



THE INTERIM

August 2010

A monthly newsletter of the Montana Legislative Branch

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The Interim, along with up-to-date information about interim committees, is also available on the Legislative Branch Website at leg.mt.gov.

Check out the newly updated and redesigned Legislative Fiscal Division website at leg.mt.gov/fiscal

New Chief Legal Counsel Joins Staff



Robert "Rob" Stutz

Robert "Rob" Stutz joined the Legislative Services Division July 20 as director of the Office of Legal Services and chief legal counsel for the legislative branch. He replaces Greg Petesch, who retired this summer.

Stutz has a bachelor's degree in political science from Purdue University and a law degree from the University of Montana. He previously worked for a private law firm in Missoula, as an assistant attorney general for the Montana Department of Justice, and for a nonprofit organization in Helena. He most recently worked drafting rules and regulations at the U.S. Department of Education's office of the general counsel in Washington, D.C.

"This position combines different skills from my background in private, nonprofit, and government work," Stutz said. "And, my whole family is very glad that we are back home in Montana."

Stutz said he is "keenly aware" of the big shoes he has to fill.

"Greg built the Legal Services Office and staffed it with outstanding individuals. I very much appreciate their experience, their professionalism, and their willingness to help during this transition. They have a great sense of humor and have made me feel very welcome into the office."

In addition to his other duties, Stutz will serve as staff attorney for the Legislative Council. He will be introduced to interim and administrative committee members as those committees meet.

Stutz grew up in Montana and has always considered this state his home, even though the adventures of life have taken him around the world. He was born on a military base in North Carolina when his father was in the military, and he attended high schools in Europe and Asia when his mother worked for the State Department. Having seen the world, Stutz agrees that Montana is the "last best place."

NCSL Recognizes Achievements of Fiscal, Research Analysts



Taryn Purdy

Taryn Purdy, principal fiscal analyst with the Legislative Fiscal Division, is one of only two people nationally to receive a Legislative Staff Achievement Award from the National Association of Legislative Fiscal Offices. NALFO is one of several staff committees of the National Conference of State Legislatures.

Purdy has worked for LFD for almost 26 years.



Sonja Nowakowski



Hope Stockwell

Sonja Nowakowski and Hope Stockwell, research analysts with the Legislative Environmental Policy Office, have won a 2010 Notable Documents Award in the Citizen's Guide Category for their publication *Permitting in Montana*. The award is issued annually by the Legislative Research Librarians section of the National Conference of State Legislatures.

Lisa Mecklenberg Jackson, staff attorney with the Legislative Services Division, who has chaired the Notable Documents Awards Committee since 2004, said "we had 34 entries for awards this year. That is twice the number usually submitted. The fact that *Permitting in Montana* won an award speaks volumes to the high quality of that publication."

"We commend your publication as innovative in providing substantive information on contemporary issues of interest to legislatures," the awards committee said. "The judges thought your document was useful, concise, easy to follow, and particularly noted the attractive format of the document."

You can find *Permitting in Montana* on the legislative website at leg.mt.gov/eqc. Click on "Publications."

Other publications that received Notable Document Awards can be found on the NCSL website at nctl.org/?tabid=16066.

"Through the years, because of her knowledge base and strong desire to be an effective resource for the legislature, Taryn has become the 'go to' person for the philosophy and mechanics of budget development and is a resource for all policy areas on the expenditure side of the budget equation," according to her nomination letter, written by LFD staff.

The criteria used to select the award winners were:

- The nominee has made a significant contribution to the resolution of a fiscal or public policy issue before the state legislature.
- The nominee, over time, has consistently demonstrated a high degree of professionalism and excellence in a body of work or career that warrants special recognition.
- The nominee has made other unique contributions in promoting and developing the role of legislative fiscal staff assistance in the legislative process.

"Taryn is a professional, committed to public service and ensuring that the legislature has the resources it needs to do the people's work and make quality, informed choices," her co-workers said of her. "Taryn treats all legislators with fairness and respect, regardless of their political affiliations.

"The bottom line is that Taryn is committed to educating legislators about the budget process, budget issues, and the legislative institution."

Montana 'Very Fortunate' to Have Citizen Legislature, Speaker Says

The Montana Legislature seems to be “an anachronism” in the midst of a widespread “era of legislative erosion,” according to a nationally renowned expert on state legislatures.

