

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON GENERAL GOVERNMENT & TRANSPORTATION

Call to Order: By **CHAIRMAN ED GRADY**, on February 2, 1995, at 8:14 a.m.

ROLL CALL

Members Present:

Rep. Edward J. "Ed" Grady, Chairman (R)
Sen. Thomas A. "Tom" Beck, Vice Chairman (R)
Rep. Gary Feland (R)
Sen. Eve Franklin (D)
Rep. Joe Quilici (D)

Members Excused: None

Members Absent: None

Staff Present: Lorene Thorson, Legislative Fiscal Analyst
John Patrick, Office of Budget & Program Planning
Rosa Fields, Committee Secretary

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

Committee Business Summary:

Hearing: Governor's Office
Executive Action: None

{Tape: 1; Side: A}

HEARING ON THE GOVERNOR'S OFFICE

Lorene Thorson, Legislative Fiscal Analyst, provided an overview of the Executive budget for the Governor's Office.

Judy Browning, Chief of Staff, Governor's Office, presented information about the Governor's Office budget. **EXHIBITS 1 and 2** Governor Racicot's administration is cutting both FTE and operating expenses over time. The Governor's Office relies a lot on other state agency staff, but there are no "hidden" Governor's Office staff in any of these agencies. The Governor does support the proposal to move the Office of Indian Affairs to the Governor's Office. His philosophy with these programs is "if they don't fit in any agency, then let's put it in the Governor's Office; but if they fit better somewhere else, let's move the agency there." The Governor's Office is proposing to move the

Community Service program to the Department of Labor and Industry because the Governor's Office doesn't have the staff to support this function. The Governor's Office is the core staff, which is very small. The Citizen's Advocate Office, with 1.5 FTE answers more than 500 phone calls a week. The Citizen's Advocate Office does an excellent job with what in effect are customer complaints.

The Montana Consensus Council (MCC) is an effort to try to bring together the parties with natural resource concerns that are general in contention. These efforts are undertaken to avoid extensive litigation and the resulting associated costs. The original proposal for MCC was for the staff to raise private funds for 50% of the operating costs. Because there has been such a large demand for the services, staff has not had the time to do fund raising. There is a request for a 0.75 FTE to help with the fundraising efforts to move MCC into its intended public/private partnership.

The Mental Disability Board of Visitors is a cost savings operation because private attorneys would have to be hired to represent mental health clients if the Board of Visitors did not exist.

In new proposals, correspondence traffic software is requested to perform clerical functions. This is a one-time purchase that will keep the Governor's Office from requesting additional clerical FTE.

CHAIRMAN GRADY asked if the Governor's Office would have staff at the Department of Labor when the Community Services program is moved. **Ms. Browning** explained the federal government provides funds to monitor contracts, but the Governor's Office doesn't have the staff to do that monitoring. The Department of Labor does have the staff, and are already monitoring similar contracts. The Governor's Office has been using staff from the Department of Labor on a contract basis to do this work, so there will be no Governor's Office staff involved in the transition.

{Tape: 1; Side: A; Approx. Counter: 355}

HEARING ON GOVERNOR'S OFFICE
Lieutenant Governor's Office

Dennis Rehberg, Lieutenant Governor, said the staff in the Lieutenant Governor's Office is very efficient and give more than a days work for a days pay. The Lieutenant Governor's Office tries to lead by example in personnel reductions, but there is a point of diminishing returns. It is important to keep the office staffed with well qualified people, which becomes more difficult as budgets get reduced. **EXHIBIT 3** At the beginning of Governor Racicot's administration, the Board of Commissions staff duties were transferred from the Governor's Office to the Lieutenant

Governor's Office. The 0.75 FTE in the Governor's Office for this function was eliminated in the last special session. There was some duplication of services and extra work when this transition first took place in January 1993, but the Board of Commissions function is now self-functioning.

The Lieutenant Governor's Office also took the responsibility of the Montana Rural Development Council (MRDC) from the federal government, although it's financed by the federal government. This was done because the state feels it can better handle MRDC than can the federal government. This uses state FTE who are federally funded. If the program had stayed with the federal government, the program director would have been salaried at more than \$70,000 - which is \$25,000 more than any comparable state position - and the federal government could have hired a non-Montanian for the director's position. MRDC works to coordinate the various economic development programs in the state to minimize duplication and increase efficiency. These programs cannot automatically be consolidated because their funding comes from many different sources. Participation in MRDC is voluntary.

EXHIBITS 4 and 5

{Tape: 1; Side: B}

REP. JOE QUILICI asked if the federal grant is specifically for MRDC and does it require matching funds. **Gene Vuckovich, Director, MRDC**, answered the grant is specific for MRDC. No match is required but there has been support from other entities. U.S. West provided a grant to publish the resource book given to all interested organizations. There are also in-kind donations, particularly of database gathering, from virtually all of the partner organizations. The partners are relied upon to use their own funds as much as possible in helping with the collaborative efforts.

Lt. Gov. Rehberg said while MRDC is, in general, a voluntary collaborative partnership, it is not voluntary for the state agencies. State agencies are required to participate as this coordination of services is vital.

