

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON GENERAL GOVERNMENT AND HIGHWAYS

Call to Order: By Chairman Quilici, on January 6, 1989, at 8:40 a.m.

ROLL CALL

Members Present: All members were present.

Members Excused: None.

Members Absent: None.

Staff Present: Pam Joehler, LFA
Clayton Schenck, LFA
Mary Liedle, secretary

Announcements/Discussion: Chairman Quilici introduced himself, followed by the introduction of the committee members and staff from the LFA.

HEARING ON COMMISSIONER OF POLITICAL PRACTICES

Tape No. 1

Presentation and Opening Statement by Sponsor: Clayton Schenck, staff member from the LFA office, presented a brief overview of the budget and issues concerned. There are three FTE for this agency. The Commissioner of Political Practices establishes requirements for the disclosure and reporting of the source of disposition of funds used to support or oppose state and local candidates, political committees or political issues. This office also enforces the election and campaign finance laws and provisions of the Montana Lobbyist Disclosure Act. The current level budget provides for almost a 2% increase from the 1989 biennium to the 1991 biennium. The personal increase services increase approximately 6% primarily due to the fact that there was a vacancy savings rate of 18% in FY88 due to one position being vacant. A 4% vacancy rate is applied for the 1991 biennium. The agency did request an upgrade of one position from the 1989 biennium levels appropriated but that's not included in the LFA current level. The operating expenses are as the agency requested and that's actually a decrease of 5% from the 1989 biennium. The agency did not request any equipment for the 1991 biennium.

(1A 26.36) Dolores Colburg, Commissioner of Political Practices, explained the office before her term began. Upon reviewing the existing budget, Colburg determined a full-time attorney was not necessary. Thus, the budget was pared from 4.75 FTE to 3 FTE, reducing the overall budget for the biennium by some \$95,000. She then upgraded the grade 7 position to a grade 11 position; this would provide a direct assistant to the Commissioner. Colburg requested the committee concur with that decision. The budget, in Colburg's opinion, is prudent.

List of Testifying Proponents and What Group they Represent:

C.B. Pearson - Common Cause

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: C.B. Pearson, Executive Director of Common Cause of Montana spoke in support of the budget presented by the Commissioner of Political Practices and asked the committee to consider an increase in that budget to help the office complete additional tasks.

Pearson presented a history of the Office of the Commissioner of Political Practices beginning with its creation in the 1970's with the purpose of enforcing the election laws and investigating any violation of those laws.

Pearson stated the Office of Political Practices is well-suited to serve the people of Montana. It has safeguards to enhance its value, including the selection process for the Commissioner, the removal process, the semi-autonomous nature of the office, the one six year term of the Commissioner and the limits on the Commissioner not allowing him/her to run for political office for five years.

Common Cause believes the Office of the Commissioner of Political Practices is one of the most significant agencies established and funded by the Legislature. It is their view that this office is under-funded. The budget presented is conservative.

(See exhibit 1)

Questions From Subcommittee Members: (40) With the budget here can the office perform the statutory duties required?

Closing by Sponsor: (30.1) I currently have myself and two grade 11's. Previously there was an administrative officer at a grade 15 and an attorney at about a grade 15 or 16. I've combined some of those things the administrative officer at a grade 15 used to do in the new grade 11 position and some of them I've assumed for myself. Plus, I should mention too, that through some savings in the first six months of my term, I was able to bring computer capability to the office.

HEARING ON BOARD OF CRIME CONTROL

Tape No. 1B

Presentation and Opening Statement: Clayton Schenck, staff member from the LFA office gave a brief overview of the agency budget and issues. (1B 1.13) The Board of Crime Control is governed by a supervisory board of 18 members appointed by the Governor. The mission is to promote public safety by strengthening coordination and performance of the criminal and juvenile justice system and by increasing the citizen and public official support and involvement in criminal justice.

(1B 1.56) The current budget level provides for a 5.3% increase from the 1989 biennium. There's two major parts to this budget, the operating costs of the agency and the non-operating costs which primarily includes the pass-through grant funds and benefit payments. If the budget amendments (one time expenditures) are removed from the 1988 expenditures, there's a decrease of approximately 1%. The entire increase from the 1989 to the 1991 biennium is in non-operating costs due to an increase in the federal pass-through grant funds.