Alan Rosenthal, a PhD professor of public policy and political science at Rutgers University, last month outlined several changes he’s witnessed in state legislatures in the more than 40 years he’s been observing them professionally. He believes that some of the recent changes have devalued the legislative institution in the minds of the public, although he considers Montanans “very fortunate” to have a “good” legislature free of many of the problems he’s seen elsewhere.

Rosenthal was in Helena June 14 to serve as keynote speaker at the Teachers Institute on Representative Democracy and the Legislative Process. He shared his thoughts on legislatures with Montana state employees during an informal lunchtime presentation.

Rosenthal said he began studying state legislatures in 1966, just as a major national movement for legislative reform and modernization was getting under way. Throughout the 1970s and into the 1980s, legislatures “were making progress, in terms of building up their capacity” by getting better facilities and equipment, adding staff, and raising legislative salaries.

“This really led to a strengthening of the legislative branch *vis a vis* the executive branch,” he said, which helped to even the balance of power.

Professionalization

But in the 1980s and 1990s, some of these very improvements began to raise concern among some citizens that legislatures were becoming “over-professionalized.”

“There were incentives for members to hang in there no matter what,” Rosenthal said. “It becomes totally a professional career. They’re not full-time legislators necessarily, but they want a full-time career in politics. They like politics. They want to serve. It’s a very worthwhile motivation. But in a professionalized legislature... the incentives are stronger than ever to get re-elected.”

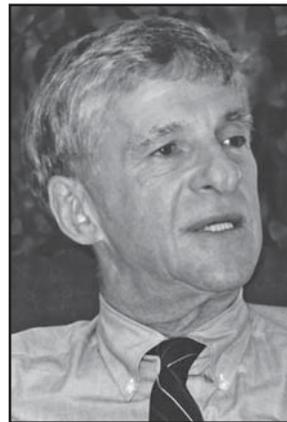
This helped to feed a “movement of discontent” that manifested itself in the adoption of term limits in 21 states, including Montana in 1992.

“So now we’re living in an era not of legislative improvement but in an era of legislative erosion,” he said.

Term limits have created many challenges, one of which is a drain on “institutional memory,” Rosenthal continued. Legislators aren’t around long enough to develop expertise in the complex policy matters they must deal with.

“Term limits have also given governors the upper hand,” he said. “I think they’ve grown stronger than legislatures in the last 20 years.”

Rosenthal believes “you’d have to be a little batty” to look at the small staff, low legislator compensation, and biennial sessions in Montana “and say that professionalization has gone too far.”



Alan Rosenthal

“You’re the most citizen legislature there can be,” he noted. “You can’t be accused of being over-professionalized. Tell the citizens of Montana that if they voted for term limits because they thought you were over-professionalized, they made a mistake.”

Partisanship

An increase in partisanship and a corresponding decline in civility are another problem that Rosenthal has observed within state legislatures over the past couple of decades.

Whereas the two main political parties used to be like “Tweedledee and Tweedledum,” with negligible differences between them, “now we have responsible parties. They represent different constituencies, they have real policy disagreements, they do offer a choice.”

In about two-thirds of the states, “either party can win and both parties want to win,” he said. “It is competitive, and where there is competitive politics between Democrats and Republicans, guess what, there’s partisanship. The issues

make for partisanship and the competition makes for partisanship.”

While Rosenthal believes partisan debate over the issues is healthy, what concerns him is what he perceives as a fusion of governing and campaigning.

“I have a feeling that many of these problems don’t apply to Montana.... I think it helps to be very citizen-oriented.”

“In the old days, campaigns for legislative seats used to be run by state political parties or by the candidates themselves,” he said. “Nowadays, in at least two-thirds of legislative bodies,

legislative campaigns are run out of the legislature, by the parties or party leaders.

“The first job of leadership is to raise money for candidates,” he added. “The job of leadership has become the job of campaign manager.”

As a result, legislators are always positioning for the next election by trying to undermine colleagues across the aisle.

“You’re not going to be comfortable having a beer with someone who’s targeting your seat,” Rosenthal said, so “the socializing that used to go on in state capitals doesn’t go on anymore.... The quality of life for legislators has diminished in a lot of places.”

Rosenthal said his research has found that an increase in the number of partisan staff also tends to fuel partisanship “because the job of partisan staff is to work on issues that are partisan or to make issues partisan.”

“We are living in an era of partisanship,” he concluded. “If you want to change it, diminish it, balance it, that’s difficult, and I think one of the ways to do it is to get legislators together in bipartisan settings.”