{Tape: 1; Side: B; Approx. Counter: 300}

HEARING ON GOVERNOR'S OFFICE
Office of Budget and Program Planning

Dave Lewis, Director, Office of Budget and Program Planning (OBPP), provided background on OBPP. It began as a bureau within the accounting division of the Department of Administration. In 1975 the legislature moved OBPP into the Governor's Office. The FTE level peaked at 34.0 in the late 1970s and is now at 16.25. The function has changed fairly dramatically, but the largest impact on FTE reduction has been through automation. Without automation OBPP would probably need 70.0 FTE.

In addition to the visible function of preparing and presenting the Governor's budget, OBPP has responsibility for: 1) maintaining the appropriation control system to make sure the authorized level of spending corresponds to appropriations; 2) maintaining the position control system, which in effect accounts to all FTE in state government; 3) staffs and handles work for the legal services review committee, which reviews all contracts for outside legal services; and 4) reviews all agency requests to move balances forward. OBPP is currently phasing in a performance-based budgeting system. The major function of OBPP is to prepare the Executive budget and in recent years, with the number of special sessions, that is close to an ongoing function.

Budget requests include an update of the computer system to help compile and prepare budgets. This upgrade will make the computer more user-friendly for agencies and reduce paperwork. Another priority request is to bring the .25 FTE for administrative support during budget preparation up to a full time position. During the session, staffers frequently build up to 700 hours in comp time. A full time clerical support position will help reduce that overtime. This request is only about \$6,000 more than is being requested. As a priority, a reduction in some of the computer upgrade would be acceptable to increase this FTE.

Steve Bender, Assistant Director, OBPP, spoke about the needs for the systems upgrade. OBPP must implement all appropriations acts of the legislature. In the past four years the computer system has come a long way. The network system has been centralized for all agencies, and provides each agency with work space to do fiscal notes. This requested additional computer upgrade will streamline the system further and save on comp time. The core programs for all the agency budgets are more than 15 years old. This upgrade will implement SBAS for maintaining operating plans in an automated fashion. It will use the Oracle database software every state agency is adopting, and allow the agencies to have a work space on the server. With the current system it is a two month process with a lot of comp time. This system will make edit checks which will help avoid common human error.

CHAIRMAN GRADY asked why the computer upgrade is in present law adjustment rather than new proposals. **Mr. Bender** said OBPP did wrestle with the distinction, but came to the understanding that all the functions of the upgrade are currently being performed in the office, and is a mandated service. Thus it is a base issue.

{Tape: 2; Side: A}

REP. QUILICI asked what is OBPP's role in budget amendments. **Mr. Bender** answered it is part of the appropriations control function. If an agency believes it has a source of new funding, OBPP reviews the request to determine if it meets the definitions in law and is a candidate for a budget amendment. The amendments are then sent to the Finance Committee and, once approved, OBPP tracks and monitors that spending authority.

{Tape: 2; Side: A; Approx. Counter: 138}

HEARING ON GOVERNOR'S OFFICE
Montana Consensus Council

Matthew McKinney, Director, Montana Consensus Council, explained that the 1993 legislature awarded the Governor's Office a two-year Resource Indemnity Trust (RIT) interest grant to create MCC. The original vision was for MCC to help solve some of the state's more pressing natural resource problems, and also to explore a public/private partnership for funding. In this biennium about 95% of the function has been to help solve these natural resource problems. That demand on time has taken away from the ability to develop the funding partnerships. **EXHIBITS 6 and 7** MCC intends to remain an impartial and credible forum for all sides of the issues to approach in helping find common solutions to problems.

REP. DICK KNOX, HD 93, testified that he and **REP. EMILY SWANSON** formed an Endangered Species committee with the assistance of MCC. The committee was equally represented along party lines and issue lines - i.e. industry and environmental groups. Although the committee members did not share the same agenda, they did have common concerns about some aspects of the Endangered Species Act. The committee formed a consensus on 12 out of 13 possible amendments to the Endangered Species Act. These amendments are workable and reportedly are in line with what the federal government is considering for the Endangered Species Act. These amendments are Montana-friendly. The committee would not have stayed together to develop these consensus amendments without the staff expertise of MCC.

Another major accomplishment supported by MCC is the instream flow bill **REP. KNOX** is introducing this session. It's a very divisive issue between agriculture and the environmental community. This bill represents a break-through compromise among these groups. The future for natural resource industries in Montana - mining, oil and gas production, timber production and agriculture - is not stable. The evidence is very clear that mining in the state is in jeopardy because of the degree of litigation taking place. Those four industries account for \$4.5 billion in new revenue each year in Montana. As MCC matures and continues to gain credibility it will play a key role in some of these divisive issues. **REP. KNOX** said he fully supports the Montana Consensus Council.

CHAIRMAN GRADY commented that the establishment of MCC was based on the premise that it would be privately funded by its second biennium. Now MCC is requesting 75% of its funds from general fund. He asked if these \$4.5 billion industries could support MCC with funding. **REP. KNOX** replied that may be possible in the future, but currently MCC is very new and hasn't generated that kind of support or recognition. If MCC is allowed to continue it will generate that support.

REP. FELAND asked if it were appropriate to use RIT funds to support this function, which is primarily administrative. REP. KNOX responded that is a policy issue for the legislature to determine. Since the natural resources industries in Montana are such a large economic factor, the legislature has to decide appropriate ways to use RIT funds.

