

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By WM. "RED" MENAHAN, on February 14, 1991, at 8:00 A.M.

ROLL CALL

Members Present:

Rep. Wm. "Red" Menahan, Chairman (D)
Sen. Dick Manning, Vice Chairman (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Rep. Dorothy Cody (D)
Rep. Chuck Swysgood (R)
Sen. Eleanor Vaughn (D)

Staff Present: Skip Culver, Associate Fiscal Analyst (LFA)
Mary LaFond, Budget Analyst (OBPP)
Mary Lou Schmitz, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

EXECUTIVE ACTION ON MONTANA STATE PRISON DEFENDER PROJECT

Discussion: REP. MENAHAN asked if the Dept. of Institutions is paying for a Professor at the Law School and what does the State get back for the Montana Defender Project contract for legal services to inmates of the Montana Correctional Institutions. Sheila Stearns, Legislative Liaison, University of Montana, read from an Affidavit, Exhibit 1. Many third year law school students are involved as part of the course they take, but three students actually get full-time summer employment. It's part of their academic curriculum. REP. MENAHAN said the total budget is \$24,000, of which \$14,000 is paid to the Third Judicial Court and the Defender project is costing \$9,686 each year.

Tape No. 1;A;67

Motion/Vote: REP. CODY moved to accept the Montana Defender Project contract increases of \$9,686 FY92 and \$14,462 FY93.
MOTION CARRIED UNANIMOUSLY.

Discussion: Curt Chisholm, Director of Institutions, asked for reconsideration of the two budget modifications, one dealing with the Information System Enhancement which is the replacement of a computer which serves the users of the Prison, Montana State Hospital, Montana Developmental Center and ultimately intended to

use other entities of the Department of Institutions outside Helena. They have maximized the capacity of system 38 over the last eight years and it is becoming a critical issue now relative to its effectiveness and efficiency. The other modification is for 1.0 FTE Facility Manager, Grade 21, Step 2, and Operating Expenses. SEN. VAUGHN asked how much money is involved for the Facility Manager. Mr. Chisholm said \$49,500 each year including benefits.

EXECUTIVE ACTION ON CENTRAL OPERATIONS

Tape No. 1;B;217

Motion/Vote: SEN. BECK moved to accept \$32,500 for contracted medical services. MOTION CARRIED WITH SEN. AKLESTAD AND REP. SWYSGOOD VOTING NO.

EXECUTIVE ACTION ON ARTS COUNCIL

Tape No. 2;A;035

Motion/Vote: REP. CODY moved to purchase a Fax machine for \$2133 FY92 and \$336 FY93. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON LIBRARY

Tape No. 2;A;79

Motion/Vote: REP. CODY moved to accept \$4500; (\$1500 FY92 and \$3000 FY93) general fund and not to go into the base, for the Library of Congress program as described by REP. DAVE BROWN. MOTION CARRIED WITH SEN. AKLESTAD AND REP. SWYSGOOD VOTING NO.

Motion/Vote: REP. SWYSGOOD moved to accept the executive modification for 1.0 FTE for the blind and physically handicapped program, \$22,674 FY92 and \$19,451 FY93. MOTION CARRIED UNANIMOUSLY.

Motion/Vote: SEN. VAUGHN moved to accept Salary Reclassifications. In September of FY90 two positions were reclassified due to changes in duties and responsibilities because computerization of the Library for the blind and physically handicapped. These upgrades were not included when the budgets were developed, \$5,846 each year of the Biennium. MOTION CARRIED WITH SENS. BECK AND AKLESTAD AND REP. SWYSGOOD VOTING NO.

Motion/Vote: SEN. BECK moved to accept Library books acquisition, \$26,092 FY92, \$36,721 FY93. MOTION CARRIED WITH SEN. AKLESTAD VOTING NO.

Motion/Vote: REP. CODY moved to accept Commission travel, \$2,000 each year of the Biennium. MOTION CARRIED WITH SENS. BECK AND AKLESTAD AND REP. SWYSGOOD VOTING NO.

EXECUTIVE ACTION ON NATURAL RESOURCE INFORMATION SERVICES

Tape No.2;A;326

Motion/Vote: REP. SWYSGOOD moved to accept the executive budget \$253,500 each year of the Biennium. MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. SWYSGOOD moved the spending authority with the same language the Fish, Wildlife and Parks has in HB100, also indicating it an appropriation not to exceed \$650,000 in the Biennium with the exception of state special. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON LIBRARY OPERATIONS

Tape No. 2;A;572

Motion/Vote: REP. SWYSGOOD moved to accept Language (Exhibit 3 #1). The state special revenue includes coal severance tax funds. MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. SWYSGOOD moved to accept proposed Language (Exhibit 3, #2), Library Services and Construction Act Appropriation. MOTION CARRIED UNANIMOUSLY.