Deliberation

A third problem Rosenthal identified, and which he attributes in part to term limits and partisanship, is a decline in the deliberation over policy issues and “less participation in the crafting of laws.”

In New Jersey, where Rosenthal lives, “the emphasis is on getting it done, and not wasting a lot of time getting it done.

If you’ve got the votes, why study it?” he asked. “If you’ve got the votes, why deliberate? Just pass it.”

A study that Rosenthal conducted with the National Conferences of State Legislatures found that party caucuses are becoming more important than standing committees when it comes to affecting the progress of legislation in some term-limited states.

“Standing committees don’t mean much anymore,” he said. “Why should they? Because none of the legislators on committees have much expertise. Committees used to mean something, because the legislators had expertise and they were given deference by other members who were not on the committee. Now... they haven’t been there long enough to gain expertise and they don’t have any real incentive to gain expertise. So other legislators don’t take into account committee reports very much.”

Responsiveness

Another disturbing trend Rosenthal has witnessed is that legislators have become so responsive to constituents that they sometimes lose perspective.

“They don’t want to make constituents unhappy,” he said. “They want to do well by everybody. What this means is they want to increase services but don’t want to increase taxes.”

Structural deficits in many state budgets are due in part to “the unwillingness to inflict pain,” he added. “The argument I would make is that legislatures have emphasized being responsive to what people want and need and are being irresponsible in terms of what they have to do for the long run.”

Conclusion

As his presentation came to an end, Rosenthal invited his audience to offer its perspective on the Montana Legislature. The responses he got led him to conclude that the major problems facing state legislatures today “are not ubiquitous.”

“I have a feeling that many of these problems don’t apply to Montana, which I think would be fine for Montana,” he said. “Being a small state helps, and I think it helps to be very citizen-oriented.

“If it works, keep at it,” he added. “And you seem to think it’s working. You have a good legislature.”

Not Too Early to Be Thinking About Housing Options for 2011 Session

Legislative Services Division staff is working to make it as easy as possible for legislators to find housing for the 2011 legislative session. Staff has developed a new database for compiling information about available housing. LSD maintains a housing file as a courtesy to legislators.

Based on past experience, housing options will likely range from furnished sleeping rooms to single-family residences. Rent prices are set by owners of the properties.

Many legislators choose to share housing, and you may wish to consider this possibility. Other factors that may affect your lodging requirements are the amount of time you expect to spend away from the legislative chambers, whether you expect to have visitors from home, and other considerations specific to your use.

Donna Fletcher, LSD receptionist, will provide legislators with an information package that includes housing options, a map of Helena, a Chamber of Commerce booklet, a session housing request form, the Helena area transit service schedule, and other pertinent information. To request a packet, contact her at 406-444-3064 or dfletcher@mt.gov.

Housing is one of the more difficult and important details to consider when making the transition to your temporary home and life in Helena as a legislator. The earlier you begin to consider your housing options, the greater the likelihood that you will find acceptable accommodations.

CFHHS Creates Subcommittee to Consider Revisions to Medical Marijuana Laws

Reacting to concerns about the continued increase in the number of people allowed to grow and use medical marijuana, the Children, Families, Health, and Human Services Interim Committee established a subcommittee in June to draft legislation revising the Medical Marijuana Act.

The action came as the committee began wrapping up its SJR 35 study of health care. Committee members agreed that the uncertainties of the current medical marijuana laws warranted additional committee time and attention.

The number of registered medical marijuana patients stood at 19,635 on June 30. That compares to the 12,081

people who were registered on March 31, shortly before the committee first took up the medical marijuana controversy. At the end of 2009, about 6,000 people were registered as patients.

During its June 28 meeting, the committee reviewed a number of recommendations for changes to the Medical Marijuana Act. The ideas came from state agencies and from a work group made up of representatives of law enforcement, local governments, and schools, as well as medical marijuana caregivers and patients. Caregivers are the people authorized by law to grow and provide medical marijuana.

The work group met three times over a three-week period. Its sessions resulted in about two dozen recommendations to tighten up some areas of the law and expand others.

Proposals that gained full support of the work group included:

- creating a board to regulate caregivers;
- allowing caregivers to sell marijuana to other caregivers in a system that tracks the marijuana to ensure it's not diverted for illegal purposes;
- reviewing all definitions used in the law to see if some should be revised and others added;
- establishing a process for proposing medical conditions to be added to the list of conditions for which medical marijuana use is allowed; and
- requiring patients and caregivers to carry their registry identification cards at all times.