Janet Ellis, Montana Audubon Council and MCC Board member, testified the MCC Board is looking at different funding sources. At this time there are different opinions on the Board about whether this should be primarily state or primarily private funding. It can easily be argued that public money from the general fund is an appropriate source because MCC brings together citizens that often don't have the resources to hire a facilitator and develop the process to resolve these big natural resource issues. The Board is aware that there is a need for additional private funding for MCC. At this time the Board feels general fund money is needed to continue this phase of the development of the program.

REP. FELAND asked if the environmental groups that bring many of the legal challenges, such as the Audubon Society, would be appropriate to contribute funds to MCC. Ms. Ellis responded that these groups are a possible funding source. The MCC board does, however, want to be careful that funding sources are not perceived as influencing the impartiality of the MCC program.

{Tape: 2; Side: A; Approx. Counter: 944; Comments: Continue on Tape 2; Side B}

Deborah Schmidt, Executive Director, Environmental Quality Council (EQC), explained the working relationship between EQC and MCC: EQC and MCC work closely together through sharing staff resources, data bases, research, etc. When REP. KNOX and REP. SWANSON approached EQC for help in setting up the Endangered Species Committee, EQC recommended MCC. Both EQC and MCC have more than enough work and more than enough controversial issues.

{Tape: 2; Side: B; Approx. Counter: 90}

HEARING ON GOVERNOR'S OFFICE Citizens' Advocate Office

Myrna Omholt-Mason, Citizens' Advocate, presented a brief overview of the Citizens' Advocate Office. EXHIBIT 8 The staff consists of 1.5 FTE. The Citizen's Advocate Office is often the front line for callers who do not know who to contact in the maze of state government. It is also a well utilized service by other state agencies. The Citizens' Advocate Office is always willing to provide temporary services to state agencies in fielding short term calls on issues or problems that they may need to have general consensus of Montana's citizens. The Citizen's Advocate Office answers the federally mandated toll-free line for food stamp and low-income recipients, and serves as a conduit for

people who call the toll-free number as a means to access agencies without paying the phone charges. These are often 30 second to 1 minute calls of directing the caller to the appropriate agency.

CHAIRMAN GRADY asked if an automated phone answering system that directed people through touch-tone on how to access appropriate state agencies would save the Citizens' Advocate Office from answering inappropriate calls. **Ms. Omholt-Mason** answered it would save some unnecessary phone calls, but it is important to have a real person answering the phone. This personal contact is of great assistance to people with issues that should be dealt with in the Citizens' Advocate Office, as well as any Montanan calling to speak with their state government. The whole thrust of Governor Racicot's administration is to address accountability and people-oriented issues.

{Tape: 2; Side: B; Approx. Counter: 360}

HEARING ON THE GOVERNOR'S OFFICE
Mental Disabilities Board of Visitors

Kelly Moorse, Executive Director, Mental Disabilities Board of Visitors, explained the functions of the Board of Visitors.
EXHIBIT 9

CHAIRMAN GRADY asked how the oversight functions of the Board of Visitors plays in with federal government oversight functions. **Ms. Moorse** explained that the federal government reviews federal regulations, while the Board of Visitors is responsible for insuring compliance with state laws and regulations. In addition, the Board of Visitors plays a consultive role to help agencies identify and correct problems before they are cited through federal review. There is no federal review for the community mental health centers, the Board of Visitors is the review agency for those operations.

{Tape: 2; Side: A; Approx. Counter: 720; Comment: Continue on Tape 3, Side A}

HEARING ON GOVERNOR'S OFFICE
Flathead Basin Commission

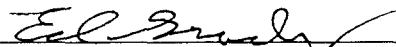
Mark Holston, Public Information Officer, Flathead Basin Commission, presented a summary about the Flathead Basin Commission. **EXHIBIT 10**

REP. QUILICI asked how the Commission is funded. **Mr. Holston** answered in the past it was 100% general fund, but in the last biennium it came from RIT interest funds. The Stephens administration decreased the operating budget from \$18,900 to \$6,700, which is used to pay for postage, rent, etc. To make up this shortfall the Bonneville Power Administration provided a

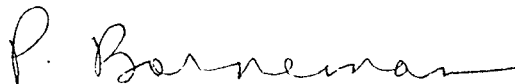
\$25,000 grant, which has since terminated. In recent years there has been some success in attracting money for different projects, such as an EPA grant. That grant will end at the end of FY95 and it is unlikely there will be other federal grants in the near future. Additional corporate funding is being pursued, although Montana Power Company and Flathead County currently provide some funds. The total budget, including the salary for 1.0 FTE, is approximately \$40,000.

ADJOURNMENT

Adjournment: 10:30 a.m.



