

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

#### JOINT SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By CHAIRMAN MARJORIE I. FISHER, on February 14, 1995, at 8:15 a.m.

#### ROLL CALL

**Members Present:**

Rep. Marjorie I. Fisher, Chairman (R)  
Sen. Larry J. Tveit, Vice Chairman (R)  
Sen. Gary C. Aklestad (R)  
Rep. William T. "Red" Menahan (D)  
Rep. Steve Vick (R)  
Sen. Mignon Waterman (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Lisa Smith, Legislative Fiscal Analyst  
Lorene Thorson, Legislative Fiscal Analyst  
Mary LaFond, Office of Budget & Program Planning  
John Patrick, Office of Budget & Program Planning  
Brandee Decrevel, Committee Secretary

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

**Committee Business Summary:**

Hearing: Montana Historical Society  
- Historic Sites Preservation  
Department of Justice  
- Highway Traffic Safety  
Executive Action: Department of Justice  
- Crime Control Division

{Tape: 1; Side: A}

#### DISCUSSION ON MONTANA HISTORICAL SOCIETY HISTORIC SITES PRESERVATION

CHAIRMAN MARJORIE FISHER reported that if the Montana legislature chooses not to continue the review function of the State Historic Preservation Office at the state level, reviews for Montana projects will be done by the National Park Service Office in Denver. She asked why Montana is funding this program if the federal government will do the work.

**Brian Cockhill, Director, Montana Historical Society (MHS),** explained that the Historic Preservation Act of 1966 provides for a state preservation officer in order to provide more immediate response to requests for development on federal land. The state review process has worked fairly well in terms of response time as compared to having the review done through federal offices in Denver or Washington D.C. Companies making application for federal land use, such as mining and timber concerns, have immediate access to the people in the state office who make determinations relative to whether the site has historical resources. The companies would not be in favor of moving the process out of state because they prefer working with in-state people who are easily accessible and if they are not happy with the review they can appeal directly to the state legislature.

To allow the review function to move to Denver would be detrimental to Montana's ability to develop federal lands as needed for mining, irrigation, grazing, etc., as well as protecting Montana's resources. The Historic Sites Preservation function is review, not regulation. Given the staffing level, which is low compared to other states, the process moves as quickly as possible and more quickly than it could through Denver. Approximately 3,000 requests for review go through the State Historic Preservation Office annually. Many of these requests are addressed within 30 days, if the requests had to be routed through a federal office in Denver or Washington D.C. it would probably take 90 days or more.

**SEN. GARY AKLESTAD** asked if the Historic Preservation Office makes decisions about which sites are registered as a National Historic Site. **Mr. Cockhill** answered the office makes recommendations for registration, but does not have any control over what is actually accepted for registration. The Historic Preservation Office makes recommendations about the need for preservation, but the federal agency is the decision-making body and can choose to follow or ignore the recommendations.

**CHAIRMAN FISHER** asked where requests for review originate. **Mr. Cockhill** answered that any business, group or individual that wants to develop on federal land must submit a proposal to the federal agency which manages that property. The federal agency then requests the review from the State Historic Preservation Office.

**SEN. MIGNON WATERMAN** said that if Montana doesn't provide the funding for a historic site preservation study, the study will still be done. It is better for the studies to be done by Montanans who understand the economy, live here and have to live with that decision.

{Tape: 1; Side: A; Approx. Counter: 810}

RECONSIDERATION OF EXECUTIVE ACTION ON  
DEPARTMENT OF JUSTICE- CRIME CONTROL DIVISION

**CHAIRMAN FISHER** asked how the crime control division (CCD) uses its \$500,000 general fund budget. **Gene Kiser, Executive Director, Crime Control Division, Department of Justice**, answered the funds are used throughout the division in such areas as peace officers' standards and training, the Montana Uniform Crime Reporting System, and as matching dollars for federal grants.

*{Tape: 1; Side: B}*

**REP. STEVE VICK** asked what the effect on CCD would be with the federal proposal to make some specifically designated grants block grants. **Mr. Kiser** responded that to date that proposal has been made for local law enforcement officers, not for the programs the crime control division supports.

**BUDGET ITEM: Victim Compensation New Proposal**

**CHAIRMAN FISHER** asked why the requested additional FTE for medical claims review in the victim's compensation program can't be contracted. **Mr. Kiser** answered that CCD explored contracting the services but found that the volume of work was lower than private agencies were willing to take on at the state rate. In addition to the higher cost of contracted services, the victims' compensation needs additional FTE to help reduce the backlog. The backlog has developed with current staffing levels and will not be cleared up without additional assistance. The reason for the backlog is due in large part to the heightened awareness on the part of victims, county attorneys, judges and victim advocates about the enactment of state and federal laws concerning victims rights. In the last two years there has been a 10% increase in applications.

