

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By FRANCIS BARDANOUVE, on March 7, 1991, at 8:00 A.M.

ROLL CALL

Members Present:

Francis Bardanouve, Chairman (D)
Ray Peck, Vice-Chairman (D)
Dorothy Bradley (D)
John Cobb (R)
Dorothy Cody (D)
Mary Ellen Connelly (D)
Ed Grady (R)
John Johnson (D)
Mike Kadas (D)
Berv Kimberley (D)
Wm. "Red" Menahan (D)
Jerry Nisbet (D)
Mary Lou Peterson (R)
Joe Quilici (D)
Chuck Swysgood (R)
Bob Thoft (R)
Tom Zook (R)

Members Excused: Larry Grinde

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Sylvia Kinsey, Committee Secretary

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

HEARING ON HB 544

Proceeds of sale of Department of Justice equipment to be retained by department

Presentation and Opening Statement by Sponsor: REP. R. BUDD GOULD, HD 61, Missoula introduced Mick Robinson, Dept. of Justice to explain the Bill. It is a clean-up Bill suggested by the Legislative Auditor's Office. This was originally a Highway Patrol statute so it deals with the disposal of Highway Patrol vehicles. All of these vehicles presently go through the auctions of surplus property. The funds through that auction have been transferred into the Highway special revenue account in the last year. This Bill states the proceeds from those

particular sales, instead of being transferred to the General Fund, should go into the fund from which the purchase originated.

Questions From Committee Members: REP. SWYSGOOD asked how much money is involved? Mr. Robinson did not have a dollar amount as it all goes into surplus property. There are about 50 vehicles that go through the auction every year and the average price would be \$1,000 or \$2,000. REP. BARDANOUVE asked Mr. Robinson to provide the Committee with more information.

Closing by Sponsor: REP. GOULD closed.

REPRESENTATIVE PECK CHAIRED THE MEETING AT THIS POINT.

HEARING ON HB 4

Budget Amendment bill

Presentation and Opening Statement by Sponsor: REP. FRANCIS BARDANOUVE, HD 16, Harlem referred the Committee to EXHIBIT 1 and explained it fully. Tape 1, Side A, 100

Curt Nichols, OBPP, pointed out one revision. Amendment 12 for the Department of Institutions has a small amount of state special and it is reported in this report as all federal. The total is right, it is just the split of the money.

REP. COBB asked if the budget amendments have gone through the subcommittees? Jim Haubein, Legislative Fiscal Analyst, said he is not sure. He said they have done a very thorough review in their office but do not see the scrutiny of the budgets that go through the subcommittees. Mr. Nichols said in regard to the budget amendments continuing into 1992 and 1993 they have taken the 1994 amount out. That is not reflected in Exhibit 1. The federal fiscal year is out of line with the state fiscal year. In terms of grant purposes there is more than one federal fiscal year. Grant cycles that are used vary. The bulk of these grants continue into 1992 only and are typically for the first three months of 1992. They are temporary grants and have money available for a period that extends into fiscal 1992 and that is why the authority is there. The total on the budget sheet shows the 1992 amount is rather small compared to the total. There are a few that go into 1993 because of longer grant cycles. Again, the amount is very small. Mr. Haubein said although Exhibit 1 shows \$304,000 there are some 15 that continue spending authority left in 1991 and 1992 that are not in this total.

Questions From Committee Members: REP. THOFT said fuel in State Lands and Fish, Wildlife and Parks did not seem to be out of line with the current situation and felt no adjustment was needed there.

REP. QUILICI asked about the Low Income Energy Assistance Program

(LIEAP), Page 6, Exhibit 1, the federal spending authority for \$1,800,000 FY91 and has this money been expended? If not, can that money be continued into the next fiscal year? **John Donnel, SRS**, said they cannot spend any of the money they have in the budget amendment bill until the Committee has approved the spending authority to do that. This is additional money from the projected federal grant authority in 1989 toward 1991. The federal grant award was increased so they now have additional money. They will probably spend some of that this year and part will be a carryover into next year.

REP. PECK referred to the Vo Tech Center fee and tuition increase and asked **Mr. Noble** to comment. He said this was an amount that was reverted last biennium when the Vo Techs came under the Board of Regents. One of the first steps the Board did was establish a uniform tuition policy for all Vo Techs that would increase tuitions. Part of that money is a result of those increased tuitions, part as a result of increased enrollment. The Vo Tech changed chief fiscal officers that particular year and did not bring that additional tuition revenue forward as part of the budget amendment that went through the legislature last session. When it came available at year end their office chose not to give them budget amendment approval as technically it was available for the Committee's consideration.

REP. KADAS asked if the entire \$115,000 is due to the mistake made in 1989 or is part of that from 1991 or 1990. **Mr. Nobel** said they have two amendments with Great Falls Vo Tech. One of them is the additional fee revenue available this year. That has come forward for the Committee's approval. The \$42,000 is money that was reverted last biennium from increased tuition and fee revenue.

Closing by Sponsor: **REP. BARDANOUVE** closed.

REPRESENTATIVE BARDANOUVE RESUMED CHAIRING THE MEETING AT THIS POINT.

HEARING ON HB 616

Appropriation to Crime Control Board for grants

Presentation and Opening Statement by Sponsor: **REP. PECK, HD 15, Havre** said this bill appropriates funds to Board of Crime Control for grants to Crimestopper and crime prevention programs.

Proponents' Testimony: **Ron Brown, President, Montana Crimestopper, Crime Prevention Association** said these organizations consist of volunteers to provide training to law enforcement and crimestopper programs. They try to initiate new programs throughout the state. In the past, they have funded their organization by contacting private enterprises for donations and grants. Corporate grants are getting a lot of competition for the money. Some of the sources are beginning to

dry up. As a result of that, the Board members are spending most of their time trying to raise money so they can put the programs on in various communities throughout the state. It has become burdensome because they do not have the time as volunteers to raise money from private enterprises.

Colleen McCarthy, Member of Board of Directors, Montana Crimestopper's Association is the state coordinator of the McGruff House program. One of the main goals is to go out into different communities in the state and promote crime prevention and help the communities organize different programs. They have put together a brochure **EXHIBIT 2**.

SEN. HOCKETT, DISTRICT 7, said an ounce of prevention is better than a long term in prison so urged support of the Bill.

Ed Hall, Administrator, Montana Board of Crime Control said they would be glad to administer the program if the Committee approves it.

Bill Fleiner, Lewis and Clark Sheriff's Department, Board Member of Montana Sheriff and Peace Officer's Association asked for support of this legislation.

Informational Testimony: **Jim Haubein, LFA**, said there might be a technical problem with this Bill. Section 2 codifies the appropriation that's in Section 1 which, in essence, makes it a statutory appropriation. However, it does not go into 17-7-502 which lists all the statutory appropriations. There is a section that all statutory appropriations have to be listed. If they are not in there the Bill says they are not statutory appropriations. There is a conflict and they are checking it out with the Legislative Counsel Legal staff.

Questions From Committee Members: **REP. PECK** asked **Mr. Brown** if there is a difference in the statutory appropriation that's ongoing to permit the fund if taken for just a two-year period and would it be acceptable and reasonable? **Mr. Brown** said they would like to have an ongoing program but are also of the realization if they can get it for the two years are certainly willing to come back and explain what they have done with the money and apply for it again.

Closing by Sponsor: **REP. PECK** was impressed with the presentation and thought everyone was familiar with crimestoppers and the success they have had and this is worthy of consideration.

HEARING ON HB 717

Allow Attorney General anti-trust authority

Presentation and Opening Statement by Sponsor: **REP. ORVAL ELLISON, HD 81, McLeod** said this Bill is an Act providing the

Attorney General with investigatory and enforcement powers and related authority in antitrust matters.

Proponents' Testimony: Gilles Stockton, rancher from Grass Range, and giving testimony on behalf of Northern Plains Resource Council urged the Committee to pass the Bill. Their interest in this matter stems from the work that Northern Plains Resource Council has done investigating the monopoly in the beef and lamb packing industry. Their researching has concluded this monopoly threatens Montana's economy. In their search for a solution they have studied the antitrust laws and approached Montana's Justice Dept. for support. They did not expect Montana to take on the meat monopoly alone as it is much too large and a powerful industry. However, the National Association of Attorneys General are capable of litigation in cases of this magnitude. Unfortunately, they found Montana does not fund even a part-time antitrust division and cannot afford the dues of the National Association. Their interest goes beyond their desire to curb this dangerous monopoly, and it is a matter of principle. After study and discussion they have gained an entirely new respect for the antitrust laws and their role in protecting the free enterprise system.

Paul Sliter, representing the Montana Petroleum Association said they are made up of wholesale and retail distributors of petroleum products throughout the state. There is a large amount of legislation being presented this session regarding antitrust. There are laws currently on the books that pertain to antitrust as well. The problem is, the Department of Justice does not possess the resources needed to research or litigate cases involving antitrust. He respectfully asked this Committee to take the first step in providing the Department of Justice with the resources it needs to uphold the laws that the Committee provides the State of Montana.