Most of the Board of Crime Control functions would fit logically into the Department of Justice and eliminating a separate agency would result in a general fund savings of at least \$60,000 per year due to the elimination of various overhead costs such as the agency director's salary. He then explained several options for restructuring the Board of Crime Control. (1B 10.15)

List of Testifying Proponents and What Group they Represent:

Marvin Dye - Crime Control Division

Senator Matt Hims1 - Board of Crime Control
Marc Racicot - Attorney General
Chuck O'Reilly - Montana Sheriffs & Peace Officers
Association
Michael Bloom - Montana Chiefs of Police & Helena
Police Department
Richard Meeker - Juvenile Probation Officers
Association
Wally Jewell - Montana Magistrates Association
Mona Jamison - Montana Juvenile Probation Association
Mike Lavin - Division of Crime Control
Rex Manuel - Board of Crime Control

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (1B 15.26) Marvin Dye: The Crime Control Division was created in 1969 for the purpose of administering the Law Enforcement Assistance Administration program in Montana.

During the first 20 years of existence, a number of responsibilities, in addition to the federal grant program, were given to the division. These include Peace Officer Standards and Certification, Montana Uniform Crime Reporting and Juvenile Justice Planning.

The total number of staff increased to a high of 57 in 1974 and has decreased to 17 during the last biennium.

The Crime Control Division has credibility with the people we serve. Our 15 existing employees have total service with Crime Control of 132 years or an average of 8.8 years per person. We are a team of knowledgeable professionals providing a necessary service to the citizens of Montana. We are asking you to continue funding this division at current level.

(See exhibit 2)

(1B 37.54) Senator Matt Hims1, Board of Crime Control: I've been on the board for about two years and was recently reappointed to it. We have some problems with this program. Originally it was federally funded. Just like education, when they came in with special education, the feds put all that money in too, and then later we had to pick it up. Well, that's what we're doing here.

I realize that education has a priority, it does with

me too, I've spent my life around that business. Now I've gotten into this and, my friends, there's a whole different world out there that we don't recognize and that's this crime control business. We've got a whole army of people out there, your county sheriffs, your deputies, your law enforcement people that are very proud of their uniforms, very proud of their badges, they want this additional training and Lord knows they need it. They need the best training they can get.

The old county sheriff that I used to know had a big belly, a pistol hanging on his side and smoking a big cigar. That type of law enforcement isn't there anymore. He can't do this job.

I'm horrified to hear that the drug situation is what it is in our schools. Talk to those law enforcement people. We have an obligation to serve them in the service they're performing.

The Board of Crime Control advertises the money that is going to be available to the different communities. They make an application for use of this money. The application is quite detailed. It is reviewed by the staff and then the Board meets and evaluates the application. This Board then makes the awards. There is a careful and very detailed follow-up on what's done with the funds.

I feel strongly that we want to recognize that there's another world out there that this body deals with. I don't think we should mess anything up for the Attorney General. We should give him an opportunity to look at this whole program. He may have some suggestions too. I would implore the committee to recognize that we ought not make any changes until we've given the Attorney General his chance to look at this.

I ask you to support this budget that they're satisfied they can handle.

(2A .23) Marc Racicot, Attorney General: I'd like to talk in a preparatory manner about the Board of Crime Control, having had experience with them over the last 14 years that I've been involved with the criminal justice system.

The Division of Crime Control is, in essence, the lightning rod for the criminal justice system in the State of Montana. We look to them to be on the cutting edge of all of the developments taking place in the criminal justice system and to keep us apprised of those

developments to help us develop new techniques to address crime problems as they present themselves, to provide us technical assistance in a variety of different ways. You cannot imagine the number of agencies that call upon them for technical assistance in reorganizing their departments. Every component of the criminal justice system relies upon the Board of Crime Control and the experienced professionals that are there to do their job.

You get, out of every dollar that you allocate to the Board of Crime Control, the best bang for the buck that you can possibly get. You will not find this agency overspending its budget. I think if you look through past history that on almost every occasion, this agency has turned back funds. They have been responsible bureaucrats operating within the confines and constraints and directions of the legislative mandate that they received.

They have also experienced a tremendous reduction in personnel over the years. We are at ground zero. We simply cannot expect that division to operate by reducing personnel any further. We cannot expect, in law enforcement, to be on the cutting edge of developments in the criminal justice field if we do not have the Board of Crime Control. We cannot operate without them.

As far as the suggestions that have been made by the Legislative Fiscal Analyst, we have also been involved in an examination. We are certainly not prepared to tell you that we think the Board of Crime Control ought to be assimilated into the Department of Justice. As a matter of fact, I think that might set a dangerous precedent. In all honesty, that Board has operated extremely well. We have, in essence, local people donating their time. They bring to this the spice of life. If you remove that Board and place those functions within the Department of Justice, you remove a great deal of balance, a great deal of the non-partisan activity.

This Board is no less important than the Board of Pharmacy, the Board of Natural Resources and the Fish and Game Commission and the Board of Livestock. All of those Boards exist for a very specific reason and this one exists for the same reason. I assure you it is not a luxury, it's an absolute necessity to the proper function of law enforcement in Montana.

