

HB 481 INTRODUCED BY SPAETH
DECREASE SIZE OF BOARD OF CRIME CONTROL AND CHANGE
APPOINTMENT PROCESS

1/27 INTRODUCED
1/27 REFERRED TO STATE ADMINISTRATION
1/28 FISCAL NOTE REQUESTED
2/03 FISCAL NOTE RECEIVED
2/05 HEARING
2/05 COMMITTEE REPORT--BILL NOT PASSED
2/06 ADVERSE COMMITTEE REPORT ADOPTED

90 8

1 House BILL NO. 481
2 INTRODUCED BY Spaeth

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE
5 ORGANIZATION OF THE MONTANA BOARD OF CRIME CONTROL; REDUCING
6 THE NUMBER OF BOARD MEMBERS; CLARIFYING THAT ONLY THE BOARD
7 AND ITS STAFF MAY PERFORM FUNCTIONS SET FORTH IN 44-4-301,
8 MCA; AMENDING SECTIONS 2-15-2006 AND 44-4-301, MCA; AND
9 PROVIDING EFFECTIVE DATES."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 2-15-2006, MCA, is amended to read:

13 "2-15-2006. Board of crime control -- composition --
14 operation -- allocation. (1) There is a board of crime
15 control.

16 (2) The board is allocated to the department for
17 administrative purposes only as prescribed in 2-15-121.
18 However, the board may hire its own personnel, and
19 2-15-121(2)(d) does not apply.

20 (3) The board is composed of ~~18~~ eight members,
21 ~~appointed by the governor in accordance with 2-15-124 and~~
22 ~~any special requirements of Title I of the Omnibus Crime~~
23 ~~Control and Safe Streets Act, as amended. The board shall be~~
24 ~~representative of state and local law enforcement and~~
25 ~~criminal justice agencies, including agencies directly~~

1 ~~related to the prevention and control of juvenile~~
2 ~~delinquency, units of general local government, and public~~
3 ~~agencies maintaining programs to reduce and control crime~~
4 ~~and shall include representatives of citizens and~~
5 ~~professional and community organizations, including~~
6 ~~organizations directly related to delinquency prevention.~~
7 The members are:

8 (a) a member of the senate appointed by the president
9 of the senate;

10 (b) a member of the house of representatives appointed
11 by the speaker of the house;

12 (c) a district court judge appointed by the chief
13 justice of the supreme court;

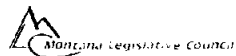
14 (d) a sheriff appointed by the governor after
15 considering recommendations provided by the Montana sheriffs
16 and peace officers association;

17 (e) a chief of police appointed by the governor after
18 considering recommendations provided by the Montana chiefs
19 of police association;

20 (f) a county attorney appointed by the attorney
21 general;

22 (g) a Montana citizen representing the general public,
23 not employed by the state or a local government, appointed
24 by the governor; and

25 (h) a college-level teacher appointed by the governor.



1 (4) The senate and house members must be from opposing
2 political parties.

3 (5) Board members serve 4-year staggered terms. A
4 member may not be appointed to consecutive terms.

5 (6) The board members shall choose a chairman.

6 (7) A board member may be removed for good cause by
7 the person who appointed the member.

8 (8) A vacancy must be filled in the same manner as
9 regular appointments, and the member appointed to fill a
10 vacancy shall serve for the unexpired term to which he is
11 appointed.

12 (9) Each member is entitled to be paid \$50 for each
13 day in which he is actually and necessarily engaged in the
14 performance of board duties and to be reimbursed for travel
15 expenses, as provided in 2-18-501 through 2-18-503, incurred
16 while in the performance of board duties. Members who are
17 full-time salaried officers or employees of this state or of
18 a political subdivision of this state are not entitled to be
19 compensated for their service as members except when they
20 perform their board duties outside their regular working
21 hours or during time charged against their annual leave, but
22 are entitled to be reimbursed for travel expenses as
23 provided in 2-18-501 through 2-18-503.