Questions From Committee Members: REP. SWYSGOOD said it appears the Department already has the authority and asked Marc Racicot, Attorney General, if that is a correct assumption. Mr. Racicot said in this particular part of the statute the Department is referring to the Department of Commerce. REP. SWYSGOOD asked if the monopoly referred to in the Northern Plains presentation--the meat packing industry, is federal jurisdiction since none of those plants are located within the borders of Montana. If so, what impact can they have? Mr. Racicot said the most comprehensive way to deal with the problem would be to have the federal government undertake that responsibility. They have been involved in the process of inquiring from the Congressional point of view as well as the U.S. Dept. of Justice monitoring the activity in this particular area. They are the only single entity that has the ability to assume this kind of investigative responsibility and ultimate prosecution. REP. SWYSGOOD asked if other states have been successful when they come together to explore some of the areas of antitrust? Mr. Racicot said the stronger the commitment they make the more effective they are.

It is a long term and expensive commitment.

REP. BRADLEY asked if there had been ways in other states if pursuing antitrust measures where the outcome could bring in a certain amount of revenue? Mr. Racicot said yes. However, they are very difficult to investigate, very time consuming and labor intensive and very difficult to prove in court. REP. BRADLEY asked if passage of this Bill would enable Mr. Racicot to work more with the National Attorneys General's organization on antitrust and could Montana reap the benefits from that? Mr. Racicot said unquestionably, they do not now have the ability to discuss or carry on any kind of local investigative activity on their behalf.

REP. KIMBERLEY asked if there were any of these cases that would end up in state court? Mr. Racicot said no, they have had no state cases. REP. KIMBERLEY asked if there is a chance Montana would get into one of those long running battles, such as Cargill or IBP, that would last over the years? Mr. Racicot said there is a chance and also the possibility that the state would be expected to assume a certain portion of the cost. They normally do go on for a long time.

REP. KADAS asked what they are going to get for the \$120,000 each year? Mr. Racicot said they will get the ability to monitor national litigations that may have anywhere from a substantial to a negligible impact on Montana; the ability to make inquiry into some conduct in the state of Montana that may involve individual instances of under-price discrimination of sales below cost, and on the kinds of things that would impact people in the area of petroleum. They would be able to participate on a limited basis in the kinds of things Mr. Stockton has mentioned by providing information and by providing some impetus for inquiry. REP. KADAS asked if it would be one or two FTEs. Mr. Racicot said it would be one attorney, one investigator and secretarial support.

REP. SWYSGOOD said the Attorney General indicated when the Bill referred to the "Department" it was the Department of Commerce. He wondered if both departments needed to be involved, is there a possibility of a duplication and why the Department of Commerce did not ask for this? Annie Bartos, Chief Legal Counsel, Department of Commerce said the Department has 2.5 FTEs in the consumer affairs office. In that office they are required to administer other laws under Montana Law. They have been working with the Attorney General's office investigating some of these cases and utilizing the County Attorney's office to investigate the cases to make a report of a probable cause finding to the Department but in terms of actual enforcement they do not have the resources in terms of FTEs or attorneys to handle this work load. REP. SWYSGOOD asked if, from an investigation there was a finding in this area, would it normally be turned over to the Department of Justice for continuance? Ms. Bartos said no, that has not been the case. If there is a probable finding they would request the County Attorney to continue the action. There is

authority under the statute to utilize the services of the County Attorney.

REP. BARDANOUVE said in the past it was incompatible for the Department of Commerce to have a policy or program which would prosecute business because business is for the Department to promote and there was a conflict of interest there. Ms. Bartos said that is a concern they presently have. They are trying to promote business in this state. This type of antitrust legislation could do the reverse. As Attorney General Racicot stated this Bill will simply assist the smaller businesses in the state with the added protection to make sure they are insured with the ability to compete with other businesses. REP.

BARDANOUVE asked Mr. Racicot, on a scale from one to ten, how firmly did he support this Bill? Mr. Racicot said he was not certain. When this was initially discussed they acted with a certain amount of trepidation for a number of reasons. He thinks its inefficient that responsibility is allocated between a number of different entities, the Department of Commerce, the Department of Justice and the County Attorney's office. He would like to see it done right in the beginning. They are now doing consumer affairs kinds of activities within the Department of Justice. Now they are going to put the Department of Justice into this particular Bill and provide them some resources. He would like to see an effort to consolidate all the resource that can possibly be consolidated into one particular system of rules and procedures that allow them to approach the problems from a holistic point of view.

REP. PECK asked Mr. Racicot if he feels the 2.5 FTE would be better off in the Department of Justice so he would consolidate the effort? Mr. Racicot said part of his fear is he has been involved in a few legislative discussions where there has been concern about the surreptitious expansion of the Department of Justice and part of that comes to the surface when he discusses a topic such as this. In most offices across the country consumer affairs is in the Department of Justice and in the office of the Attorney General. They refer an enormous number of complaints to the Department of Commerce and they have two people who do an extraordinary job of responding to the concerns of Montana citizens.

REP. PECK said there is no way to take the County Attorney out of this. Mr. Racicot said most of these things are multi-county and the County Attorneys cannot traverse county lines to investigate. They also do not have the ability to undertake these kinds of long term investigations. REP. PECK asked Ms. Bartos for her opinion concerning transferring the activity solely to the Department of Justice. Ms. Bartos said it is true that they are extremely strapped for resources and manpower in handling the duties they are required to perform out of the consumer affairs office. If there is an action for a legal action they are somewhat linked to the Attorney General's office in designating themselves as special assistant Attorneys General. They do

coordinate their efforts and work with the Attorney General's office on some of the issues that do arise.

REP. GRADY said he realized this appropriation is for only two years and Mr. Racicot said it is going to be a long-term, ongoing program. REP. GRADY asked at the end of this appropriation this would be put into the Department of Justice' base budget? Mr. Racicot said he agreed. If the Committee saw this as only going for the next two years he was not certain what the kind of commitment could ultimately serve the cause well.

REP. QUILICI asked if the Consumer Affairs Division has proper funding to hire legal assistance from the Department of Justice. Ms. Bartos said there is a part-time legal aide who works in the Consumer Affairs office. There isn't any additional money within the budget at Consumer Affairs to contract with agencies for these services.

REP. BARDANOUVE asked if it would be best for all these various programs were consolidated in the Attorney General's Department? Mr. Racicot said ultimately that is the proper place for this activity because based on other experiences with other kinds of regulatory activity it does require a certain amount of dispassionate judgment to be involved in these matters.

REP. CODY said hearing the numbers of the pieces of legislation that are in the body on this issue there must be something that Montana should establish as a public policy or are there enough problems out there? Mr. Racicot said it was established in 1931 and they do need to make a determination in that regard about whether or not they are going to reaffirm the same kinds of beliefs in competitive conduct they had when the Act was first passed.

REP. QUILICI said back in 1979 or 1980 didn't they fund some antitrust investigations within the Department of Justice? Sometime in the early 80s they discontinued that program for various reasons. Mr. Racicot said that was right and part of his trepidation. The Bureau was created in late 1978, was funded through 1981 and was under the Crime Control Act. Congress established a three year seed-money program to encourage establishment of State Antitrust programs. Montana received a total of \$367,741 in federal funds under the act and the state provided \$59,000. It continued for a period of time and there were six FTEs involved in that. After 1981 it was no longer funded. The Legislature did provide additional funding for a little bit longer for the Bureau Chief and one other person involved in that activity. There was nothing provided after 1983 and it was a focal point for a great deal of discussion and acrimony on occasion. The Bureau did investigate approximately 130 cases and 73 of those cases disclosed activities constituting probable antitrust violation.

Closing by Sponsor: REP. ELLISON thanked the Committee for an

excellent hearing and said it was a major philosophical decision the Legislature has to make.

HEARING ON HB 511

Providing Statutory Appropriation of Drug-related Property Forfeitures

Presentation and Opening Statement by Sponsor: REP. ROYAL JOHNSON, HD 88, Billings said this Bill is a situation to allow the Attorney General's Office to put to use money, products, etc. that are seized in drug arrests or investigations. When the county receives money they can, in fact, spend it at their discretion for things also within the law. They don't want to change any of those things, all they want to do is have the Justice Department have the same opportunity. Once it goes into the Justice Department, in their special fund, then they have to come to the Committee or the Legislature to get money out of that fund. This fund has had about \$20,000 the last couple of years. It is allocated for specific purposes, it is collected in a specific way and can only be spent in specific ways. If the Justice Department is going to run the drug enforcement activities then they should be able to spend it when they need it.

Proponents' Testimony: Mick Robinson, Department of Justice said the law that was passed originally in the case of the forfeiture funds had enough specific guidance within the statute that it reads as if the Attorney General has discretion to spend the funds for drug related activities. It is very specific in terms of what those expenditures can go toward. They have never had specific needs that were apparent at the particular point they could go to the Subcommittee and say this is what they are going to spend this on. They have had situations come up during drug investigations where the access to that money would have been very helpful to move that investigation on to proper courts. They have not been able to do it through the budget amendment process for the drug investigations because of the timeliness of that process. In drug investigations, for example, the use of buy-money for drug buys or the use of the money to pay for overtime for local law enforcement to aid them in drug investigations does not fit within the time-line of the budget amendment process. They have tried to do that but before they can get to that process the investigation has had to take some other route in order to conclude it. Another area that he thinks they will be facing in the near future that is going to be an unpredictable event is if they investigate a type of drug lab. They end up confiscating or coming up with chemicals in that drug lab that have to be disposed of which becomes a very difficult process and very expensive because they can only dispose of them in certain manners and certain areas. Those are the types of things they would envision that this money would be used for in terms of the statutory appropriation to address those unpredictable, immediate investigation needs within the drug

laws. They think there is enough specific guidance within the statute. There is a requirement the Attorney General must provide a written report to the Legislature within four months of the close of the fiscal year. That has been done in the past and will be done on an ongoing basis. For those reasons he asked support for this Bill.