Motion/Vote: SEN. BECK moved to appropriate funds in the carryover coal severance tax (Exhibit 3, #3) into equipment purchase and line-item \$10,000. MOTION CARRIED WITH REP. CODY VOTING NO.

Motion/Vote: SEN. VAUGHN moved to put \$670,621 over the Biennium into the State Library for a card system, administration and replace program vetoed by the Governor last session. MOTION CARRIED WITH SEN. AKLESTAD VOTING NO.

HEARING - HISTORICAL SOCIETY

Larry Sommer, Director, Montana Historical Society, said for the past 125 years the Society has been preserving the state's rich heritage and is proud of its role as the first cultural institution and the oldest historical organization in the West, having been organized by the First Montana Territorial Legislature in 1865. This year, 1991, marks the 100th year that the Society has functioned as a state supported institution. Throughout its long history the Society has been recognized as a vital cultural organization dedicated to the preservation and interpretation of Western history. Over the years the Society has gathered important museum and historical research collections and has gained national recognition for the quality of its publications, museum exhibits and public programs. The Montana Historical Society is governed by a 15-member Board of Trustees appointed by the Governor for five year terms.

Doreen Milbrandt, Chairman, Friends of Montana Historical Society, said this is a volunteer organization formed to provide three main services to the Society. The first is an educational service that provides tours of the facility, the old Governor's Mansion, historic districts in Helena, classroom presentation, touch and feel sessions and other related educational functions. The second service is assistance to the various departments of the Society. The third service is support of the Society through public relations and to plan receptions, held in conjunction with gallery openings. They may also serve as reception hosts at functions held for the Society at the old Governor's Mansion, legislative occasions and other times when they meet and greet the public.

Ward Shanahan, Attorney, member of the Board of Trustees, asked for continued support from the Subcommittee.

Terry Minow, representing Montana State Employees, said they support full and adequate funding of the Historical Society, including budget modifications.

SEN. MANNING said there are several history museums in the state and asked if they interfere with what the Society is trying to achieve. **Mr. Sommer** said no. There is a Montana Association of Museums which is a loose affiliation of all the historical museums and organizations in the state and the Society works closely with them as a resource service.

Larry Fasbender explained a proposal for the state to buy a painting for \$75,000 that was designated as the Centennial painting. Having gone through a large birthday celebration for the state there is nothing to memorialize that. **Ron Clark, owner of painting**, handed out a brochure showing what the painting looks like. He formed a company prior to the Centennial for the purpose of creating and marketing Montana Centennial commemoratives.

ADJOURNMENT

Adjournment: 11:15 A.M.


WM. "RED" MENAHAN, Chair


MARY LOU SCHMITZ, Secretary

HOUSE OF REPRESENTATIVES
INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

ROLL CALL

DATE 2-14-91

NAME	PRESENT	ABSENT	EXCUSED
REP. WM."RED" MENAHAN, CHAIRMAN	✓		
SEN. DICK MANNING, VICE-CHAIRMAN	✓		
REP. DOROTHY CODY	✓		
SEN. ELEANOR VAUGHN	✓		
REP. CHUCK SWYSGOOD	✓		
SEN. GARY AKLESTAD	✓		
SEN. TOM BECK	✓		

HR:1991
CS10DLRLCALIN&C.MAN

AFFIDAVIT

EXHIBIT 1
DATE 2-19-91
HE Instit Subcomm.

STATE OF MONTANA)
 : ss.
County of Missoula)

J. MARTIN BURKE, being first duly sworn deposes and says:

1. I am the Dean of the University of Montana School of Law, Missoula, Montana. I am making this affidavit to explain the budget allocations established for the Montana Defender Project.

2. The Montana Defender Project is an internal clinical program for third year law students at the University of Montana School of Law.

3. The program was expanded in 1977 at the request of the Department of Institutions of the State of Montana to provide additional legal services to inmates of the Montana Correctional Institutions. The request was made as a result of a federal court order to implement a decision of the United States Supreme Court in Bounds v. Smith, 97 S.Ct. 1491 (1977).

4. Professor John W. McDonald was hired in December 1977 to direct the program and has been the director and supervisor of the program to this date.