(2A 11.49) Chuck O'Reilly, Montana Sheriffs and Peace

Officers Association: In the past law enforcement officials didn't have the needs they have today. I have to say, and I've been involved in this for twenty some years, had it not been for the Board of Crime Control, we would still be back there in those cowboy sheriff days. They have provided the impetus for the entire criminal justice system to progress to the point that it is today and they are continuing to provide that.

The money is not just administration. Let me give you an example. The Sherriff's Association sought and received a grant from the Board of Crime Control to provide a Victim Witness Training around the state of Montana. Every county in the state was contacted and we received numerous replies and attendance from, not only law enforcement but attorneys, judges, mental health services people, citizens from all walks of life. The result of those training sessions was that numerous communities in the state have developed Victim Services programs. They are inherent and present in many of your communities now. They provide the programs for the victims who are, in fact, twice victimized; once by the criminal and once by the criminal justice system. It was our intent to try and prevent that. Had it not been for the Board of Crime Control we could never have done that. We don't have the money.

The Board is composed not just of law enforcement people, you have legislators, citizens, judges, juvenile probation, adult probation, you've got the entire criminal justice system plus private citizens and legislators involved in this. That has been a beautiful way to open up the communication among all elements of the criminal justice system and the public. We've seen more openness and ideas come forth from that mix than we ever have before. I started in the days when you didn't talk to the police chief because you were a sherriff's deputy. That doesn't exist like that anymore.

I also feel the bureaucratic level and the red tape is minimal. We have one place to go that deals with the entire criminal justice system. When you deal with those people you're not going through various and multiple levels of bureaucracy. I have dealt with the federal government before. I would not seek any funds if I had to deal with them direct again. It takes months and months and sometimes years before you can get through to those people, there's so many levels to go through.

If you split up the functions that the Board of Crime Control performs, they're going to be distributed in various locations. That compounds our problem. You'll lose the tight knit effort the Board of Crime Control has worked so diligently to provide to share information among all elements of the system.

(2A 24.30) Mike Bloom, Montana Chiefs of Police and Helena Police Department: Over the past 20 years since the inception of the Board of Crime Control and the things that they've done, I think for the first time we've seen in law enforcement a real collective approach to fighting these sophisticated problems and these modern day law enforcement problems we have because of the Board of Crime Control. For the bread and butter operations, the Montana Board of Crime Control and what they've done, from the Academy to standardization and implementation of training has been a lifeline to the criminal justice effort in Montana. At this point, any changes that would take place without a comprehensive study by the Attorney General as to what those changes should be would sever that lifeline and make unavailable to us the link necessary for the state to provide all of us the leadership and the direction we need desperately in this business to survive.

We rely on the state for that dedicated leadership and without that we're going to lose. On behalf of the Montana Chiefs of Police we plead with you not to make any changes right now. We can't afford those changes.

(2B 26.57) Dick Meeker, Juvenile Probation Officers Association: Juvenile probation officers are also beginning to deal with more sophisticated types of folks, although most of them are under 18. When I first started as a juvenile probation officer a number of years ago, most of the kids were bad kids who needed to be straightened out. Today we are dealing with folks who are sexually abused, who are chemically dependent, who are worshipping the occult, gang members and so forth. We too, require training. We too need the help the Board of Crime Control can give us.

Recently our association, with the Board of Crime Control, sponsored a workshop. Our association understands the need for local participation in our own training but we do need the state's help as well. For example, my training budget for my department (5 people) is \$800. That doesn't go very far. The money the Board of Crime Control has goes a whole lot

farther.

Another issue that we're dealing with right now with the Board of Crime Control is on July 1, 1989, the jails will no longer be open to juveniles. We've got to come up with some alternative. The Board of Crime Control is helping us with assistance and training.

(2A 28.40) Wally Jewell, Montana Magistrates Association: I'd like to preface my remarks to Senator Himsl's remark when he spoke about the army out there. I would say there is probably more than one army. There's probably at least two, the good guys and the bad guys. Unless we continue to fully support the good guys, the bad guys are going to take over tomorrow.

The way the Board of Crime Control is helping, they're currently in the process of trying to implement statewide what is known as the DARE program. It's a drug and alcohol education program starting in the elementary schools. In the past it's been the policy statewide to start in maybe high school educating people on the dangers of drugs and alcohol.

(2A 32.29) Mona Jamison, Montana Juvenile Probation Association: There are 70 probation officers statewide who need training. These people work with troubled youth. We would ask that you reconsider taking Crime Control and merging it. We think it's vital to the youth.