Questions From Committee Members: REP. THOFT said he was surprised at the small amount of money after several drug busts and asked if anything is being confiscated. Mr. Robinson said they have had, in the last part of December, two substantial forfeitures that ended up increasing that particular fund. The information they gave REP. JOHNSON had a \$40,000 balance in the federal forfeiture fund and that balance has increased to \$126,000. They do have throughout the state some residential properties that have been seized as a part of that forfeiture process but when you deal with real property it becomes a very complicated, time consuming process to get it through the legal process.

REP. QUILICI asked how the funds in the federal forfeiture fund are allocated? Mr. Robinson said there is a formula that's included in the present statute that gives a guidance on how it is allocated and depends on the involvement of the state and county law enforcement. Under the state forfeiture statute the Attorney General will make the allocation. Under the federal forfeiture statute the United States Government will allocate to the State of Montana what they think is appropriate in that particular case. REP. BARDANOUVE said most of the money is from the federal not the state. Mr. Robinson said the \$127,000 is federal and \$7500 is the balance in the state forfeiture account. REP. QUILICI asked if of the federal money goes into the respective counties where the drug bust occurred? Mr. Robinson said if there were local law enforcement involved in the investigation, there would be an allocation directly to the local law enforcement agencies.

REP. BRADLEY asked if this had been in place the last Biennium what would they be reporting to the Committee? Mr. Robinson said over the last Biennium they would have probably used \$25,000 to \$30,000 of the federal forfeiture money for additional buy money in large drug investigations. Some of the money would be returned and some would not, so it is an expenditure is lost. REP. BRADLEY asked what is going to happen to this account? If it is this large, obviously it is going to get larger. Mr. Robinson said he can't predict what is going to happen. This particular federal forfeiture account has been in existence since 1985 and up until this last year the amounts flowing into that were very minimal. This last year they have come up with a couple of large cash inflows. The other situation was with the Highway Patrol in the area of Deer Lodge.

REP. CODY asked if the money in these funds is held as evidence? Mr. Robinson said at the time it is deposited in these special

revenue accounts and the legal process has been completed then it becomes the state's money.

Closing by Sponsor: REP. JOHNSON said they ought to let them run their business the way they ought to run it if they are going to do what they have to do in the State of Montana.

HEARING ON HB 548

Amend Crime Victim Compensation to provide benefits to relative of injured victim

Presentation and Opening Statement by Sponsor:

REP. VIVIAN BROOKE, HD 56, Missoula said this bill attempts to divert a percentage of the fines received from District Courts from the state general fund to the crime victim's compensation for the purpose of having broader coverage for secondary victims. At the present time through the crime victim's compensation fund, we cover secondary victims and those persons who are killed or die as a result of a homicide or crime, and the secondary victims are entitled to receive some benefits. This Bill broadens the language so that secondary victims of crimes that are serious felonies, are defined as spouse, parent, child, brother or sister of a victim who receives mental health treatment. That is the specific appropriation.

Ed Hall, Administrator, Board of Crime Control said the amendment, EXHIBIT 5 that they would like to propose is on Page 2, Line 7. The Bill is changed to reduce the amount from that particular fund from 23% to 18% and to increase the victim's compensation fund, Page 2, Line 16, from 16.9% to 1.9%. From their computations and estimates it would generate more revenue than is needed so their amendment would be to reduce it. Page 2, Line 7, strike 18% and insert 21% and on Page 2, Line 16 strike 21.9% and insert 18.9%. They think it will only take 2% rather than 5% to cover the expenditure.

Questions From Committee Members: REP. PECK told REP. BROOKE the Bill does not define the term used on Page 5, Line 1, Mental Health treatment. That is a very broad phrase. REP. BROOKE said she understands the concern and asked Cheryl Bryant, Director of the Crime Victims Compensation, to address that. Ms. Bryant said mental health treatment has a fairly common understandable meaning. By rule, it states that mental health treatment can be paid for if provided by a licensed, mental health counselor. REP. PECK said it sounded to him like psychological counseling, not mental health treatment which he feels is a much broader term. Ms. Bryant said at the current time they are paying mental health treatment for primary victims and that takes a variety of forms, either individual or group therapy, by a licensed provider. In some cases it could be in-patient psychotherapy by medical providers in licensed facilities such as St. Patrick's Hospital or other in-patient facilities. EXHIBIT 3.

REP. BARDANOUVE said a serious case in this area could use all the money because the treatment costs hundreds of dollars a day. Is there any limitation on it? Ms. Bryant said yes, there is. Primary victims are limited to no more than \$25,000, total benefits, secondary victims receive only \$500 per person or \$1500 per family and only for the mental health treatment.

REP. SWYSGOOD referred to the fiscal note and the general fund impact, and asked how the amendment changes the impact? Mr. Hall said it is the same dollar amount. The 5% generated more money than they anticipated needing to expend. REP. SWYSGOOD wondered if the fiscal note was wrong? Mr. Hall said no. REP. QUILICI said more money in fines and forfeiture were collected so they did not need the higher percentage and generated more money. Mr. Haubein said there was a correction and the \$91,000 should have been \$40,000.

REP. MENAHAN asked who is referred to as secondary victims? Ms. Bryant referred to Page 4, Lines 24 through 25 and over to Page 5.

Closing by Sponsor: REP. BROOKE thanked the Committee for the Hearing.

HEARING ON HB 278

Fund Administration of Courts of Limited Jurisdiction

Presentation and Opening Statement by Sponsor:

REP. BOB GILBERT, HD 22, Sidney said the Bill appropriates money to the Supreme Court to provide services relating to rules, review, training, education and special projects for courts of limited jurisdiction. This was brought to him by the Justice of the Peace in Sidney. It appears the duties of the Supreme Court have reached a point where they need permanent staff. Section 4 on Page 3 says this appropriation for this Biennium and future Bienniums must be incorporated as part of the general appropriation proposal process and must be treated as part of the budgetary base. The underlying language on Page 2, Lines 5 through 8 are duties they are doing now. Lois Steinbeck, LFA, called the Supreme Court and they are in favor of the bill but she has some questions about paying back the 25% because currently they are paying back 100%. She does not know how the two cross over. If the Committee would hold the bill to give her some time she could come up with the right numbers and make it work.

Proponents' Testimony: Pat Bradley, Montana Magistrate's Association which is comprised of the courts of limited jurisdiction in Montana and presented a proxy statement from Judge Gregory Mohr, EXHIBIT 4, from Sidney who is a member of the Commission on Courts of Limited Jurisdiction.

Bill Fleiner, Lewis and Clark Sheriff's Department and Boardmember for the Montana Sheriffs' and Peace Officers' Association spoke in support of this appropriation and was particularly interested in Page 2, Part 4. Over the last several years there has been an expansion of the courts of limited jurisdiction. They relate to civil action as well as some criminal causes and the decisions those people make, taking into account the next court they would go to for a hearing would be a district court, feel the decisions those people make at that level are very important and that they have the best information and preparation in order to alleviate several appeals to district courts and into the Supreme Court. Not all the JPs in the state are attorneys and for those people this particular type of training and education is paramount for the decisions they are going to be making.

Questions From Committee Members: REP. PECK referred to the bottom of Page 2 where they talked about the refunding of the state general fund amounting to 25% of the amount appropriated to the supreme court. He asked if this is a loan situation or would that 25% ever be paid off? REP. GILBERT said that is the part Ms. Steinbeck wants to work on.

REP. SWYSGOOD referred to the fiscal note which shows a funding from the general fund of \$89,000 in the Biennium. Yet it shows an impact of about \$67,000 and there is revenue that makes the difference coming in from admission fees and tuition. Why does the Committee have to give you the \$90,000 instead of the \$67,000 that is needed? REP. GILBERT said he would assume because the fees come trickling in over the years or as those training sessions are put on the money would be needed to fund the program up front and collect as it goes along. REP. SWYSGOOD said he understands the fees are going to come in but sooner or later they get through with the training period and would have enough money to get started. Once they get started they should be ongoing.

REP. PECK asked if the training is provided now? REP. GILBERT said the training is ongoing but the load is becoming so large for the current staff they can no longer handle it on a part-time basis and the money appropriated is to fund an additional FTE.

REP. QUILICI asked if districts come in before the Subcommittees for the modified requests for something like this? REP. GILBERT said he did not know.

REP. PECK asked if REP. WHALEN had a bill dealing with this and arguing the need for additional training? A lady said it was HB69 and would allow cities to incorporate a municipal court if the commission so chose.

REP. KIMBERLEY asked if they spend anymore money training a citizen who is not a lawyer? REP. GILBERT said no because the

training period is the same type of training over the same length of time.

REP. ZOOK said they did add money to the court's budget for increased payment.