**REP. VICK** asked where the state special revenue money funds come from. **Mr. Kiser** answered the funds are from fines and forfeitures as well as federal allotments for victims' compensation.

**SEN. AKLESTAD** asked if the fines and forfeitures have increased. **Mr. Kiser** said close to \$600,000 in fines and forfeitures have been reverted to the general fund in the past three to four years because the victims' compensation fund did not use them. The budget request for the additional FTE would use some of the money that has been reverting to the general fund.

**CHAIRMAN FISHER** asked if other staff of CCD help with the victims' compensation backlog. **Mr. Kiser** answered that CCD staff do help when possible, but depending on the workload at certain times of year, there may be two or three months between times when other staff can assist.

**Motion:** REP. VICK moved to remove the 1.0 FTE for victims' compensation new proposal and use the funds to hire a contracted service for the medical review.

**Discussion:**

REP. VICK said a contracted service will catch up the backlog more quickly than an additional FTE. There are many private contractors who can do this kind of work.

SEN. AKLESTAD clarified with REP. VICK that this motion leaves the present staff intact, but does not add a new FTE.

SEN. WATERMAN asked if it would be more cost effective to contract the entire program rather than just the one FTE. Mr. Kiser said it's difficult to answer because it hasn't been considered, but if the whole service is contracted there still has to be staff at the state level to monitor the contract. Contracting the medical review is more expensive than bringing on one new FTE.

John Patrick, Office of Budget and Program Planning (OBPP), said OBPP looked into the possibility of contracting the position. In addition to the higher cost of contracted services, there is also the legal issue of whether a private contractor would be allowed access to law enforcement records.

SEN. WATERMAN said one danger of contracting the service is the private agency may feel obligated to try to save the state money. The purpose of this program is to provide just compensation to victims. It has only been recently that the victims' compensation program has gone away from the "save the state money" mind set and it would be unfortunate to go back into that attitude.

REP. VICK said the main problem with the system has been with the backlog of paperwork. The actual decision making can still be done by the state staff, but the paperwork function can be better served through a private contractor.

**Vote:** Motion carried 4-2 with REP. RED MENAHAN and SEN. WATERMAN voting no.

*{Tape: 1; Side: B; Approx. Counter: 934; Continue on Tape 2, Side 1}*

**DISCUSSION ON DEPARTMENT OF JUSTICE**  
**HIGHWAY TRAFFIC SAFETY**

REP. AKLESTAD was not present for the explanation of the use of present law federal funds in the highway traffic safety division. Goke, Administrator, Highway Traffic Safety Division, Department of Justice, provided a review of these funds for REP. AKLESTAD. the implementation of these funds.

**Mr. Goke** explained that these are all one-time grants or expenditures which are completely federally funded. The exception is for the addition of seven highway patrol officers. This is a three-year grant that will end in FY99. It needs to be clear to the legislature that these positions will need to be funded through state funds starting in FY99. One possible way to fund this will be through savings through early retirements.

The increase to these present law federal funds came because the state does not have a motorcycle helmet law. Because of this, the federal government took the money from the road building program and required it to go to the safety program. Because it is impossible to predict how federal rules may change, the projects chosen for these funds are projects that are important but would not affect the vital functions of highway safety if funding stops.

**SEN. AKLESTAD** asked where the federal funds would go if the legislature didn't choose to fund these projects. **Mr. Goke** answered other projects could be chosen, but they can only be in the area of highway safety and cannot supplant current funding. If the money were completely turned away, it would be distributed to other states.

ADJOURNMENT

Adjournment: Meeting adjourned at 9:50 a.m.

*noted Paul 6/95*

*Marjorie I. Fisher*

MARJORIE I. FISHER, Chairman

*Paula Clawson*

PAULA CLAWSON, Recording Secretary

Note: These minutes were proofread by Lisa Smith, LFA.

MIF/pc

# INSTITUTIONS

## Joint Appropriations Subcommittee

ROLL CALL

DATE 7-14-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Marj Fisher, Chairman	✓		
Rep. Red Menahan	✓		
Rep. Steve Vick	✓		
Sen. Larry Tveit, Vice Chairman	✓		
Sen. Gary Aklestad	✓		
Sen. Mignon Waterman	✓		