Other proposals gained majority, but not unanimous, support from the group. These included:

- adding to the list of criminal offenses that would prohibit a person from being a caregiver;
- requiring a 50-state background check for caregivers; and
- reviewing issues related to the way in which "severe or chronic pain" is defined and diagnosed. The largest number of medical marijuana patients have received their cards for this diagnosis. As of June 30, about 68 percent of the registered patients listed this condition as the reason for using medical marijuana.

At the June meeting, three members of the work group discussed their perspectives about the recommendations. Committee members also took public comment on the topic.

After hearing the wide-ranging issues involved, the committee appointed a subcommittee to work on changes to the law. Subcommittee members are Sen. Trudi Schmidt and Reps. Gary MacLaren, Penny Morgan, and Diane Sands. The subcommittee has met twice and will hold a final meeting Aug. 12 at 10 a.m. in Room 137 of the Capitol.

Health Care Study

As part of its SJR 35 study of health care, the committee:

- Heard presentations from representatives of state-based health insurance exchanges in Utah and Massachusetts and a consultant with State Coverage Initiatives. Speakers discussed the different ways that states could create the health insurance clearinghouses known as “exchanges,” which are required under the new federal health care law. The exchanges must be in place by 2014 to allow individuals and small businesses to easily compare and shop for health insurance policies.
- Continued reviewing health care workforce and childhood health and nutrition topics. Members heard presentations on dental care available from dental hygienists, particularly in schools. They also considered draft legislation for a grant program allowing schools to test the Body Mass Index (BMI) of students. The committee will consider revised legislation related to BMI testing at its August meeting. Members also asked that speakers from the Office of Public Instruction and Board of Public Education discuss what’s being done at the state level to require or encourage schools to teach students about good nutritional choices and physical health.
- Heard more about the idea of “safe harbor” legislation from representatives of the Montana Medical Association, Montana Hospital Association, and Montana Trial Lawyers Association. Such legislation was first suggested to the committee in April by Dr. Carter Beck of Missoula as a way to reduce health care costs by reducing the amount of defensive medicine – such as ordering unnecessary tests – that doctors might practice. Safe harbor legislation would protect doctors from malpractice lawsuits if they met an accepted standard of care. Staff attorney Lisa Mecklenberg Jackson also provided the committee with information on pilot projects undertaken in other states. The committee decided against further action on such legislation.

Objection to DPHHS Rule

The committee voted to formally object to an administrative rule adopted by the state Department of Public Health and Human Services. The rule eliminated a rate increase established in state law for services provided by physicians participating in the Medicaid program. The rate increase was eliminated as part of the budget cuts the agency made because of a current shortfall in state revenues.

In the letter objecting to adoption of the rule, the committee noted that only the Legislature may change statutory language, and the department cannot choose to ignore it. The letter also maintained that the rule did not comply with the Montana Administrative Procedures Act because rules may not be adopted when they conflict with existing state law. The department has 14 days to respond to the letter, which was sent July 9.

The final committee meeting of the interim is scheduled for Aug. 23 and 24 in Room 137 of the Capitol. The time has not yet been established. An agenda and related materials for that meeting and for the Aug. 12 meeting of the subcommittee on medical marijuana will be posted to the committee website, leg.mt.gov/cfhhs, as they become available.

For more information, contact Sue O’Connell, committee staff, at 406-444-3597 or soconnell@mt.gov.

Economic Affairs Committee to Finalize Recommendations on Labs, Workers’ Comp

The Economic Affairs Interim Committee will meet for the last time this interim Aug. 19. The committee will determine what findings or legislation to recommend on the SJR 14 study of shared laboratory facilities and the SJR 30 study of cost drivers affecting Montana’s workers’ compensation premiums. The meeting will start at 8 a.m. in Room 137 of the state Capitol.

The committee will also hear more specific proposals for legislation from the Departments of Agriculture, Commerce, Labor and Industry, and the State Auditor’s Office. The committee also monitors the Department of Livestock and the Governor’s Office of Economic Development, but the two agencies say they don’t plan to propose legislation for the 2011 session.

The Medical Impairment Subcommittee, created at the committee's June 29 meeting, will report on rehabilitation programs to help medical professionals impaired by drug or alcohol use. The subcommittee met July 22.