Closing by Sponsor: REP. GILBERT asked for consideration as the cause is worthy, good justice for the citizens in the state of Montana and the cost is relatively low.

HEARING ON HB 798

Fund Coordinator position for state and federal victims compensation grant

Presentation and Opening Statement by Sponsor:

REP. QUILICI, HD 71, Butte said this Bill allows the use of funds under the crime victims' assistance program to hire one coordinator to coordinate both the state and federal programs. Now there are a lot of bills coming before the Committee pertaining to the crime victims' program. This takes more coordination between the state and federal programs because federal monies can only be used on certain programs.

Proponents' Testimony: Ed Hall, Montana Board of Crime Control, said HB 798 requests a victim's coordinator position. This results from a modified budget request that was made to a Subcommittee requesting one additional FTE coordinator. The agency administers two victim's programs. One is the victim's compensation program that pays directly for injuries to victims by paying their medical bills or funeral expenses. The other is the victim's assistance program which funds 17 programs across the state that provide direct service to victims in many communities. They are safe houses, shelter homes, hot lines or rape crisis centers. They are seeing an increase in federal participation in the victim's assistance program. This program gets bigger and bigger but they cannot use any funds for administration. They are trying to administer this growing program and have no resources from the federal area in which to do it. This Bill permits them to use the funds set up in the crime victim's compensation to fund the position of crime victim's coordinator.

Questions From Committee Members: REP. BARDANOUVE asked if there is any limit you can use in this area? Is this an open-ended authorization to use whatever you wish? Mr. Hall said the limitation is that this would allow them to fund 1 FTE from the state special revenue who would serve to coordinate the 17 victims' programs they have. REP. QUILICI said it is \$29,116 FY92 and \$25,985 FY93 for the 1 FTE, benefits and operating expenses.

REP. SWYSGOOD asked what Grade. Mr. Hall said they budgeted it

at Grade 11.

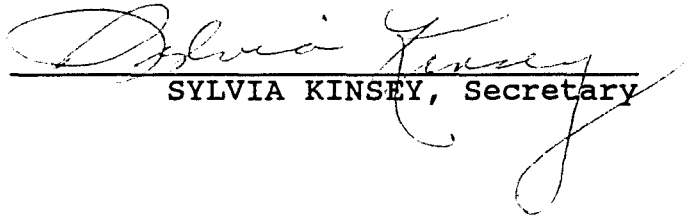
Closing by Sponsor: REP. QUILICI said this program, since first introduced, has expanded dramatically over the years and now with the federal assistance program it has gotten larger than they anticipated and there has to be some coordination now. REP. BARDANOUVE asked if any federal money can be used and REP. QUILICI said not for administrative costs.

The hearing on the bill closed.

ADJOURNMENT

Adjournment: 11:12 A.M.


FRANCIS BARDANOUVE, Chair


SYLVIA KINSEY, Secretary

FB/SK

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL

DATE

3/2/91

| NAME | PRESENT | ABSENT | EXCUSED |
|-----------------------------------|---------------------|--------|---------|
| REP. FRANCIS BARDANOUVE, CHAIRMAN | ✓ | | |
| REP. RAY PECK, VICE-CHAIRMAN | ✓ | | |
| REP. DOROTHY BRADLEY | ✓ | | |
| REP. JOHN COBB | ✓ | | |
| REP. DOROTHY CODY | <i>Come in 9:30</i> | | ✓ |
| REP. MARY ELLEN CONNELLY | ✓ | | |
| REP. ED GRADY | ✓ | | |
| REP. LARRY GRINDE | | | ✓ |
| REP. JOHN JOHNSON | ✓ | | |
| REP. MIKE KADAS | ✓ | | |
| REP. BERV KIMBERLEY | ✓ | | |
| REP. WM. "RED" MENAHAN | ✓ | | |
| REP. JERRY NISBET | ✓ | | |
| REP. MARY LOU PETERSON | ✓ | | |
| REP. JOE QUILICI | ✓ | | |
| REP. CHUCK SWYSGOOD | ✓ | | |
| REP. BOB THOFT | ✓ | | |
| REP. TOM ZOOK | ✓ | | |
| | | | |
| | | | |



TERESA OLCOTT COHEA
LEGISLATIVE FISCAL ANALYST

STATE OF MONTANA

Office of the Legislative Fiscal Analyst

STATE CAPITOL
HELENA, MONTANA 59620
406/444-2986

EXHIBIT 1
DATE 3.7.91
HB 4

March 6, 1991

TO: Appropriations Committee
FROM: Office of the Legislative Fiscal Analyst
SUBJECT: House Bill 4

Several agencies are requesting continuing spending authority in fiscal 1992. Under the budget amendment process (used when the legislature is not in session), budget amendment authority cannot continue after the end of a biennium. Traditionally, the budget amendment bill has included authority for the current fiscal year only. (However, in last year's budget amendment bill, there were a few appropriations that carried into the 1991 biennium.) The agencies are requesting this continuing authority in House Bill 4 for accounting ease.

Following are technical comments on a few of the budget amendments provided in the bill. Attached is a report providing a summary of all the budget amendments requested.

GENERAL GOVERNMENT

Highways #1

The budget amendment requests \$1 million to do preconstruction work in fiscal 1991 that would have normally been done in fiscal 1992 to take advantage of the \$20 million increase in federal funding each year of the 1993 biennium. However, the department requested (and the subcommittee approved) a reduction of only \$500,000 in the fiscal 1992 budget due to this acceleration of preconstruction work.

NATURAL RESOURCES

Fish, Wildlife, and Parks #1

This amendment would provide authority for the vehicle program in the Management Services Division to pay anticipated higher fuel prices. The department's estimate of fuel prices is based on a weighted average of \$1.45/gallon during fiscal 1991. Fuel prices are currently less than \$1.13/gallon (excluding tax, from which state agencies are exempt).

Commerce #1

These funds are federal funds from the Federal Railroad Administration, which were originally loaned to BN by the department for rail improvements. The funds were then repaid to the department and are kept in a separate account. The department says that "through oversight, these funds were not included in the FY 90-91 budget request." They also state that the budget amendment will require a commitment of \$1,809 of general fund to match federal administrative funding for the department's oversight of the construction and bill activities. This match will be provided within the existing general fund appropriation.

#7

The Indian Affairs Coordinator program anticipates receiving a \$100,000 grant from the Federal Highway Administration (passed through the Montana Department of Highways) to increase the number of Indian-owned companies participating in the federal highway program. The period of the grant is from April 1, 1991 to June 30, 1992. During subcommittee hearings, the department requested spending authority for \$100,000 per year and 2.5 FTE for fiscal 1992 and 3.0 FTE for fiscal 1993. Therefore, if this budget amendment is approved, the budget modification could be reduced by \$17,030 in fiscal 1992.

State Lands #1

As part of this request, the aviation program is asking for \$78,330 in additional fuel costs and maintenance. Their estimate for aviation fuel is based on \$2.39/gallon for jet fuel and \$2.38 for avgas. Fuel prices are now substantially lower.

Education

Great Falls #2
Vocational-
Technical
Center

This budget amendment would reappropriate tuition and fees reverted to the general fund in fiscal 1989. Therefore, this request would, in effect, budget amend general fund.

TP1:nm:AC3-6.mem
Enclosure

◆ 1991 LEGISLATIVE SESSION ◆
Summary of Budget Amendments
House Bill 4
Fiscal 1991 and 1992

| | FTE | State | Federal | Other | FTE | State | Federal | Other |
|---|------|---------|----------|-------------|------|-------|----------|-------|
| GENERAL GOVERNMENT | | | | | | | | |
| <u>Legislative Auditor</u> | | | | | | | | |
| 1. State special revenue derived from applications to perform sunrise reviews. | | \$5,000 | | | | | | |
| <u>Governor's Office</u> | | | | | | | | |
| 1. Federal funds to the Mental Disabilities Board of Visitors to contract with the Montana Advocacy Program to provide legal representation to patients at Montana State Hospital. | 0.30 | | \$2,500 | | | | | |
| <u>Department of Justice</u> | | | | | | | | |
| 1. Federal funds from the Bureau of Justice Statistics to improve the quality and timeliness of criminal history data. Continuing authority is requested in fiscal 1992. | 1.50 | | \$53,113 | | 1.50 | | \$39,551 | |
| 2. Board of Crime Control - Language to continue 1991 biennium federal pass-through grant authority in fiscal 1992 and fiscal 1993. | | | | | | | | ** |
| <u>Department of Administration</u> | | | | | | | | |
| 1. Proprietary funds due to increased costs resulting from access by students on five university campuses to the state's telecommunications network. The increased cost would be paid by all network users. | | | | \$285,000 | | | | |
| 2. Self-insurance fund proprietary appropriation authority to pay outside legal counsel for their defense of tort actions brought against the state. | | | | \$1,000,000 | | | | |
| 3. Proprietary fund authority in the Property and Supply Bureau due to higher than anticipated sale of supplies to state agencies. | | | | \$250,000 | | | | |

Exhibit 1
3/11/91 HB 4

----- Fiscal 1991 ----- Fiscal 1992 -----
FTE State Federal Other FTE State Federal Other

\$100,000

\$245,622

\$21,404

\$787,708

\$212,292

\$843,321

\$217,292

1.80

TOTAL GENERAL GOVERNMENT

\$0

\$39,551

\$0

HUMAN SERVICES

Department of Health and Environmental Sciences

\$95,694

\$12,000

\$1,553,018

\$0

\$0

\$0

\$0

\$0

\$0

\$0

4. Proprietary fund authority in the Property and Supply Bureau to purchase federal surplus property for various agencies and organizations.