(2A 35.32) Mike Lavin, Division of Crime Control: If there are proposals for realignment and proposals for integrating existing functions of the Board with the Department of Justice or any other department, I think it ought to be done in conjunction with and in coordination with the new Attorney General. I think it makes sense not to piecemeal reorganization.

(2A 42.19) Rex Manuel, Board of Crime Control: The 18 member group on the Board of Crime Control is a cross-section of the state of Montana. This is a fair way to distribute all the federal grants. If it was over in the justice department there's a possibility these grants could be given out different than the way the Board of Crime Control does it.

Questions From Subcommittee Members: (1B 7.33) Senator Regan: How many states now have a Board of Crime Control?

(1B 9.11) Representative Nisbet: How have these

programs worked since the switch (from full federal funding), are they as effective?

(1B 30.15) Representative Quilici: What are administrative costs on pass-through grants?

(1B 31.48) Senator Regan: What would happen if the state were to request federal funds for a pass-through but didn't administer them, would the federal government administer?

(2A 5.33) Senator Regan: Year by year we see a consistent drop in federal funds and an increase in state funds. Can we administer this at a lesser cost?

(2A 10.24) Representative Swysgood: Are you in favor of the options presented by the LFA?

(2A 20.46) Representative Quilici: Are we working to deal with more sophisticated crimes?

(2A 34.03) Senator Regan: What's the average number of years current probation officers have served? Shouldn't they be trained by now?

(2A 37.21) Senator Regan: Are you suggesting the agency can cut on its own without us blindly attempting to do so?

HEARING ON HIGHWAY TRAFFIC SAFETY

Tape No. 2B

Presentation and Opening Statement: Clayton Schenck, staff member from the LFA office gave an overview of the agency budget and issues. There are 8.5 FTE in this agency. The division assists local and state government entities in promoting traffic safety. The current level budget provides for a 13.3% increase for 1991 biennium. This increase is attributed to the increase in pass-through funds. The 1987 legislature established a program for distribution to the counties by the Highway Traffic Safety Division of Driver's License reinstatement fees for drinking and driving prevention programs. Fiscal 1988 figures show \$70,050 in pass-through funds for the first year of that program. Those are actual expenditures. There's no figure for FY89 since there was no estimate of the total funds pass-through. The equipment included in the current level includes \$3000 for computer hardware replacement and purchase of computer software. Funding

for the agency is provided by federal funds is provided from the national Highway Traffic Safety Administration. There's a 50% match on administration and planning costs required in order to secure the federal funds and that match of \$72,000 comes from the highway gas taxes, the highway's special revenue account.

The general fund is for the new program on drinking and driving prevention.

List of Testifying Proponents and What Group they Represent:

Albert Goke - Highway Traffic Safety

List of Testifying Opponents and What Group They Represent:

None

Proponent Testimony: (2B 3.39) Albert Goke, representing Highway Traffic Safety, said the agency was started in 1967 for the purpose of coordinating traffic safety activities across the many agencies of state and local government. He believes the history of the agency has been one in which they have tried hard to show their work. Many of the programs in place across the state were originally initiated by federal funds and are continued by work with the public and private sector.

Our priorities over the last few sessions have been principally directed to the areas of drinking and driving and occupant protection, more commonly called safety belts.

In the area of drinking and driving we've had substantial success. The 1983 legislature passed a significant body of new law that has been a turning point in the state. Our drinking and driving accidents are down 40% since 1983 and drinking and driving related injuries are down 32%. The majority of accidents are down about 10%. I think it's clear that the majority of success we've had since 1983 is the result of a very good program in the state dealing with drinking and driving.

As you're certainly aware, the last legislative body passed a safety belt law that became effective in October, bearing penalties in January. We had calendar year 1988 with the seat belt law in place carrying penalties. That's contributed significantly to the

decline. We're down about 40 deaths this year, our lowest fatality level since 1958 and we missed that by one. I would attribute about 30 of the decrease to the safety belt law. I have good data to give that substance. The additional 10 are pretty much related to drinking and driving reductions that we seem to be experiencing in the state.

The last legislative session was asked to place a \$50 reinstatement fee on convicted DUI's before they could have their license restored. That money is placed in the general fund and I reimburse those funds back to the county to which they originated. The law further states that to be eligible for the funds, the counties are required to have a DUI task force appointed by the county commissioners and have a plan that's approved by the state.

The budget has been constant since the late 1970's. There is no expansion in the budget. The differences in the executive budget and the LFA budget are due to inflation factors.

The number of FTE's has been constant more than ten years.

Questions From Subcommittee Members: (2B 13.24)

Representative Nisbet: How many counties have appointed a DUI task force?

(2B 14.43) Representative Nisbet: How much has actually been collected under the driver's license reinstatement fee that was set up under HB 277?