The committee considered a variety of other topics at its June meeting including:

- An update on the committee's request that representatives of the Departments of Livestock and Fish, Wildlife, and Parks meet with Montana State University-Bozeman to discuss possible shared use of laboratory facilities.
- Presentations from Legislative Finance Committee staff about options for budget cuts in agencies monitored by EAIC. Rep. Michele Reinhart urged continued funding of research and development programs, which she said are needed to help companies move out of a recession.
- Presentations and public comment on a legislative package being developed by the Labor-Management Advisory Council. The package and a fiscal analysis of the costs will be presented at the August meeting.
- A review of workers' compensation exemptions and the use of general liability insurance to cover those exempt from workers' compensation insurance.
- A request from Kevin Lauer of the Gallatin Gateway Rural Fire District to revise how volunteer hours are calculated for volunteer firefighters.
- A review of the history of a Bozeman business classified as a "tank" manufacturer and the problems associated with determining classifications for workers' compensation premiums.
- A review of committee-requested bill drafts, including proposals to: alter the State Compensation Insurance Fund board; allow the state choices in how it provides workers' compensation coverage for state workers (currently coverage must be by Montana State Fund); provide specifics for Montana State Fund regulation; and define the term "order" as used by the Department of Livestock.
- Approved sending a public comment to Yellowstone National Park officials and officials of bordering states endorsing remote delivery of a brucellosis vaccination for bison in the park and requesting regional cooperation to address brucellosis.

For more information about the committee, go to leg.mt.gov/eaic or contact Pat Murdo, committee staff, at 406-444-3594 or pmurdo@mt.gov.

Environmental Panel Plans to Consider Additional Bill Drafts in September

The Environmental Quality Council met in Helena July 22-23 to work on legislative proposals it would like to have drafted for the 2011 legislative session. The council reviewed several bill drafts on biomass, petroleum tank release sites, and streambeds. Each draft is posted on the council website at leg.mt.gov/eqc.

The EQC will meet again Sept. 13-14 in Room 172 of the state Capitol, to put the finishing touches on its work. The meeting time has yet to be determined.

Although the bill drafts are not final, the EQC also decided to give the following proposals further consideration in September:

- LC 7000 would clarify the powers of the Board of Environmental Review related to air quality permitting and rulemaking for wood chippers and wood grinders;
- LC 7002 would separate renewable energy credits from the renewable portfolio standard;
- LC 7010 would authorize the use of mixing zones in the remediation and closure of petroleum tank release sites; and
- LC 8002 would revive statutory provisions related to streambed use, which were enacted by the 2009 Legislature in Senate Bill 507 but voided by a recent Montana Supreme Court ruling against PPL Montana..

DNRC, DEQ Requests for Legislation

As part of its state agency monitoring duties, the EQC reviewed legislative proposals submitted by the Department of Natural Resources and Conservation and the Department of Environmental Quality. The EQC approved eight of the DNRC's 11 drafting requests including:

- modifying the timing of deposits of state land trust interest and income from a calendar year to a fiscal year cycle;
- establishing interest payments for unpaid coal royalties;
- discontinuing the Floodway Obstruction Removal Fund;
- allowing DNRC staff to complete timber harvest cleanup activities;
- changing the term "forest protection district" to "wildland protection district" in 76-13-108(3) MCA and amending 76-13-102(6) to ensure that fire protection

assessments may be collected to protect acres owned by the Montana University System;

- raising the compensation limit for the coalbed methane protection program;
- authorizing interest payments from the water rights compact mitigation account to the Blackfoot Tribe; and
- providing a statutory appropriation for the Fort Belknap People's Creek Account.

The EQC approved all five of the DEQ's drafting requests including:

- revising the department's development of TMDLs (total maximum daily loads);
- improving cash management and cost recovery controls under the Comprehensive Environmental Cleanup Responsibility Act;
- allowing certain uses of treated municipal wastewater effluent;
- requiring state agencies to repay the cost of energy improvements using money saved only until the cost is repaid rather than for the useful life of the improvements; and
- amending the Montana Strip and Underground Mine Reclamation Act to comply with federal law.

Law and Justice Committee Advances Proposals to Curb Impaired Driving

At its June 29-30 meeting, the Law and Justice Interim Committee adopted preliminary recommendations to revise Montana's impaired-driving laws and to provide for longer preservation of biological evidence. The committee also urged full funding of mental health crisis-diversion programs and requested additional study of jail suicide prevention. Finally, the committee requested a legislative audit of the Motor Vehicle Division vehicle and title registration system.