5. Proprietary funds in the Mail and Distribution Program due to: 1) a deficit in personal services due to the provision of centralized mail services to the Departments of Health and Highways (\$17,604); and 2) provision of additional services by the program and an increase in postal rates (\$228,018).

Teachers' Retirement Board

1. Trust interest income to pay costs of increased computer processing and program changes due to IRS mandates, to cover the increased cost of mailings due to the postal rate increases, and for increased equipment maintenance costs.

Department of Highways

1. Authority in the Preconstruction program to allow the department to contract the Right-of-Way acquisition and project design on five federal participating projects.

1. Federal funds from the Department of Health and Human Services to plan for and develop primary health care services for underserved areas. Continuing authority is requested in fiscal 1992.

2. Federal funds totaling \$12,000 from the Social Security Administration to provide them with Montana birth certificate information.

3. Additional federal authority due to the availability of additional federal funds for administration and benefit payments in the Women, Infants, and Children (WIC) program.

| | Fiscal 1991 | | | Fiscal 1992 | | | |
|--|-------------|-------|-------------|-------------|-------|---------|-------|
| | FTE | State | Federal | FTE | State | Federal | Other |
| 4. Federal Department of Transportation funds to evaluate trauma and trauma care in Montana and to recommend improvements. Continuing authority is requested in fiscal 1992. | | | \$11,126 | | | * | |
| 5. Federal funds from the Department of Health and Human Services for in-home care services to low-income individuals who require routine medical services. Continuing authority is requested in fiscal 1992. | | | \$30,000 | | | * | |
| <u>Department of Labor and Industry</u> | | | | | | | |
| 1. Federal funds from Housing and Urban Development (HUD) to provide housing discrimination training for landlords, real estate agents, and others in the real estate industry. Continuing authority is requested in fiscal 1992. | 0.56 | | \$18,750 | | | * | |
| 2. Federal funds from the U.S. Department of Labor for support of the Federal Safety Onsite Consultation project. Continuing authority is requested in fiscal 1992. | | | \$5,526 | | | \$1,843 | |
| 3. Continuation of provision of targeted jobs tax credit for employers for hiring individuals from nine targeted groups. | | | \$95,779 | | | * | |
| 4. Language to continue federal fiscal 1991 Coal Mine funds in fiscal 1992. | | | | | | | |
| 5. Federal funds to contract with the Billings school district to provide a three week World of Work program to improve and develop job hunting skills. | | | \$41,637 | | | | |
| <u>Social and Rehabilitation Services</u> | | | | | | | |
| 1. Federal U.S. Department of Agriculture funds available as a result of Montana's low food stamp error rate. The additional authority would be used to purchase equipment and furnishings, replace carpet, and fund department contract projects. | | | \$248,314 | | | | |
| 2. Federal authority for the Low Income Energy Assistance Program (LIEAP) due to an increase in the state allocation to provide heating energy resources and weatherization assistance to low income residents. | | | \$1,894,033 | | | | |

----- Fiscal 1992 -----
FTE State Federal Other

----- Fiscal 1991 -----
FTE State Federal Other

3. Federal medicaid funds for the Indian Health Care component of the medicaid program due to an increase in the number of eligible recipients and units of service.
4. Additional federal medicaid for pass-through to the Department of Institutions to maximize federal reimbursement.
5. Additional federal medicaid for pass-through to the Department of Institutions due to a review of costs incurred by the Montana Developmental Center.
6. Authority for U.S. Department of Education Part H funds to refine and maintain an automated information and referral system and to purchase training and technical assistance to providers of child and family services to implement Part H.
7. Federal Title XIX funds to provide services to four developmentally disabled/emotionally disturbed youth who would normally be placed out-of-state. The funds require a state match, which would be met with funds currently in the Department of Family Services.

Department of Family Services

1. Federal funds from the Department of Health and Human Services for the Children's Justice Act to provide continued training and technical assistance to all persons responsible for investigation, administration, prosecution, or case management of child sexual abuse.
2. Federal funds for the Independent Living Program, to assist youth in the transition from foster care to independent living.
3. Federal Chapter I funds to provide funding for a certified school psychologist to interpret testing and to establish individual education plans for special education students at Mountain View School.
4. Federal Chapter I funds to provide in-service training to Chapter I teachers and to purchase additional Chapter I teaching supplies at the Mountain View School.

\$1,942,792

\$1,848,025

\$570,626

\$71,543

\$69,868

\$37,430

\$117,734

\$2,621

\$6,434

| | Fiscal 1991 | | | | Fiscal 1992 | | | |
|---|-------------|-------|-------------|-----------|-------------|-------|---------|---------|
| | FTE | State | Federal | Other | FTE | State | Federal | Other |
| 5. Federal Chapter II funds from the Office of Public Instruction to purchase instructional materials and equipment at Pine Hills School to enhance the quality of instruction to students at risk of failure. | | | \$1,072 | | | | | |
| 6. Federal Chapter I funds from the Office of Public Instruction to purchase supplies at Pine Hills School to target students who have been at the school at least one year who are behind their chronological grade level by two grade levels. | | | \$2,709 | | | | | |
| 7. Federal funds from the Montana State Developmental Disabilities Planning and Advisory Council to implement strategies to establish targeted case management for individuals with developmental disabilities. Continuing authority is requested in fiscal 1992. These funds require a 25 percent match, which would be met with current level training funds. | | | \$75,000 | | | | * | |
| TOTAL HUMAN SERVICES | 0.56 | \$0 | \$8,751,731 | \$0 | | 0.00 | \$0 | \$1,843 |
| | | | | \$123,000 | | | | \$0 |
| NATURAL RESOURCES | | | | | | | | |
| Department of Fish, Wildlife, and Parks | | | | | | | | |
| 1. Proprietary fund authority in Management Services due to increased gasoline and diesel fuel costs due to rising prices. The weighted average price anticipated is \$1.45 per gallon. | | | | | | | | |
| 2. Bonneville Power Administration Habitat Protection Grant funds in the Wildlife Program to carry out habitat protection and/or enhancement in the Libby and Hungry Horse Dam areas. | | | \$500,000 | | | | | |
| 3. Bonneville Power Administration funds in the Wildlife Program to continue the Hungry Horse Elk Project, the Libby Bighorn Sheep/Mule Deer Project, and NW Montana Habitat Protection. | 2.95 | | \$109,615 | | | | | |
| Department of Livestock | | | | | | | | |
| 1. Department of Livestock state special revenue for: 1) new and replacement law enforcement | | | \$75,600 | | | | | |

----- Fiscal 1992 -----
FTE State Federal Other

----- Fiscal 1991 -----
FTE State Federal Other

equipment to upgrade and provide protection for district brand inspectors; 2) additional postage to complete the re-record process; 3) overtime for re-record personnel; and 4) program enhancements to the computerized brand record system.

Department of Natural Resources and Conservation

1. State special and federal revenue to plan, organize, and host a national conference for managers of state energy conservation programs. The federal funds are from the U.S. Department of Energy, while the state special revenue is conference registration fees. Continuing authority is requested in fiscal 1992.

\$70,000 \$151,000

* *

Department of Agriculture

1. Language to continue unexpended fiscal 1991 Weed Environmental Impact Statement authority in fiscal 1992.
2. Language to continue unexpended fiscal 1991 federal Target Export Assistance grant authority in fiscal 1992.

*

*

3. Federal Environmental Protection Agency pesticide funds to purchase laboratory equipment in the Environmental Management Division.

\$53,500

Department of Commerce

1. State special revenue from the Federal Railroad Administration for construction and rehabilitative work related to improving Central Montana Railroad and Montana Rail Link rail facilities.

\$611,826

2. Federal funds from the Urban Mass Transportation Administration to produce, market, and distribute 750 drug testing kits to assist small transportation providers implement federally mandated drug testing procedures.

\$75,000

3. Beef Research and Marketing funds to support the International Affairs Coordinator position in the Business Development Division.

\$10,000

----- Fiscal 1992 -----
FIE State Federal Other

----- Fiscal 1991 -----
FIE State Federal Other

4. Federal Community Development Block Grant funds in the Business Development Division to accelerate disbursement of the federal funds and reduce local project completion times.

5. Federal Community Development Block Grant funds in the Community Development Bureau to accelerate disbursement of the federal funds and reduce local project completion times.

6. Federal funds from Housing and Urban Development (HUD) in the Housing Assistance Bureau to provide rental subsidies to additional families.

7. Federal Highway Administration funds in Indian Affairs to develop an on-going economic development outreach program to increase the total number of Native American owned firms participating in the federal aid highway programs.

8. State special revenue program income to enhance the existing Small Business Development Center program established in the last biennium in the Business Development Division.

Department of State Lands

1. Additional proprietary fund authority in the Central Management Division (Air Operations Bureau) to: 1) purchase and install transponders (\$10,000), 2) replace an aircraft engine (\$26,000), and 3) pay increased aviation fuel costs (\$78,330).