(2B 17.41) Representative Swysgood: On page 116 in the general fund appropriated for FY89 there shows no figure yet, on page 39 we show \$302,000 budgeted for that, what's the difference?

(2B 19.12) Representative Swysgood: You're requesting \$200,000 in the budget each year and you only had an actual income of \$76,000 in FY88. Are you expecting that much of an increase in counties to command that type of an estimate for budgeting?

ADJOURNMENT

Adjournment At: 11:24 a.m.

January 6, 1989

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JOE QUILICI, Chairman

JQ/ml

0522.min

DAILY ROLL CALL

GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE

DATE 1/6/89

NAME	PRESENT	ABSENT	EXCUSED
Representative Joe Quilici, Chair	✓		
Representative Jerry Nisbet	✓		
Representative Chuck Swysgood	✓		
Senator Larry Tveit, Vice Chair	✓		
Senator Pat Regan	✓		
Senator Lawrence Stimatz	✓		

②

The Crime Control Division was created in 1969 for the purpose of administering the Law Enforcement Assistance Administration program in Montana. This was a federal grant program to assist states in improving their criminal justice systems and continued on until 1980. At this time it was discontinued, and has since been replaced by 5 other block grant programs. The division is directly responsible to a quasi-judicial board appointed by the Governor and during executive Reorganization was attached to the Department of Justice for administrative purposes.

During the first 20 years of existence, a number of responsibilities, in addition to the federal grant program, were given to the division. These are Peace Officer Standards and Certification, Montana Uniform Crime Reporting, and Juvenile Justice Planning. During the 49th legislative session Juvenile Justice training was transferred from the Law Enforcement Academy to the division and the 50th session transferred the Crime Victims Compensation program from the Workers Compensation Division.

The total number of staff increased to a high of 57 in 1974 and has decreased to 17 during the last biennium.

OVERVIEW OF FUNCTIONS

Peace Officers Standards and certifications main functions are to develop standards for the employment and training of peace officers and assure compliance with MCA 7-32-303 which deals with the certification of peace officers. During 1988, 163 Officers received certification for the various levels of certification. 615 Written tests were provided to 23 agencies and Physical Abilities scoring was provided to 22 agencies for 854 individuals. This function is general funded and utilizes 2 FTE.

Uniform Crime Reportings main function is to provide a central repository of offenses and arrests and provide the local law enforcement reporting agencies with management information reports. This program is currently a system maintained at the state level. Local agencies supply the data, which is keypunched, fed into the computer data base and generates management information back to the locals, and crime data to the FBI and the State. This system is undergoing a transition using a federal grant, which will enable the system to be maintained at the local level using Micro computers. This process should be fairly complete next biennium and result in operational savings of computer time and keypunch. This function is general funded and

utilizes 2 FTE.

Juvenile Justice Plannings main functions are to assist local units of government in planning juvenile justice system improvements and operating an automated juvenile probation Officers information system that provides case management capabilities. The immediate goal is to eliminate the practice of holding juveniles in adult jails. Staff support is also provided to the Youth Services Advisory Council which oversees the Juvenile Justice and Delinquency Prevention Act. This council is also the State Council to the Department of Family Services. Considerable time has been spent this last year assisting the Department of Family Services in implementing the department and its local advisory councils. This function is mostly funded by federal funds except for \$16875 of general fund matching. 3 FTE support these functions.

Juvenile Justice Trainings main function is to train those people that deal with juveniles in the justice system including juvenile probation officers, judges, law enforcement officers, prosecuting attorneys, and residential child care professionals. During 87 & 88 23 workshops were presented to 545 participants. The number of hours of training made available by profession are

99	Residential Child Care Workers
24	Juvenile Probation Officers
84	Crime Victim Programs

12 County Attorneys

68 Law Enforcement

This function is supported by general fund and fees charged to participants.

Crime Victims Compensations main function is to compensate and assist innocent victims of crime who suffer bodily injury or death. 355 claims were received in 1988 and \$347,625 were paid out in benefits. This program was intended to be funded from Special Revenue funds since its inception in 1977, however during FY88, FY89, and FY90 federal funds were available to pay part of the benefits. They were used to the extent possible in 88 & 89 and the current budget recognizes them in 90. The net effect of using the federal funds where possible was a saving in the State Fund of over \$300,000. 2 FTE support this function.

Administration and technical assistance main functions are to manage the agency, provide technical assistance to state and local justice system agencies, and administer 5 federal grant programs. 6 FTE 's support these functions. 1 FTE has been left vacant due to vacancy savings.

During the biennium we have responded to 22 major technical assistance requests, 26 minor requests and daily requests for over the phone assistance. We are considered a statewide criminal justice resource center who can provide the solutions to state or local criminal justice problems.