ED GRADY, Chairman



for PAULA CLAWSON, Recording Secretary

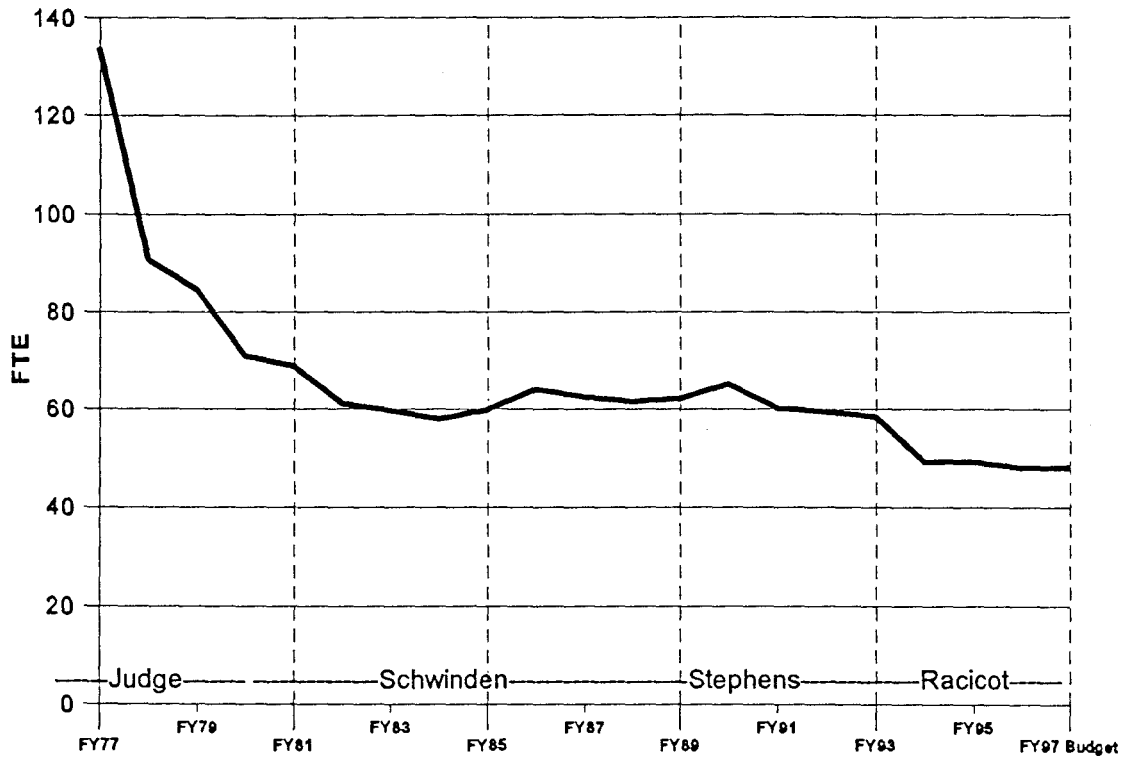
These minutes were proofread and edited by Terri Perrigo, LFA.

EG/pc

EXHIBIT 1
 DATE 2/2/95
 SB _____

GOVERNOR'S OFFICE

FTE BY FISCAL YEAR



The Racicot Administration has reduced Governor's Office FTE by 18% (10.50 FTE).

FISCAL YEAR	1993	1994	1995	Budget 1996	Budget 1997
Executive Office	19.50	18.00	18.00	16.50	16.50
Flathead Basin	1.00	1.00	1.00	1.00	1.00
Community Service	---	1.50	1.50	---	---
Consensus Council	---	---	---	1.75	1.75
Aging Coordinator	1.00	---	---	---	---
Budget Office	18.00	16.25	16.25	16.25	16.25
Mansion	1.50	1.50	1.50	1.50	1.50
Air Transportation	1.00	1.00	1.00	1.00	1.00
Citizens Advocate	1.50	1.50	1.50	1.50	1.50
Board of Visitors	4.50	4.50	4.50	4.50	4.50
Lt. Governor	4.00	4.00	4.00	3.00	3.00
MT Rural Devel	---	---	---	1.00	1.00
NW Power Council	6.50	---	---	---	---
TOTAL	58.50	49.25	49.25	48.00	48.00