TOTAL NATURAL RESOURCES

INSTITUTIONS

Department of Institutions

1. Federal funds from the National Institute of Mental Health to design and implement a pilot program to train mental health workers, consumers, and other community members. Continuing authority in fiscal 1992 and fiscal 1993 on a fiscal 1991 grant is requested.

\$1,037,770

\$1,500,000

\$1,629,560

\$17,030

\$35,000

\$114,330

\$802,426 \$5,073,475 \$237,330

0.00

\$0

\$0

\$0

\$141,686

**

**

| | Fiscal 1991 | | | Fiscal 1992 | | |
|--|-------------|-------|----------|-------------|-----------|-------|
| | FIE | State | Federal | FIE | State | Other |
| 2. Continuing authority in fiscal 1992 and 1993 for authority granted in a budget amendment in fiscal 1991 totaling .75 FTE and \$75,000 of federal funds to coordinate agency agreements concerning services to emotionally disturbed children. | ** | | | ** | | |
| 3. Continuing authority in fiscal 1992 and fiscal 1993 for authority granted in a budget amendment in fiscal 1991 totaling \$106,590 in federal funds to fund a mental health consumer and family support project. | ** | | | ** | | |
| 4. Continuing authority in fiscal 1992 for federal funds from the Department of Health and Human Services to develop and enhance computerized data systems for the collection and analysis of client and service data. The amount anticipated to be expended in fiscal 1991 is \$72,600. | | | | | \$24,198 | |
| 5. Authority in fiscal 1991 for fiscal 1990 unexpended federal block grant funds to purchase community mental health services for emotionally disturbed children and elderly adults with mental illness. | | | \$49,473 | | | |
| 6. Continuing authority in fiscal 1992 for federal Community Support Program funds appropriated in fiscal 1990 but not expended. The funds would be used to sponsor a statewide conference for mental health professionals, consumers of mental health services, families of consumers, and others. | | | | | \$28,175 | |
| 7. Continuing authority in fiscal 1992 and 1993 for federal funds from the Office of Substance Abuse Prevention begun via budget amendment in fiscal 1991. The funds would be used to fund up to eleven community organizations involved in drug prevention activities for youth, adults, and parents. The FTE would be used for evaluation. | 0.25 | ** | | | \$124,420 | ** |
| 8. Continuing authority in fiscal 1992 and 1993 for federal funds to develop a uniform alcohol and drug abuse data collection system begun via budget amendment in fiscal 1990. | | | | | \$39,126 | ** |
| 9. Continuing authority in fiscal 1992 and 1993 for authority granted in a budget amendment in fiscal 1991 totaling \$327,540 of federal funds from the Office of Treatment | | | | | | ** |

----- Fiscal 1992 -----
 FTE State Federal Other

----- Fiscal 1991 -----
 FTE State Federal Other

Improvement. The funds would be used to contract with the Boyd Andrew Service Center to provide a 14 bed halfway house for youth who have successfully completed inpatient treatment for chemical addiction.

10. Federal funds granted through the Office of Public Instruction to purchase computers and software to enhance student use in the Adult Basic Education program at the Women's Correctional Center.

11. To establish a proprietary account to charge for services provided by the Vocational Education Program at the Swan River Forest Camp to various state and federal agencies and nonprofit organizations. Revenue generated would be used to replenish consumable supplies, tools, and equipment in the Vocational Education Program.

12. Federal funds from the Montana Board of Crime Control to implement and administer a pilot intensive outpatient substance abuse program as an alternative to prison incarceration. Continuing authority is requested in fiscal 1992.

Montana Arts Council

1. Federal grants from the National Endowment for the Arts over the amount originally anticipated that are expected to be expended in fiscal 1992. The additional authority would be used to increase direct grantees, to pay increased annual dues to national/regional organizations, and to pay indirect costs to the Statewide Cost Allocation Plan.

2. Federal grants from the National Endowment for the Arts to enable two rural communities already operating locally owned low-power public TV stations to reflect on, present, and raise the general consciousness of their cultural life.

3. A continuing appropriation to expend federal funds from the National Endowment for the Arts Folk Arts Program to develop 10 traditional arts apprenticeships.

\$5,617

\$7,000

\$1,638

\$3,562

\$10,000

\$5,000

\$19,000

\$2,000

| | | Fiscal 1991 | | | Fiscal 1992 | | |
|---|--|-------------|-------|-----------|-------------|-------|-----------|
| | | FIE | State | Federal | FIE | State | Other |
| 4. Federal grants from the National Endowment for the Arts over the amount originally anticipated that are expected to be expended in fiscal 1992. The additional authority would be used to develop plans for three model arts programs in schools and/or school districts, and sharing of existing arts education resources and materials. | | | | | | | \$9,995 |
| <u>State Library Commission</u> | | | | | | | |
| 1. Authority for the Natural Resource Information System to expend federal Bonneville Power Administration funds to provide data management services on the Montana Rivers Information System database for the Department of Fish, Wildlife, and Parks. The library is requesting that the unexpended balance of the contract at the end of fiscal 1991 be reappropriated in fiscal 1992. | | 1.00 | | \$29,908 | | | |
| <u>Montana Historical Society</u> | | | | | | | |
| 1. Proprietary authority in the Magazine program to purchase additional inventory in the museum store in preparation for and during the tourist season. | | | | \$30,000 | | | |
| TOTAL INSTITUTIONS | | 2.50 | \$0 | \$230,322 | 0.25 | \$0 | \$263,476 |
| EDUCATION | | | | | | | |
| <u>Office of Public Instruction</u> | | | | | | | |
| 1. Federal Education of the Handicapped (EHA) funds for distribution to school districts for EHA projects. | | | | \$275,000 | | | |
| 2. Federal Department of Education funds to grant to selected Montana communities to establish, operate, and improve English literacy programs to limited English proficient adults. | | | | \$12,500 | | | |
| 3. State special revenue collected by the OPI Cooperative Food Purchase program to pay administrative costs of the program. The program purchases food in bulk for participating school districts, and assesses a charge of 2% of purchases for administration. | | | | \$13,000 | | | |

| | Fiscal 1991 | | | Fiscal 1992 | | |
|--|-------------|-------|-----------|-------------|-------|----------|
| | FTE | State | Federal | FTE | State | Other |
| 4. Federal Department of Education migrant education funds to train staff to enhance interstate coordination and in use of the national migrant education data base. | | | \$12,970 | | | |
| 5. Federal funds from the Department of Education to increase data collection regarding limited English proficient students for needs assessment and evaluation of services. | | | \$24,800 | | | |
| 6. Federal funds from the Office of Vocational and Adult Education for state administration of adult basic education. The funds would be used to visit 24 adult education project sites. | | | \$6,000 | | | |
| 7. Federal special education funds to provide technical assistance to schools, in-service training, monitoring of compliance with state and federal regulations, complaint investigation, due process hearings, policy development, advisory panel meetings, publications, and child find. | | | \$125,322 | | | |
| 8. Federal funds from the Department of Highways to develop pre-driver education programs for use by elementary teachers. | | | \$15,453 | | | |
| 9. Federal funds from the Department of Education to fund three in-service projects for math teachers. The University of Montana would operate two programs and OPI the third. | | | \$25,392 | | | |
| 10. Federal funds from the Department of Education for National Cooperative Education Statistics data coordination and collection. | | | \$17,140 | | | |
| 11. The portion of a federal fiscal 1991 homeless adult grant totaling \$97,770 that is anticipated to be expended in fiscal 1992 for distribution to local programs to provide instructional services to homeless adults. | | | | | | \$23,811 |
| 12. The portion of a federal fiscal 1991 homeless adult grant totaling \$97,770 that is anticipated to be expended in fiscal 1992 for administration of the adult homeless grants. | | | | | | \$1,719 |
| 13. Federal funds from the Department of Education for the Star Schools Program, which is designed to encourage improved instruction | 0.38 | | | | | \$30,763 |

| | FTE | State | Fiscal 1991 Federal | Other | FTE | State | Fiscal 1992 Federal | Other |
|---|--------|----------|------------------------|-----------|-----|-------|------------------------|-----------|
| in math, science, foreign languages, and other subjects. The funds would be used to identify 40 school sites to participate in the program and provide equipment. The budget amendment represents the amount of the total grant of \$137,002 anticipated to be expended in fiscal 1992. | | | | | | | | |
| <u>Commissioner of Higher Education</u> | | | | | | | | |
| 1. State special revenue authority to allow expenditure of all donations received for operation of the Education Commission for the 90's and Beyond. The budget amendment also deletes 4.0 FTE added in the original appropriation. | (4.00) | \$10,430 | | | | | | |
| 2. Proprietary revenue within the group insurance program to: 1) replace authority transferred to fiscal 1990 for claims payments (\$115,727); 2) pay the Administrative Services Only (ASO) contract with the group's carrier (\$366,300); 3) pay the contract for utilization management (\$146,520); 4) add 1.0 FTE (\$19,254); and 5) add Wellness to campuses (\$36,457). These increases would be partially offset by a projected savings of \$433,000 from the ASO contract. | 1.00 | | | \$251,258 | | | | |
| 3. Federal funds in the Guaranteed Student Loan program to provide supplemental pre-claims assistance to lenders. | 1.00 | | \$19,254 | | | | | |
| <u>Fire Services Training School</u> | | | | | | | | |
| 1. Federal funds through the Disaster and Emergency Services Division to provide hazardous materials training to local emergency responders. Continuing authority is requested in fiscal 1992. | | | \$14,250 | | | | \$14,250 | |
| 2. Federal funds from the Federal Emergency Management Agency to demonstrate residential sprinkler technology at 12 locations throughout Montana. | | | \$10,050 | | | | | |
| <u>Great Falls Vocational Technical Center</u> | | | | | | | | |
| 1. A total of \$157,963 current unrestricted funds to expend tuition and fees collected in excess of the appropriation. | | | | | | | | \$115,447 |
| 1. Instruction | | | | | | | | |