Each year we administer approximately 100 subgrants from the 5

different sources. These grants are made to state agencies, local governments, and private non-profit organizations and are generally a year in length. The 5 different federal grant programs that we administer are:

Victim Assistance, which provides funding for government agencies and private non-profits who provide direct services to persons who are victims of crimes such as child abuse, sexual assault, or spouse abuse. We receive approximately \$224,000 annually for this purpose. Examples of programs funded from this source are spouse abuse programs in Havre, Great Falls, Dillon, Bozeman, Colstrip, Missoula, and Butte. Child sexual abuse programs in Billings, Havre, and Great Falls.

Justice Assistance provides funding for government agencies to implement programs for crime prevention, arson prevention, court delay reduction, witness protection, white collar crimes, and other programs for system improvement. We receive approximately \$396,000 annually for this purpose. Examples of programs funded from this source include crime prevention programs in Billings, Great Falls, and Butte. Arson prevention programs in Kalispell. Court Delay reduction programs at the Supreme Court and Missoula. A White collar crime program in Billings.

Juvenile Justice provides funding for government agencies and private non-profit agencies who provide services that will assist in meeting the objectives of removing juveniles from adult

Drug education provides funding for local governments and private non-profit organizations that implement drug education programs. We have funded a statewide resource center in Billings and 11 other community based education programs around the state. We have also recently completed an extensive evaluation of drug education programs in Montana. This evaluation will be the basis for future funding and as a result we will be working with the Office of Public Instruction, local schools, law enforcement, and local officials to implement programs that have the best chance of success. We expected to receive \$284,000 for this purpose, however we were just notified that our allocation for FY90 will be \$427,000. As a result we will ask that this committee increase our federal revenue authority by \$143,000 for each year of the biennium.

I would like to conclude my presentation by telling you that the Crime Control Division has a lot of credibility with the people we serve. Our 15 existing employees have total service time with Crime Control of 132 years or an average of 8.8 years per person. We are a team of knowledgeable professionals providing a necessary service to the citizens of Montana. We are asking you to continue funding this division at current level.

Thank You

jails. We traditionally have received approximately \$142,500 for this purpose, however we have been notified that this amount will increase to \$242,500 with the first year of this biennium instead of in the second year as anticipated. We will be asking this committee to increase our federal revenue fund authority by \$100,000 to accommodate this increase in FY90. All twenty judicial districts have received funding from this source.

Drug enforcement and drug education are two new programs that were approved for the first time last biennium.

Drug enforcement provides funding for state and local governments who implement programs that are aimed at reducing the sale and movement of narcotics and the implementation of treatment programs. During the first year of operations, programs funded in Montana have arrested 267 people, seized property worth \$200,000, and removed drugs worth \$1,100,000. These funds have also been used to fund two treatment programs at probation and parole in Billings and the pre release centers in Billings and Great Falls.

Changes have been made by the last congress which will increase the matching contribution to 50% on pass through grants in FY91 and limit the number of years a project can be funded to 4 years. We have been notified that we will get at least \$801,000 in FY90 which is down from an earlier projection of \$1,300,000. There is a possibility that additional funds may be appropriated to increase the award.

Drug education provides funding for local governments and private non-profit organizations that implement drug education programs. We have funded a statewide resource center in Billings and 11 other community based education programs around the state. We have also recently completed an extensive evaluation of drug education programs in Montana. This evaluation will be the basis for future funding and as a result we will be working with the Office of Public Instruction, local schools, law enforcement, and local officials to implement programs that have the best chance of success. We expected to receive \$284,000 for this purpose, however we were just notified that our allocation for FY90 will be \$427,000. As a result we will ask that this committee increase our federal revenue authority by \$143,000 for each year of the biennium.

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Thank You



COMMON CAUSE/MONTANA

P.O. Box 623
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(32.00)

TESTIMONY OF COMMON CAUSE IN SUPPORT OF THE BUDGET FOR THE OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES

6 January 1989

Mr. Chairman and members of the subcommittee, for the record, I am C.B. Pearson, Executive Director of Common Cause in Montana. I am here today on behalf of the members of Common Cause. We wish to speak in support of the budget presented by the Commissioner of Political Practices and would ask that you consider an increase in that budget to help the office complete additional tasks.

Common Cause, more than any other organization, has been actively involved in the work of the Office of Political Practices. We have supported the office through difficult times and have criticized past Commissioners when they have not upheld the duties and responsibilities of the position.

The Office of the Commissioner of Political Practices was created in the 1970s for the purpose of enforcing the election laws of the state of Montana and investigating any violation of those laws. In essence, the office was created to complete a very important task for the people of Montana, that of political watchdog. It is important to the people of Montana that they have the ability to understand the forces that come to bear on elections and elected officials.