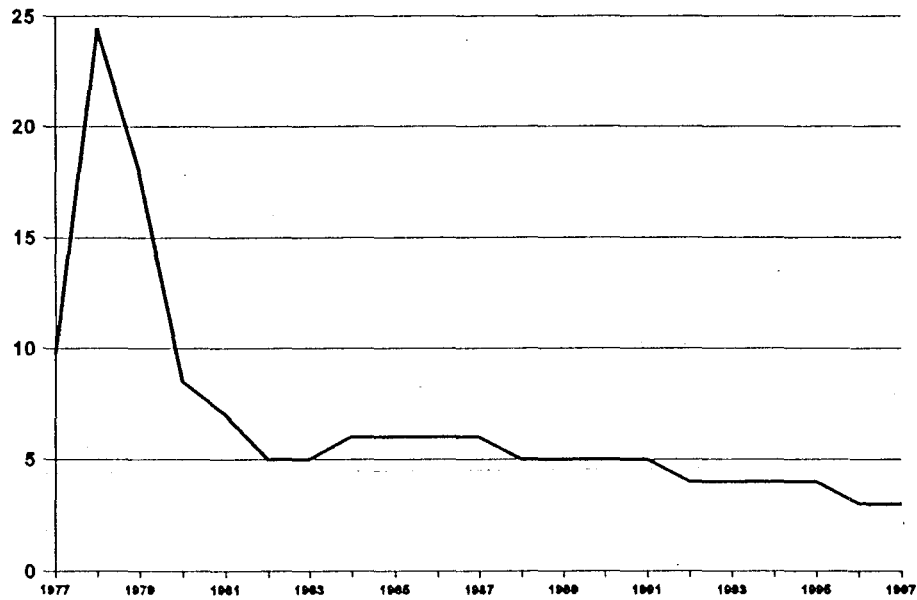
EXHIBIT 2
DATE 2/2/95
SB _____

Governor's Office - Comparison of Operating Budgets FY81 vs FY97 Adjusted For Inflation					
	Budgeted FY81	Adj for Infl 1.758%	Requested FY97	Amt Inc/Decr	% Inc/Decr
Program 01 - Executive Office					
Contracted Services	23,631	41,543	38,748	(2,795)	-6.73%
Supplies	6,610	11,620	15,876	4,256	36.63%
Communications	36,600	64,343	34,350	(29,993)	-46.61%
Travel	84,000	147,672	18,557	(129,115)	-87.43%
Rent	24,152	42,459	47,923	5,464	12.87%
Repair & Maintenance	1,214	2,134	11,044	8,910	417.53%
Other Expenses	83,081	146,056	38,422	(107,634)	-73.69%
Equipment	10,244	18,009	14,400	(3,609)	-20.04%
Total Operating	269,532	473,836	219,320	(254,516)	-53.71%
Program 04 - OBPP					
Contracted Services	58,410	102,685	87,191	(15,494)	-15.09%
Supplies	4,395	7,726	6,904	(822)	-10.64%
Communications	14,400	25,315	9,741	(15,574)	-61.52%
Travel	8,510	14,961	4,927	(10,034)	-67.07%
Rent	21,100	37,094	28,180	(8,914)	-24.03%
Repair & Maintenance	4,000	7,032	6,451	(581)	-8.26%
Other Expenses	5,310	9,335	24,015	14,680	157.26%
Equipment	0	0	12,900	12,900	
Total Operating	116,125	204,148	180,309	(23,839)	-11.68%
Program 12 - Lt. Governor's Office					
Contracted Services	5,700	10,021	5,015	(5,006)	-49.96%
Supplies	1,800	3,164	1,442	(1,722)	-54.42%
Communications	8,500	14,943	8,250	(6,693)	-44.79%
Travel	16,000	28,128	16,448	(11,680)	-41.52%
Rent	4,170	7,331	7,435	104	1.42%
Repair & Maintenance	400	703	4,048	3,345	475.82%
Other Expenses	500	879	4,155	3,276	372.70%
Equipment	0	0	2,300	2,300	
Total Operating	37,070	65,169	49,093	(16,076)	-24.67%

MONTANA RURAL DEVELOPMENT COUNCIL (MT RDC)						PERCENTAGE
FY '95 FEDERAL MONIES BUDGET REPORT						OF YEAR
						EXPENDED
						TO DATE
BUDGET ITEM	FEDERAL	EXPENDED THIS MONTH	EXPENDED TODATE	BALANCE TODATE	% OF TOTAL EXPENDED	
1. SALARY: Executive Director	\$ 50,000.00			\$ 50,000.00	0%	
2. SALARY BENEFITS (approx. 30%)	\$ 15,000.00			\$ 15,000.00	0%	
TOTAL ITEMS 1 AND 2	\$ 65,000.00	\$ -	\$ -	\$ 65,000.00	0%	
3. SUPPLIES, SERVICES, PUBLICATIONS, EQUIP.						
Contract Services						
printing, adv., consulting	\$ 2,000.00			\$ 2,000.00	0%	
janitorial service	\$ 600.00			\$ 600.00	0%	
Supplies, Material	\$ 1,900.00			\$ 1,900.00	0%	
Communications						
telephone/fax	\$ 6,600.00			\$ 6,600.00	0%	
postage/mailing	\$ 4,500.00			\$ 4,500.00	0%	
Subscriptions,						
publications, dues	\$ 800.00			\$ 800.00	0%	
Equipment, Furnishings						
book shelves, file cabinet, misc.	\$ 800.00			\$ 800.00	0%	
cellular phone	\$ 300.00			\$ 300.00	0%	
Computer upgrades						
software, memory, etc.						
Repair and Maintenance	\$ 1,500.00			\$ 1,500.00	0%	
4. TRAINING (staff & members)						
Staff: computers/software & professional educ.	\$ 1,700.00			\$ 1,700.00	0%	
Members: organization development and planning	\$ 600.00			\$ 600.00	0%	
5. OTHER						
Consulting: needs assessment, directory, planning/org /dev.	\$ 4,516.00			\$ 4,516.00	0%	
Database contribution, directory						
Programming: formatting/design, training						
Directory printing/distribution						
6. SRDC TRAVEL						
Executive Director:						
In-State	\$ 5,740.00			\$ 5,740.00	0%	
Out-State	\$ 6,120.00			\$ 6,120.00	0%	
Mt RDC partners & others						
In-State	\$ 4,990.00			\$ 4,990.00	0%	
Out-State	\$ 3,700.00			\$ 3,700.00	0%	
TOTAL ITEMS 3 THROUGH 6	\$ 46,366.00	\$ -	\$ -	\$ 46,366.00	0%	
SUB TOTAL BEFORE FEDERAL TRAVEL	\$ 111,366.00	\$ -	\$ -	\$ 110,766.00	0%	
PERCENTAGE TOTALS						
7. TRAVEL: FEDERAL SRDC MEMBERS						
In-State	\$ 3,424.00			\$ 3,424.00	0%	
Out-State	\$ 7,052.00			\$ 7,052.00	0%	
TOTAL	\$ 121,842.00	\$ -	\$ -	\$ 121,242.00	0%	

Lieutenant Governor's Office

FTE By Fiscal Year



<u>FISCAL YEAR</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Lt. Governor	9.75	24.44	17.90	8.50	7.00	5.00	5.00	6.00	6.00	6.00	6.00