5. The portion of the Montana Defender Project budget allocated to salaries of personnel is as follows:

a. Professor John W. McDonald Jr., director and supervisor of the program, is paid sixty-seven percent (67%) of his salary by the Montana Defender Project contract with the Department of Institutions (organization number 3859). Thirty-three percent (33%) of Professor McDonald's salary is

paid by the School of Law (organization number 1071). Professor McDonald annually allocates more than seventy percent (70%) of his time to Montana Defender Project supervision and administration.

b. Kathleen A. Cassidy, Montana Defender Project secretary, is paid thirty-three percent (33%) of her salary by the Montana Defender Project contract with the Department of Institutions (organization number 3859). Sixty-seven percent (67%) of her salary is paid by the School of Law (organization number 1071). Ms. Cassidy allocates more than seventy-eight percent (78%) of her time to the Montana Defender Project annually.


c. David E. Stenerson, Montana Defender Project clinical assistant/supervising attorney, is a half-time employee and works under a nine (9) month contract. All of his salary is paid by the Montana Defender Project contract with the Department of Institutions (organization number 3859). Mr. Stenerson allocates 100% of his time to the Montana Defender Project.

d. The Montana Defender Project employs three clinical interns on a full-time basis during the summer months funded by the contract. One hundred percent (100%) of their time is allocated to Montana Defender Project client representation. During the academic year they continue to work in the Montana Defender Project with clinical assistantships funded by the Law School budget.

e. During the current fiscal year, the Law School will

provide forty-seven percent (47%) of the travel budget and the Department of Institutions will provide fifty-three (53%) of the travel budget for this program.

f. The Law School provides all equipment with the exception of the dot matrix printer allocation in the current budget and all other expenses of the program except for the small budget items specified in the current budget.


J. MARTIN BURKE

SUBSCRIBED AND SWORN TO before me this 13th day of February 1991.

(SEAL)

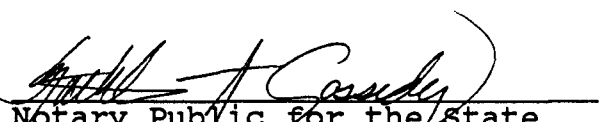

Notary Public for the State
of Montana
Residing at Missoula, Montana
My commission expires 10-15-93

EXHIBIT 2
DATE 2-14-91
HBI Inst. Subcomm.

February 12, 1991

LANGUAGE FOR THE GENERAL APPROPRIATIONS BILL

PROGRAM 01 - LIBRARY OPERATIONS

Coal Severance Tax Appropriation

Proposed language

The state special revenue includes coal severance tax funds. In the event coal severance tax allocated to the state library under 15-35-108(3)(9) exceeds the amounts appropriated to the state library for fiscal 1992 and 1993, the additional funds are appropriated to the Montana State Library for pass through to the library federations.

The estimates for FY90 and FY91 were both below the funds received. During FY90 an additional \$59,244 was received and at present we have a balance of \$6,692 of appropriation remaining in FY91 with one quarters distribution remaining. The average quarterly distribution to the federations has been \$30,741. Without this wording, these funds, intended for grants to library federations, could not be distributed.

Library Services and Construction Act appropriation

Proposed language

The amounts included in State Library Operations in the federal special revenue fund represent Library Services and Construction Act funds that may be transferred between fiscal 1992 and 1993.

In the event the appropriation amount is reduced below the requested \$1,014,822, this language becomes imperative. As much of this appropriation is for construction of libraries, it is not possible to accurately project the date the funds will be distributed.

The previous language has been listed in past appropriation bills.

2-14-91

Instit. Subcomm.

page 2 (appropriation language)

PROGRAM 01 (cont'd)

3
Proposed language

The Montana State Library does have carryover coal severance tax funds available to fund the equipment needed when Western Library Network updates their system making it necessary for the Montana State Library to replace two WLN on-line terminals. These funds are appropriated to the Montana State Library at the time the equipment becomes necessary.

PROGRAM 07 - NATURAL RESOURCE INFORMATION SYSTEM

Proposed language

Funds appropriated for the Natural Resource Information System program of the Montana State Library for contract authority are a biennial appropriation and may be transferred between state special, federal special or private revenue.

Contract authority will be used for contracts and grants received by the N.R.I.S. program throughout the biennium. It is not known at this time what the dollar amount or the source of these grants will be or during which fiscal year they will be received.

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

Institution SUBCOMMITTEE DATE 2-14-91
DEPARTMENT (S) _____ DIVISION _____

PLEASE PRINT

PLEASE PRINT

NAME	REPRESENTING	
Debbie Schlang	mt Library Assoc.	
Doreen Milbrant	Friends of mts	
Lloyd Wallin	State Library Comm	
Terry Monow	MFI	
Shula Stearns	UM	
Janet Ellis	MT Audubon	
Shula Garvic	MT. St Library	
Sharon McCabe	Historical Society	
Marilee Sommer	MT. Historical Society	
Jean Forchill	MHS	
Gard Nauahan	Bd Trustees, Mthist Society	
Abrahamson	MT Cultural Advisory	
Roy Clark	Centennial '89 Inc	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.