In 1980, the citizens voted by a 3 to 1 margin to expand the powers of the Commissioner's office through Initiative 85. I-85 provides for lobbyist disclosure and disclosure of lawmakers personal finances. The office has had, and continues to have, overwhelming support from the people of Montana.

The Office of the Commissioner of Political Practices is well suited to serve the people of Montana. It has a number of safeguards that enhance its value. Those safeguards are: the selection process for the Commissioner, the removal process, the semi-autonomous nature of the office, the one six-year term of the Commissioner, and the limits on the Commissioner on not running for political office for five years.

It is Common Cause's position that the Office of the Commissioner of Political Practices is one of the most significant agencies established and funded by the Legislature. We say this because it is an office which helps provide confidence to the citizens of Montana that its elected officials and legislature are open, honest and accessible to them.

With that background we would like to lend our support to the budget presented by the Commissioner. We would also like to acknowledge the hard work and commitment that Commissioner Colburg has brought to the office. Commissioner Colburg truly represents the finest of those people who work in the public sector. The Commissioner has put in a tremendous amount of extra time during a period when the office has been the most busy in its history. At the end of my written testimony I have enclosed a copy of some press clippings that should help emphasize this point.

It is Common Cause's view that the Office of the Commissioner of Political Practices is under-funded. The budget presented by the Commissioner is a very conservative one. Just two years ago the office operated on a

budget of approximately \$140,000 per year. We would like to see that funding level restored for the office.

Commissioner Colburg has successfully operated the agency under the tightest budget. Yet, there are many new tasks that could be completed if the Legislature increased the budget. Examples would include computerization of data for public use, new publications on Montana's campaign laws and reports to the citizens and Legislature which provide data and a context for what is happening in our state in the political arena.

Campaigns in Montana are becoming more complex and more expensive. In 1976 contributions to legislative races were \$278,609.00, in 1986 they were \$820,623.00. With the rise in campaign complaints and negative advertising the office becomes even more crucial. A budget increase will ensure the office continues to meet the needs of the people of Montana as the nature of politics change in the state.

The cost of the office is only small percent of the overall budget. A small percentage to oversee and administer Montana's campaign laws and instill a sense of confidence and sense of ownership in Montana's governance to the people of Montana. It is a small price to pay for fair play in government.

BOZEMAN DAILY CHRONICLE
Bozeman, MT 59715
(Mon.-Fri. 12:30a) (Sun. 12:30a)

NOV 16 1988

SUPERIOR CLIPPING SERVICE
BELLINGHAM, MT 59105-0799

Campaign complaints still coming in

HELENA (AP) — At least 18 complaints about campaign practices in this year's election were filed as of last week with the state commissioner of political practices office.

"It's not even over when it's over," said Dolores Colburg, political practices commissioner. Karen Crawford, the commissioner's administrative assistant, said the number was more than in any election year she could recall since taking her post in 1975.

Peg Kriviec, who preceded Colburg, said she recalled few complaints during her six years in office. Neither Colburg nor Kriviec had an explanation for the increase. Seven complaints were filed by opponents and

INDEPENDENT RECORD
Helena, MT 59601
(Daily 13.84c) (Sunday 14.17c)

NOV 15 1988

SUPERIOR CLIPPING SERVICE
BELLINGHAM, MT 59105-0799

1/4

Political complaining sets a record

By BILL WILKE
IN State Bureau

If you believed the campaign rhetoric, it was a hardball election season that just ended.

If you look at the sheer numbers, it was at least a very feisty one for Montana.

State Commissioner of Political Practices Dolores Colburg fielded 18 formal written complaints on campaign practices as of late last week. Karen Crawford, the commissioner's administrative assistant since the office was established in 1975, said that was far more than in any election year she can recall. Colburg got the 18th complaint on Thursday, based on a phone conversation, expects yet another one might be on its way.

"It's not even over when it's over," Colburg quipped.

Peg Kriviec, who preceded Colburg in office, recalls very few complaints filed during her six years in office.

"It was nice and peaceful until I got out," Kriviec said. "We never had anything like this."

Neither Colburg or Kriviec had any explanation for the phenomena, except to say the issues at stake in the election were apparently

supporters of the failed bottle bill, which would have required a mandatory five-cent deposit on all beverage containers.

The initiative that would have repealed Montana's mandatory seat belt law drew two complaints against Col. Robert Landon of the Montana Highway Patrol for a editorial letter he wrote to a newspaper urging voters to defeat the measure.

One complaint was filed in the contest for District 78 between Norm Walin and Jenny Younger. Complaints filed in races for elected office focused on campaign literature, alleging flyers contained false or misleading information.

judge scored the most complaints with a total of five.