<u>FISCAL YEAR</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	Budget	Budget
Lt. Governor	5.00	5.00	5.00	5.00	4.00	4.00	4.00	4.00	3.00	3.00

MONTANA RURAL DEVELOPMENT COUNCIL (MT RDC)							PERCENTAGE
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3. SUPPLIES, SERVICES, PUBLICATIONS, EQUIP.							
Contract Services							
printing, adv., consulting	\$ 2,000.00			\$ 2,000.00	0%		
janitorial service	\$ 600.00						
Supplies, Material	\$ 1,900.00			\$ 1,900.00	0%		
Communications							
telephone/fax	\$ 6,600.00			\$ 6,600.00	0%		
postage/mailling	\$ 4,500.00			\$ 4,500.00	0%		
Subscriptions,							
publications, dues	\$ 500.00			\$ 800.00	0%		
Equipment, Furnishings							
book shelves, file cabinet, misc.	\$ 800.00			\$ 800.00	0%		
cellular phone	\$ 300.00			\$ 300.00	0%		
Computer upgrades							
software, memory, etc.							
Repair and Maintenance	\$ 1,500.00			\$ 1,500.00	0%		
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EXHIBIT

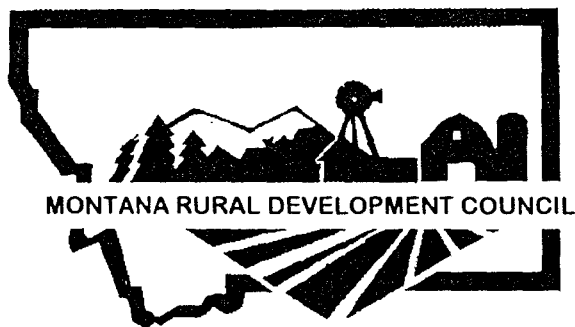
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DATE

2/2/95

SB

MT RDC



A COOPERATIVE PROJECT OF EXISTING DEVELOPMENT ORGANIZATIONS:

- Private For-Profit
- Private Non-Profit
- Tribal Government
- Local Government
- State Government
- Federal Government



LT (Rev. 12/94)

EXHIBIT 6
DATE 2/2/95
SB

Building Agreement on Natural Resources

1994 Annual Report

Montana Consensus Council



Rationale for Budget Request

Montana Consensus Council

1. The experiment is working.

- * We have solved several problems -- e.g., land access and instream flows.
- * We have saved citizens, organizations, and agencies time and money, and have fostered working relationships among diverse interests.
- * We have had far more demand for our services than we can supply.

2. As promised in our original proposal, we are moving toward a "public private partnership."

- * In 1994, 12% of our budget came from private sources.
- * In 1995, we expect 25-35% of our budget to come from private sources.

3. In two years, we will present a plan to become a statutorily recognized "public-private partnership" that is:

- * Connected to state government.
- * Jointly funded from public and private sources (50-50).
- * Independently governed by a nonpartisan board.

CITIZENS' ADVOCATE OFFICE

Overview _____

The Citizens' Advocate Office provides accessibility for citizens of Montana to state government. The office is an information and referral service to identify the right person or program to answer questions and help resolve problems either through referral or direct intervention.

Authorization _____

Executive Order Created by Governor Judge in 1973.

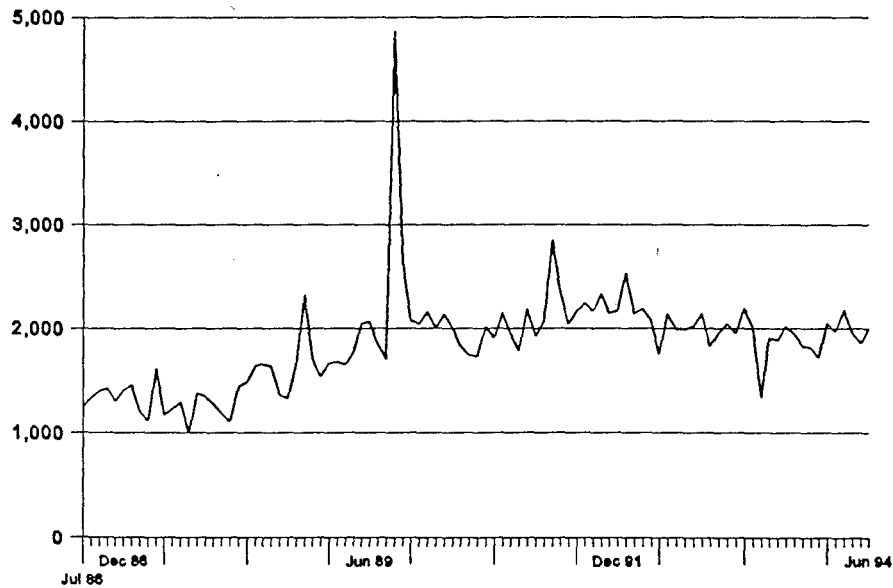
C.F.R. 273.12 Code of Federal Regulations mandate a toll-free telephone number be published on federal assistance forms.