| | Fiscal 1991 | | | Fiscal 1992 | | |
|---|-------------|-------|---------|-------------|-------|-----------|
| | FTE | State | Federal | FTE | State | Federal |
| | | | | | | Other |
| 2. Academic Support | | | | | | \$8,375 |
| 3. Institutional Support | | | | | | \$18,141 |
| 4. Student Services | | | | | | \$12,000 |
| 5. Physical Plant | | | | | | \$4,000 |
| 2. Current unrestricted funds to expend a fiscal 1989 reversion to purchase equipment in Academic Support. | | | | | | \$42,906 |
| <u>Missoula Vocational Technical Center</u> | | | | | | |
| 1. A total of \$71,100 current unrestricted funds to expend tuition and fees collected in excess of the appropriation to: 1) hire an additional 2.0 FTE instructional staff and to 2) defray the cost of processing additional enrollees and replace the spending authority for federal cost recoveries previously recorded in the restricted fund. | | | | | | |
| 1. Instruction | 2.00 | | | | | \$54,700 |
| 2. Student Services | | | | | | \$16,400 |
| <u>Agriculture Experiment Station</u> | | | | | | |
| 1. Current unrestricted funds (Federal Hatch Act) in the Organized Research program to complete roof repairs at the Vet Research Lab Isolation Building. | | | | | | \$37,525 |
| 2. Current unrestricted funds (Federal Hatch Act) in the Organized Research program for retirement pay-out costs for four research faculty and for roof repairs. | | | | | | \$98,584 |
| <u>Montana Extension Service</u> | | | | | | |
| 1. Current unrestricted funds (Federal Smith-Lever) in the Public Service program to pay retirement costs of the Administrative Area Supervisor. | | | | | | \$25,500 |
| <u>University of Montana</u> | | | | | | |
| 1. A total of \$777,912 current unrestricted funds to provide additional instructional sections and other services due to increased tuition and fees collected as a result of increased enrollment. | | | | | | |
| 1. Instruction | | | | | | \$439,107 |
| 2. Academic Support | | | | | | \$71,775 |
| 3. Student Services | | | | | | \$97,863 |

----- Fiscal 1992 -----
FIE State Federal Other

----- Fiscal 1991 -----
FIE State Federal Other

- 4. Institutional Support
- 5. Scholarships and Fellowships

\$153,044
\$16,123

Montana State University

- 1. A total of \$657,000 current unrestricted funds to provide additional instructional sections and other services due to increased tuition and fees collected as a result of increased enrollment.
 - 1. Instruction
 - 2. Student Services
 - 3. Instructional Support
 - 4. Scholarships and Fellowships

\$393,000
\$25,000
\$57,000
\$182,000

Montana College of Mineral Science and Technology

- 1. Current unrestricted funds due to increased tuition and fees collected as a result of increased enrollment. The additional authority would be used for academic department operations, instructional supplies and materials, and laboratory equipment.

\$60,000

Eastern Montana College

- 1. Current unrestricted funds due to increased tuition and fees collected as a result of increased enrollment. The additional authority would be used for part-time faculty, supervision of student teaching, operations relating to the increase in students, expenses related to accreditation, and semester conversion.

\$158,000

Western Montana College of the UM

- 1. A total of \$54,366 current unrestricted funds due to increased tuition and fees collected as a result of increased enrollment.
 - 1. Instruction
 - 2. Scholarships and Fellowships

\$46,922
\$7,444

TOTAL EDUCATION

0.00 \$23,430 \$558,131 \$2,392,114

0.38 \$0 \$70,543 \$0

GRAND TOTAL

8.23 \$1,019,718 \$14,898,849 \$2,176,356

1.75 \$0 \$304,870 \$0

*Continuing appropriation in fiscal 1992.
**Continuing appropriation in fiscal 1992 and fiscal 1993.



THE MCGURFF HOUSE program was developed from the belief that a safe child is one who is informed and knows what to do when trouble occurs or how to avoid trouble situations. The program provides communities with a method of protecting its children from would-be molesters, kidnappers and bullies, and fits into the philosophy of the Neighborhood Watch program of helping each other protect the community.

The program does the following:

- increases parent/child awareness regarding dangerous situations and teaches preventative measures to avoid these situations.
- provides safe places of refuge for children—easily identifiable to even the youngest children and, most importantly,
- creates a uniform safety symbol recognized nationwide.

The bright yellow and black McGruff House poster displayed in the window is an identification to criminals and outsiders that children are being protected in the community and that any suspicious behavior will be reported to the proper authorities.

The success of the program relies on the participation of the school, the local PTA or parent organization and the local law enforcement agency.

The school makes time available for law enforcement officials to explain the program to the children and teachers.

The PTA or parent organization coordinates the program. They recruit and register homes and provide a list of applicants for the law enforcement agency.

The law enforcement agency does background checks on the applicants, educates the children on the McGruff House rules and are notified of emergency situations that might occur.

COMMUNITY



WATCH

COMMUNITY WATCH is a community based project which utilizes local utility companies to act as extra "eyes" and "ears" for law

enforcement. The Montana Crime Watch program was patterned after a similar program developed by Jersey Central Power and Light Company in New Jersey. It is now being established statewide throughout Montana.

The concept is based on the fact that utility servicemen and other employees are working in various locations and can report suspicious and/or emergency situations via their radio-equipped vehicles or dispatch centers to the appropriate law enforcement agency.

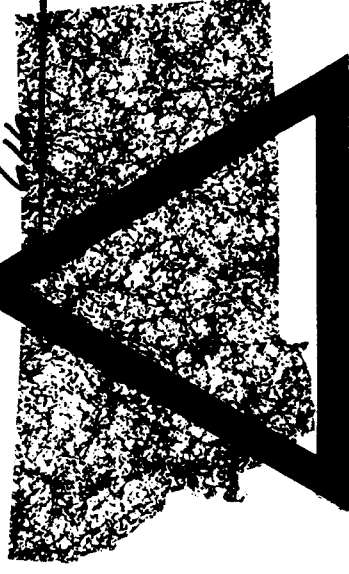
Montana Power and Mountain Bell have both provided training programs for their employees and are backing the program. By working with the law enforcement agencies, the utility companies help maintain a safe environment.

The colorful red and yellow Community Watch sticker which is displayed on utility vehicles utilizes "McGruff," which makes the program readily identifiable to both children and adults.

Crime Prevention in Montana

LAW ENFORCEMENT

DATE 3-7-91



COMMUNITY

MEDIA

Crime is no longer regarded as a law enforcement problem only. In reality it is a community problem. Crime prevention is an educational tool to help reduce crime throughout the nation.

Across the state of Montana, counties and cities are experiencing severe budget cutbacks that are affecting departments' operation and manpower. With these cutbacks, many departments are being disabled to the point that they are unable to meet the law enforcement needs of their communities.

The problems that are facing law enforcement agencies bring to light the need of citizen involvement in crime prevention. It is through such programs such as Neighborhood Watch, McGruff House, Community Watch, Operation I.D., and Crimestoppers that citizens will become more actively involved in crime prevention activities.

The Montana Crime Prevention/Crimestoppers Association encourages departments to take a look at the existing crime prevention programs currently working throughout the state.

If you need assistance in setting up a particular crime prevention program or help keeping a current program headed in the right direction, contact the Association or one of its board members.

We support the National
Citizens' Crime Prevention Campaign.

Published by the Montana
Crime Prevention/Crimestoppers Association

EXHIBIT 3

DATE 3-7-91

HB 548 / 321

Montana Magistrates Association

March 7, 1991 before the House Appropriations Committee

HB 548, an act revising the crime victims act

Testimony by Pat Bradley, Lobbyist for the MMA

Mr. Chairman and Committee Members:

The Courts of Limited Jurisdiction support the Crime Victims Fund. They have been the source of funding for this program.

The courts do not take a position on the distribution of revenue as stated in Section 1 of HB 548.

However, we wish to call your attention to revenue figures. The fiscal note for HB 548 shows that under current law the Crime Victims fund will take in \$442,000 in FY 92. If 5% of court revenues are diverted from the general fund as called for in this bill, another \$131,000 will be deposited in that account, for a figure of over half million dollars. Some \$40,000 of the \$131,000 is diverted on the fiscal note for some unspecified purpose.

We ask that before you act on HB 548, you look at SB 321 which revises the crime victim fund by creating a DUI victims fund within it. This bill has passed the Senate and will be heard in the House committee soon. I have passed to you the fiscal note for SB 321.