The Gene Thayer-Ed Dolezal race for Senate District 19 came in second with three, and the Norm Walin-Jenny Younger contest for House District 78 followed with one complaint filed.

Complaints filed in races for elected office generally focused on campaign literature, alleging flyers contained false or misleading information.

Eight of the 18 complaints remain unresolved as the sun sets on another political season, including four on the bottle bill, the two on the seat belt initiative and one on the Thayer-Dolezal race.

Eight of the remaining ten have been put to rest without any legal action on the part of Colburg.

Two of the bottle bill complaints were referred to the Lewis and Clark County attorney who declined to take action on them, and Colburg is still mulling what — if anything — to do about them.

No complaints were filed in the race for governor, which comes as no surprise to Colburg and Kriviec. They said seasoned politicians take their complaints about opponents' campaign practices directly to the people.

GREAT FALLS TRIBUNE
Great Falls, MT 59403
(Daily 10.83c) (Sun. 42.00c)

NOV 16 1988
SUPERIOR CLIPPING SERVICE
Bellingham, MT 59105-0799

State sees large number of campaign complaints

HELENA (AP) — At least 18 complaints about campaign practices in this year's election were filed as of last week with the state commissioner of political practices office.

"It's not even over when it's over," said Dolores Colburg, political practices commissioner.

Karen Crawford, the commissioner's administrative assistant, said the number was more than in any election year she could recall since taking her post in 1975.

Peg Kriviec, who preceded Colburg, said she recalled few complaints during her six years in office. Neither Colburg nor Kriviec had an explanation for the increase.

Seven complaints were filed by opponents and supporters of the failed bottle bill, which would have required a mandatory five-cent deposit on all beverage containers.

The initiative that would have repealed Montana's mandatory seat belt law drew two com-

plaints, one against Col. Robert Landon of the Montana Highway Patrol for a editorial letter he wrote to a newspaper in urging voters to defeat the measure.

Missoula County Sheriff Dan Magone also was accused of using his influence as a public official to urge defeat of the initiative.

Five complaints were filed against campaign practices in the District 12 judicial race between John Warner and Mort Goldstein.

In the race for Senate District 19, three complaints were filed between opponents Gene Thayer and Ed Dolezal.

One complaint was filed in the contest for House District 78 between Norm Walin and Jenny Younger.

Complaints filed in races for elected office generally focused on campaign literature, alleging flyers contained false or misleading information.

Eight of the 18 complaints remain unresolved, including four on the bottle bill, two on the seat belt initiative and one on the race between Thayer and Dolezal.

WITNESS STATEMENT

NAME WALLY JEWELL BILL NO. _____
ADDRESS 520 TAMARACK HELENA DATE 1-6-89
WHOM DO YOU REPRESENT? MT. MAGISTRATES ASSOC.
SUPPORT ✓ BO. OF CRIME CONTROL OPPOSE _____ AMEND _____
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Bd of Crime Control serves a valuable function in training, education, & technical assistance to not only law enforcement but also the judiciary, spouse abuse programs, and other private agencies. To undermine their efforts would be a disservice to the citizens of Montana who are trying to alleviate the drug & alcohol problems so prevalent in our society.

WITNESS STATEMENT

NAME Richard Meeker BILL NO. _____
ADDRESS 228 Broadway DATE 1-6-88
WHOM DO YOU REPRESENT? Jud. Prob. Officers Assoc.
SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME MARC RACICOT BILL NO. _____

ADDRESS 215 N SANDERS DATE _____

WHOM DO YOU REPRESENT? AC _____

SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Michael K Bloom BILL NO. _____
ADDRESS 221 BRECKENRIDGE, HELENA, MT. DATE 1-6-89
WHOM DO YOU REPRESENT? MT. CHIEFS OF POLICE + HELENA P.P.
SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME

Chuck O'Reilly

BILL NO. _____

ADDRESS

Helena

DATE _____

WHOM DO YOU REPRESENT?

Int Sheriff's v Peace Officers Assn

SUPPORT _____

OPPOSE _____

AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME C.B. Pearson BILL NO. _____
ADDRESS Box 623 Helena MT DATE _____
WHOM DO YOU REPRESENT? Common Cause
SUPPORT Commission of PP Budget OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME

DOLORES COLBURN

BILL NO.

Budget

ADDRESS

CAPITOL STATION

DATE

WHOM DO YOU REPRESENT?

COMMISSIONER OF POLITICAL PRACTICES

SUPPORT

X

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VISITOR'S REGISTER

SUBCOMMITTEE

AGENCY (S) _____

DATE _____

DEPARTMENT _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.