Base Program _____

- The Citizens' Advocate toll-free number is published in all statewide telephone directories. The general public has ready access to the office when they are searching for information or have no idea who else to ask in obtaining answers to their questions.
- Our toll-free number is published on all Area Office on Aging brochures. Senior citizens, caregivers and the aging services network use this service to contact the state Office on Aging.
- Legislators use the toll-free line daily to ask for return telephone calls from state government officials and agencies.
- SRS publishes the toll-free number on applications for food stamps, AFDC, and Medicaid. Public assistance recipients call the Citizens' Advocate office with questions or problems concerning eligibility or treatment they received from county Human Service offices. The toll-free number is used in public service announcements by the Low Income Energy Assistance Program. The Department of Natural Resource and Conservation uses the toll-free number when water right notifications are published; water-rights owners call and report incorrect information.
- The Office offers its toll-free line to other state agencies for use on a short-term basis: SRS used the toll-free number on a statewide mailing of 52,000 letters targeted to medicare recipients.

CITIZENS' ADVOCATE TOLL-FREE CALLS

1986 - 1994



Fiscal Year	Calls Per Year	AFDC	Child Support	Food Stamps	Medicaid	Senior Citizens	All Other
FY87	15,859						
FY88	16,423						
FY89	20,790						
FY90	27,035						
FY91	24,941						
FY92	26,022	423	371	3,054	628	3,676	17,883
FY93	23,344	276	195	3,077	1,063	3,688	15,042
FY94	23,212	234	238	2,677	818	3,871	15,373

DATA NOT TRACKED

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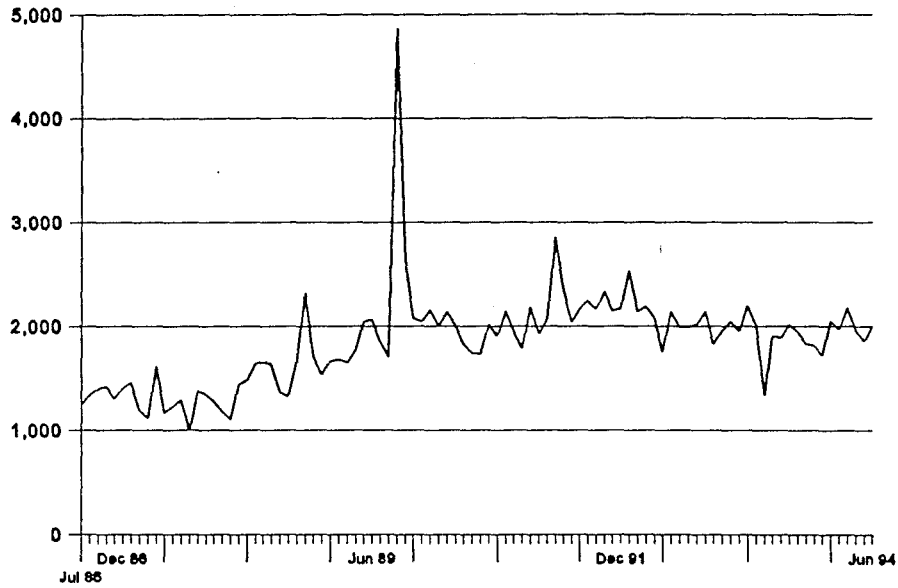
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DATA NOT TRACKED

Rosa Fields
Secretary

OFFICE OF THE GOVERNOR
MENTAL DISABILITIES BOARD OF VISITORS

MARC RACICOT, GOVERNOR

PO BOX 200804



STATE OF MONTANA

(406) 444-3955
TOLL FREE 1-(800) 332-2272

HELENA, MONTANA 59620-0804
FAX 406-444-3543

2 February 1995

EXHIBIT 9
DATE 2/2/95
SB _____

Representative Ed Grady, Chair
General Government Appropriations Subcommittee
State Capitol
Helena, MT 59620

For the record, my name is Kelly Moorse and I am the Director of the Mental Disabilities Board of Visitors. The Board has three major duties which are not duplicated anywhere else in the state:

1) We review quality of patient care and treatment at community mental health centers and state institutions for people with mental illnesses and developmental disabilities. The Board has five members appointed by the Governor. We conduct on-site reviews of these facilities.

2) We assist patients (consumers) and their families to resolve treatment- and rights-related issues. Last year we responded to more than 1,500 individual requests for help.

3) We provide legal representation for patients at Montana State Hospital and Montana Developmental Center. (This includes hearings in district court on commitments and all other court-related issues.)

The mentally ill and the developmentally disabled are a very vulnerable population. Unfortunately in this imperfect world people with these disabilities need advocacy just to maintain - and often to obtain the basic rights we usually take for granted.

People with mental illnesses and people with developmental disabilities often - unknowingly - create a variety of legal problems for themselves. Courts have determined that people with disabilities have a right to advocacy and legal representation. The Board of Visitors has been successful in identifying and resolving many issues: improper commitments, issues of confidentiality, issues related to the use of seclusion and restraints, access to medical records, informed consent concerns, social security benefits, access to their own money and belongings. The Board of Visitors serves as an intermediary between patients and providers in an attempt to resolve conflicts through mediation, education and negotiations.

The Board of Visitors is requesting funds to do our site reviews on a biennial basis. Thank you for your consideration of our request.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Moorse".
Kelly Moorse
Executive Director

Board of Visitors

Legal representation to patients at Montana State Hospital is required by law and by the Constitution, and the current system is the most cost-effective way of providing it. Prior to 1986, this legal representation was provided by the (then) Department of Institutions; courts found this to be a conflict of interest.

The following represents the low cost at which the Board of Visitors is able to provide these mandated services.

