall prepare its final recommendations to the 51st legislature by March 1, 1988."

33. Page 13, line 13.

Following: line 12

Strike: "and" through "legislature"

34. Page 13, line 15.

Following: "agency"

Insert: "as reorganized by this act"

Following: "must"

Insert: "be prepared after public review in conjunction with interest groups, including agency providers, and must"

35. Page 13, lines 17 and 18.

Strike: "by" on line 17 through "department" on line 18

36. Page 13, lines 19 and 20.

Strike: "," on line 19 through "," on line 20

37. Page 13, line 21.

Following: "each"

Insert: "new"

38. Page 14, line 21.

Following: "the"

Insert: "final"

39. Page 14, line 22.

Strike: "this act"

Insert: "the human services reorganization oversight committee"

40. Page 14, line 24.

Strike: "legislative"

Insert: "human services reorganization"

41. Page 14, line 25.

Strike: "12"

Insert: "14"

42. Page 15.

Following: line 1

Insert: "NEW SECTION. Section 17. Coordination instruction.

If House Bill No. 325 is passed and approved, section 3 of this act is void. The governor shall make recommendations to the human services reorganization oversight committee regarding any functions of state government not adequately addressed on the date of passage and approval of this act and House Bill No. 325."

Renumber: subsequent section

43. Page 15, line 3.

Strike: "11"

Insert: "13"

44. Page 15, line 5.

Strike: "12"

Insert: "14"

Strike: "15"

Insert: "18"

45. Page 15, line 7.

Strike: "12"

Insert: "14"

Strike: "13"

Insert: "15"

## VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO.

22

DATE

2/10/87

SPONSOR

Rapp-Surrek

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
ROGER A. HAGAN	ENLISTED Assoc of the NATIONAL Guard of MT		X
George Donnelly	MONTANA Native Guard ASSN		X
FRANK TOBEL	MONTANA NATIONAL GUARD ASSOCIATION		X
DAN MORTAG	MT NG OFFICER ASSN		X
DWIGHT McCARTY	INT NAT'L GUARD ENLISTED ASSN		X
Joe Upshaw	PRIVATE CITIZEN ASSN U.S. ARMY		X
Dabbie Underwood	Enlisted Assoc of the Nat'l Guard of MT		X
LYNN FRED	HELENA MIL AFFAIRS		X
Mike Bullock	HELENA Military Affairs		X
Marilyn Polich	BUTTE Military Affairs		X
DENNIS F. Dolan	BUTTE Military Affairs		X
ROBERT L. PENNINGTON	HELENA Military Affairs		X
Eleanor Wend	Peace Legislative Action	X	
Butch Tuttle	PLC	✓	
John North	Governor's Office	✓	
TED NEUMAN	SENATE Dist 21		✓
MG JAMES W DUFFY	NG		✓
George O. Forston	Reserve Officer Ass.	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO.

418

DATE

2/10/87

SPONSOR

Bachini

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
KEVIN OLSON	MONTANA POLICE PROTECTIVE ASSOC.	✓	
LARRY CONNER	MT Police ASSN	✓	
TROY McGehee	Helena Police Protective Assn		X
Bill Allison	Helena Police Protective Assn		X
MARK LERUM	Helena Police " "		X
Bryan Coughlin	" " " "		X
Naomi Sullivan	Anaconda	✓	
Thomas Sullivan	Dillon	✓	
Pete Hartman	MT Police ASSN.		X
BILL STEELE	MT. RETIRED POLICE ASSN	✓	
Bruce Hampton	MT Police Assn.		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 574

DATE 2/10/87

SPONSOR Radu

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 538DATE 2/10/87SPONSOR Vinslow

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Lelia Proctor	MT. Assoc. for the Blind		✓
Del Clark	Pres. NV Chap. for the Blind		✓
DAVID LACKMAN	mt Assoc For the Blind		✓
Edward Robbins	mt Assoc For the Blind		✓
Ken Luras	MLIC		
Lawson Arch	MLIC		
Bradie Mall	MAIDS - DDD Provider	✓	
John Filz	Naval Services	✓	
Kena Wheeler	STEP-Billings	✓	
Cris Velinkay	DDCAC	✓	
PATRICK DRISCOLL	Dept. of Justice-A		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.