24 (10) A majority of the membership constitutes a quorum
25 to do business. A favorable vote of at least a majority of

1 all members of a board is required to adopt any resolution,
2 motion, or other decision."

3 Section 2. Section 44-4-301, MCA, is amended to read:

4 "44-4-301. Functions. (1) ~~As~~ If designated by the
5 governor as the state planning agency under the ~~Omnibus~~
6 ~~Crime--Control--and--Safe--Streets--Act--of-1968,--as-amended~~
7 federal statutes in effect on [the effective date of this
8 act], the board of crime control shall perform the functions
9 assigned to it by the governor and under that-act those
10 federal statutes. The board shall-have-the-authority-to ~~may~~
11 by rule establish minimum qualifying standards for
12 employment of peace officers whose primary responsibility as
13 authorized by law includes either the prevention and
14 detection of crime or supervision of the enforcement of the
15 penal, traffic, or fish and game laws of this state and its
16 political subdivisions, require basic training for such
17 officers, establish minimum standards for equipment and
18 procedures and for advanced in-service training for such
19 officers, and establish minimum standards for any law
20 enforcement training schools administered by the state or
21 any of its political subdivisions or agencies, to insure the
22 public health, welfare, and safety. The board may waive the
23 minimum qualification standard for good cause shown.

24 (2) The board's functions under this section must be
25 conducted by the board and its staff and may not be

1 delegated by the board or the governor to another board,
 2 council, committee, or group."

3 NEW SECTION. Section 3. Extension of authority. Any
 4 existing authority of the board of crime control to make
 5 rules on the subject of the provisions of this act is
 6 extended to the provisions of this act.

7 NEW SECTION. Section 4. Initial appointments to
 8 board. (1) The eight board members provided for in
 9 2-15-2006, as amended by this act, must be appointed by, and
 10 their terms begin on, October 1, 1987, and on that date the
 11 terms of the board members serving on the board on September
 12 30, 1987, expire.

13 (2) The board members appointed by the governor and
 14 taking office on October 1, 1987, shall serve 4-year terms,
 15 and the other board members taking office on that date shall
 16 serve 2-year terms. Thereafter, all board members shall
 17 serve 4-year terms.

18 (3) The first board member appointed by the president
 19 of the senate must be a republican and the first board
 20 member appointed by the speaker of the house must be a
 21 democrat. Thereafter, the board member from each chamber of
 22 the legislature must be from a party in opposition to the
 23 board member he replaces.

24 NEW SECTION. Section 5. Effective dates. (1) Sections
 25 1 and 4 of this act and this section are effective on

1 passage and approval, but only for the purpose of making
 2 initial appointments of board members whose terms begin
 3 October 1, 1987.

4 (2) Sections 2 and 3 are effective October 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB481, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

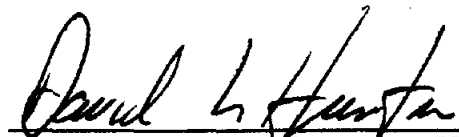
A bill for an act entitled: "An act changing the organization of the Montana Board of Crime Control; reducing the number of Board members; clarifying that only the board and its staff may perform functions set forth in 44-4-301, MCA; amending sections 2015-2006 and 44-4-301, MCA; and providing effective dates."

ASSUMPTIONS:

1. The Board will meet four times a year for two days.
2. Five members will qualify for Board fees.
3. FY88 will include one (1) meeting of old Board - three (3) meetings of new Board.

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>General Fund</u>						
<u>Expenditures:</u>						
Personal Services - Board Fees	\$ 1,350	\$ 1,950	\$ 600	\$ 1,350	\$ 2,000	\$ 650
Operating Expenses - Travel	8,180	5,753	(2,427)	8,180	4,944	(3,236)
TOTAL	\$ 9,530	\$ 7,703	(\$1,827)	\$ 9,530	\$ 6,944	(\$2,586)

 DATE 2/2/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

DATE _____
 GARY SPAETH, PRIMARY SPONSOR
 Fiscal Note for HB481, as introduced.

HB 481