Legal Services: Commitment and Recommitment Hearings

Board of Visitors represents patients at commitment and recommitment hearings. Right to legal counsel at these proceedings is constitutional. If the Board did not provide these services, which counties of residence would otherwise be obligated to pay for court-appointed private counsel, at a substantially higher cost (see 1993 letter from Judge Mizner attached).

<i>Warm Springs / Boulder Commitments</i>	
Commitments / recommitments	250
Hours Per Case	6
Per Hour Cost	\$90
Total Cost to Counties	\$135,000

Legal Services: Guardianship Hearings

Legal counsel at guardianship hearings for patients not able to give informed consent to treatment at the Hospital.

<i>Guardianship Hearings</i>	
Hearings	70
Hours Per Case	6
Per Hour Cost	\$90
Value of Services	\$37,800

Social Security Care & Maintenance

BOV serves as custodian of patient Social Security funds. They are entitled to charge for this service, but do not, because the funds generally go to Montana State Hospital for care and maintenance. This saves the state General Fund money.

<i>Representative Payee</i>	
Cases	75
Amt Per Month	25
Months	12
Total Cost to Gen Fund	<u>\$22,500</u>

Total Cost of Services Provided by Board	\$195,300
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Board of Visitors Budget, FY96	<u>147,737</u>
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Net Savings to State	<u><u>\$47,563</u></u>
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TED L. MIZNER

JUDGE OF THE DISTRICT COURT

409 Missouri Avenue

Deer Lodge, Montana 59722

(406) 846-3880, ext. 38

(406) 563-8421, ext. 222

THIRD JUDICIAL DISTRICT
Deer Lodge, Powell and
Granite Counties

Office of the Governor

BEVERLY GIANNONATTI
Court Reporter

March 15, 1993

Representative Red Menahan
Capitol Station
Helena, MT 59620

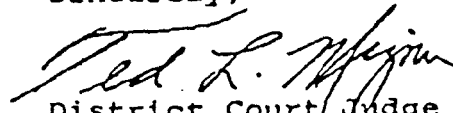
RE: HB2

Dear Red:

Thank you for your call regarding the appropriation for the Board of Visitors. I, too, am concerned about the future of the State Hospital, but I am also concerned that the patients will go without needed legal representation if the Board of Visitors is not funded. I don't believe there is any way that our Public Defender's Office could handle the legal work load generated at the State Hospital. I believe I would have to appoint individual counsel to represent each patient that is legally entitled to be represented which would be at considerable expense and less effective than the present system. Further, all the out-of-court matters, such as social security and disability payments, which involve the patients would somehow have to be factored into the equation if the Board of Visitors is not funded.

Thank you for your consideration of these matters.

Sincerely,


District Court Judge

TLM:jj

cc: Senator Tom Beck
Rep. Liz Smith
Rep. Bea McCarthy
Kelly Moore

FLATHEAD BASIN COMMISSION

In recognition of the economic and environmental importance of Flathead Lake and the extensive system of rivers, streams and lakes in the Flathead River drainage, the Montana Legislature created the Flathead Basin Commission in 1983. By statute the Commission's mandate is to coordinate the monitoring and protection of water quality in the Flathead Basin of northwest Montana.

Since its inception the Commission has become a model of an effective, non-regulatory, consensus-building approach to addressing a wide array of water quality issues.

The Commission unites and coordinates the efforts of federal, state, provincial, tribal, local, and citizen membership to carry out its mandate.

COMMISSION HIGHLIGHTS:

- ***Coordination and cooperation with British Columbia:***
Because of its formal ties to the Office of the Governor, the Commission has been effective in working with representatives of neighboring British Columbia to formalize a coordinated approach to management of the critical headwaters of the Flathead River that begin in southeastern B.C. Governor Racicot and Premier Harcourt, following up on a Commission initiative, are moving toward a more formalized approach to joint management.
- ***Coordinate Water Quality Monitoring:***
Through its Monitoring Master Plan, the Commission has achieved a coordinated approach to monitoring activities that maximizes the effectiveness of efforts carried out by federal, state and tribal entities while preventing duplication. The Commission also seeks to obtain funding from corporate and non-profit sectors to further complement monitoring at high priority sites.
- ***Volunteer Monitoring Program:***
The Commission's overall monitoring effort is augmented by the efforts of over 40 trained volunteers who conduct regular monitoring at 41 sites on 26 basin lakes. To date, volunteers have contributed approximately 500 hours of time to the program.
- ***Watershed Management:***
The Commission is currently in the initial stages of preparing and implementing a watershed plan that will further enhance its ongoing efforts to protect the basin's water quality. The first step is to work with the public and other basin stakeholders to identify sources of pollution and seek solutions.
- ***Public Education:***
The Commission works with schools, the media, community-based organizations, and the public-at-large to increase understanding of water quality issues and encourage non-regulatory approaches to solving water quality problems.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Gen. Gov. & Trans.

SUB-COMMITTEE

DATE 2-2-95

BILL NO.

SPONSOR(S)

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Maria Oshkoffman	Governor's office	✓	
Carol Smith (Smith)	" "	✓	
Judy Browning	" "	✓	
MARK HOLSTON	" "	✓	
Matt McKinney	" "	✓	
Mary Jo Murray	" "	✓	
STEVE BENDER	OBPP	-	
DAVE LEWIS	OBPP	-	
GENE VUCKOVICH	MT RDC	✓	

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

HR:1993

wp:vissbcom.man

CS-14