SB 321 mandates that courts must assess a tax of \$35 from each person convicted of DUI or driving with excessive blood alcohol, and deposit it in the DUI/Crime Victim fund. This would place, according to the fiscal note, another \$399,000 into these accounts, before diverting some \$73,000 to an unspecified purpose.

Previous testimony in House Judiciary Committee stated that the current balance in the Crime Victims fund is some \$700,000. If both HB 548 and SB 321 become law, this fund will eventually swell to over a million and a half dollars.

| | |
|----------|------------------|
| (573,440 | HB 548 |
| 399,234 | SB 321 |
| 700,000 | current balance) |

Primarily, the courts are resisting having to assess a tax for any fund. We feel this is not a function for courts. Compelling courts to account for surcharges also reverses the action of the legislature in 1985 which allowed the courts to streamline a very cumbersome accounting system.

We ask that you consider HB 548 by including SB 321 as a device to fund both worthy causes, with revenue currently provided by courts, and delete any surcharge provisions.

Thank you.

P. Bradley

3-7-91
HB 548

FISCAL IMPACT:

Crime Control Division-Victims Compensation Unit

| | FY 92 | | FY 93 | |
|--------------------------------------|-------------|--------------|-------------|--------------|
| Expenditures: | Current Law | Proposed Law | Current Law | Proposed Law |
| Operating Expenses | 10,000 | 11,815 | 10,000 | 11,315 |
| Benefits and Claims | 375,000 | 446,223 | 375,000 | 446,223 |
| Total | 385,000 | 458,038 | 385,000 | 457,538 |
| Funding: | | | | |
| Crime/DUI Victim Benefits (02) | 385,000 | 458,038 | 385,000 | 457,538 |
| Revenues: | | | | |
| DUI Victims Benefits (02) | 0 | 399,234 | 0 | 399,234 |
| Net Impact Crime/DUI Victims Account | | 326,200 | | 326,700 |

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Depending on judges' sentencing practices, there is a potential that revenues to local governments may decrease if other fines are reduced because of the mandatory surcharge for DUI victims.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

1. Benefit costs will increase in relation to the number of additional innocent victims served. Additional state special revenue or federal special revenue may be required to pay benefits.
2. Program changes in this legislation may meet the federal requirements for a federally approved program and enable Montana to apply for federal block grant funds for victims compensation.
3. If the Montana Crime Victims Compensation Program participates in the federal program and meets compliance guidelines, application could be made for grants up to 40% of the prior year benefit payment amounts.

TECHNICAL NOTES:

The legislation is effective upon passage. There is a potential that there may be claims before revenue is collected to pay for them.

SB 321

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0321, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


An act revising the Crime Victims Compensation Act of Montana to provide compensation to innocent victims of DUI offenders; providing a method to fund claims of DUI victims; providing benefits to victims injured or killed in states that do not have victims compensation programs that compensate residents of this state; removing the family exclusion and providing benefits to an innocent victim regardless of residence with the offender or his accomplice.

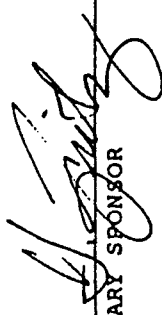
ASSUMPTIONS:

1. Awards will be made on 15 DUI claims per year. The national median number of awards to innocent victims of DUI accidents is 15 per year. (National Association of Crime Victims Compensation Boards)
2. The average benefit cost of a DUI claim is estimated at \$4,000, the national average.
3. There will be a 1% increase in claims for Montana residents injured in a state without a crime victims program.
4. There will be a 2% increase in primary victim claims due to removal of the family exclusion clause.
5. It is assumed additional work load can be handled by the FTE level in the executive budget recommendation for the Crime Control Division.
6. Operating costs will increase due to expanded services and the need to verify DUI claims and claims from residents injured/killed out of state.
7. Half of all DUI convictions will be made under a city ordinance and will not be subject to payment into the DUI Compensation Fund.
8. 75% of the mandatory surcharge imposed on DUI convictions will actually be collected for a total of \$399,234 per year.
9. Passage of this legislation may qualify Montana to apply for an annual federal block grant equal to 40% of the prior year awards paid out of state funds for victims compensation.
10. If federal funds are available, they can not be used to pay administrative costs.

FISCAL IMPACT:

see next page


ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning
7-18-91
DATE


HARRY FRITZ, PRIMARY SPONSOR
3/19/91
DATE
Fiscal Note for SB0321, as introduced

SB 321

EXHIBIT 4
DATE 3-7-91
HB 278

GREGORY P. MOHR
Richland County Justice of the Peace

123 West Main - Sidney, Montana 59270
406-482-2815

March 5, 1991

House Appropriations Committee
Chairman Francis Bardanouve
and Members of the Panel

Dear Members:

I apologize for not being before you in person, but when I received the notice of the hearing of this bill in front of your committee, I had a conflicting court schedule.

I am asking for your support for House Bill 278 for the following reasons: The Courts of Limited Jurisdiction in the State of Montana are the most used Courts in our Montana Court system. The Commission On Courts of Limited Jurisdiction has been assigned the duty by the Supreme Court, with statutory support, to formulate and disseminate rules for use by the Limited Court Judges. The Montana Codes Annotated also require that the Supreme Court Commission supervise two annual training sessions for all Limited Court Judges of the state and to assure the competency requirements by providing a certification course and test. With these assigned duties, the Commission has a need for a full-time staff person to assist in its training, education and special projects.

House Bill 278 will facilitate Limited Court Judges with daily questions on procedural matters, form use, jurisdictional use, rules of civil procedures, jury selections and instructions, legal research, budgeting and office operations, Facilitate training of newly appointed or elected judge, Facilitate work on special projects, such as Uniform Bond Schedules that are used in all Limited Jurisdiction Courts, uniform accounting of the fines and forfeitures, and updating of Judges desk and bench books. Act as liaison with all agencies that deal with the Courts of Limited Jurisdiction, such as the Department of Fish, Wildlife and Parks, the Division of Gross Vehicle Weights of the Department of Highways, the state Gambling Control Division, Montana Sheriff's and Peace Officers Association, the Highway Patrol, and Department of Livestock. Facilitate the update of the rules of civil procedure and the procedures that are used in our civil courts, as well as Small Claims courts.

3-7-91

HB 278

The trend of the Montana Legislature in the last 3 sessions has been to increase the jurisdiction for the Courts Of Limited Jurisdiction. If the past is any indicator of what the future holds the jurisdiction will continue to increase. This trend mandates that Judges in Limited Jurisdiction Courts have a strong training program which includes a full time training officer. This will insure that the limited Jurisdiction judges will continue to administer their courts professionally and efficiently.

As the Legislative representative for the Supreme Courts Commission on Limited Jurisdiction Courts, I ask that this committee support HB 278. It is a very small price to pay to insure that Montanans have a initial court system that can perform to meet the needs of Joe Montana.

Thank you for your time and considerations.

Sincerely,



Gregory P. Mohr
Justice of the Peace/City Judge
President of Montana Magistrates Association
Member Commission On Courts of Limited Jurisdiction

exh 5

Amendments to House Bill No.548
Third Reading Copy

EXHIBIT 5
DATE 3-7-71
HB _____

By request of the Montana Board of Crime Control

1. Page 2, line 7. Strike 18%. Insert 21%.
2. Page 2, line 16. Strike 21.9%. Insert 18.9%

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

1 of 2

DATE 3/7/91 SPONSOR(S) _____ COMMITTEE Approp BILL NO. _____

PLEASE PRINT

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PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | BILL | OPPOSE | SUPPORT |
|------------------|---|----------------------------|----------|---------|
| R Budd Gould | Sponsor | 544 | | ✓ |
| Bill Schisler | Highways | HB 4 | ✓ | |
| PAUL SLITER | MT PETROLEUM MARKETERS | 717 | . | ✓ |
| Les Graham | Dept of Lvs HC | | | |
| John Skufca | - - - | | | |
| Anne Bels | Dept of Lvs | 713 | informal | |
| Anne MacIntyre | Human Rights Comm | HB 4 | | - |
| Ed Hall | MBCC | HB 548 HB 798 HB 616 | | ✓ |
| Cheryl Bryant | Crime Victims Unit | HB 548 HB 798 | | ✓ |
| David M. Hull | Commission on Courts of Limited Juris. | HB 278 | | ✓ |
| Ron Brown | Crime Prevention | HB 616 | | ✓ |
| Bob Hockett | Senate Dist 7 | HB 616 | | ✓ |
| | | | | |

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

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

2 of 2

Appropriations COMMITTEE BILL NO. _____
 DATE 3-7-91 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | BILL | OPPOSE | SUPPORT |
|-------------------------|---------------------------------|--------------------------------|--------|----------|
| <i>William M. Adams</i> | <i>Green Mountain Assoc.</i> | <i>HB 616</i> | | <i>X</i> |
| <i>Gilles Stockton</i> | <i>Northern Plains Res. Co.</i> | <i>HB 717</i> | | <i>X</i> |
| <i>PAT BRADLEY</i> | <i>Nt Magistrate Assoc.</i> | <i>HB 548</i> | | <i>Y</i> |
| <i>Pat Bradley</i> | <i>" " "</i> | <i>HB 278</i> | | <i>X</i> |
| <i>Mick Robinson</i> | <i>Justice</i> | <i>HB 511</i> <i>HB 544</i> | | |
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