DUI Proposals

The committee's top priority this interim has been the SJR 39 study of ways to reduce driving under the influence of alcohol and drugs. The committee voted to move ahead with the following preliminary bill draft proposals:

- LClj01 (as amended) - generally revising driver's license sanctions for youthful drug or alcohol offenders;
- LClj02 (as amended) - allowing game wardens to issue tickets to minors in possession;

- LClj03 (as amended) - mandating responsible alcohol server and sales training;
- LClj04 (as amended and split into two bills) - establishing an on-call judge for breath and blood test search warrants (see also LClj17);
- LClj05 - establishing a per se limit for drug impaired driving;
- LClj06-A - revising driver's license sanctions to encourage DUI court participation;
- LClj06-B - revising incarceration penalties to encourage compliance with DUI court conditions;
- LClj07 - allowing cities to establish courts of record;
- LClj08 - revising assessment, course, treatment laws for impaired driving offenders;
- LClj10 - increasing the maximum jail penalty to one year for misdemeanor impaired driving offenses; and
- LClj11 - eliminating the 5-year "look back" limit for counting prior impaired driving convictions.

The committee also directed staff to draft several new proposals including:

- LClj14 - creating a new crime of "aggravated DUI" for repeat offenders;
- LClj15 - authorizing local governments to establish "social hosting" ordinances;
- LClj16 - criminalizing breath or blood test refusal; and
- LClj17 - revising implied-consent laws to allow search warrants for breath and blood test refusal.

Biological Evidence

The committee is still considering a bill draft that would extend the minimum amount of time that biological evidence in certain felony criminal cases must be preserved. A subcommittee, consisting of Sens. Lynda Moss and Jim Shockley and Reps. Ken Peterson and Mike Menahan will continue to work on a bill. As currently drafted, the bill would require that in certain homicide and sexual assault cases, law enforcement agencies preserve the evidence for as long as the convicted person is incarcerated or, if a conviction has not been obtained, for the running of the statute of limitations of the crime.

County attorneys opposed the bill, arguing that the minimum time periods are too long. The Montana Innocence Project and the Coalition against Domestic and Sexual Violence supported the bill.

The subcommittee will hold a teleconference call at 10 a.m. Aug. 3 to make revisions to the bill. Anyone wishing

to attend may do so in Room 102 of the Capitol or at a location in Billings as yet to be determined.

Mental Health Crisis Diversion

Joined by several members of the Children, Families, Health, and Human Services Interim Committee, the LJIC received detailed briefings from legislative staff, the Department of Public Health and Human Services, and service providers on the implementation of HB 130, HB 131, and HB 132.

Those bills were enacted last session to divert mentally ill individuals in crisis from emergency detention in jail or at the Montana State Hospital. The Legislature appropriated about \$3 million of ongoing and one-time-only funding for the programs for this biennium. However, spending cuts in the executive branch reduced funding by about \$1.1 million.

The following four counties or county coalitions have received or are slated to receive funding for their community-based crisis intervention beds and services as follows:

- Yellowstone County (with Big Horn, Carbon, Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum, Stillwater, Sweet Grass, and Wheatland counties): \$336,058 awarded, of which \$264,858 has been paid;
- Missoula County: \$158,475 awarded by contract, but no invoices have yet been received;
- Ravalli County: \$310,594 awarded by contract, but no invoices have yet been received; and
- Lewis and Clark County: \$170,820 awarded by contract, but no invoices have yet been received.

The Law and Justice Committee, with the support of the Children and Family Committee members at the meeting, voted to send a letter to the governor expressing appreciation for the work done by DPHHS, counties, and local providers to develop and fund crisis intervention services. The letter urges the governor to fully fund the programs in the executive budget and reiterates the cost-savings to the state that could result from effective community-based crisis intervention.

Jail Suicide Prevention

The committee discussed a legal memorandum prepared by David Niss, staff attorney, in response to the committee's request for a progress report on the Montana Sheriff's and Peace Officers' Association voluntary jail standards and the potential of the association's peer review program to reduce

the number of jail suicides in Montana. The memorandum identified several areas of concern, including:

- the association has not provided the results of the peer review of its training;
- the high number of suicides in Montana jails;
- the peer review program does not evaluate detention staff commitment to suicide prevention;
- the lack of a standard or review for use of special clothing or bedding;
- the lack of a standard or review for use of a suicide profile;
- the lack of a standard or review for the content of ongoing suicide prevention training;
- the lack of detail in the standards about the content of suicide screening instruments; and
- the fact that the standards are voluntary with no apparent sanction or followup for lack of compliance.

After reviewing options for possible legislative action, the committee requested a draft resolution for additional study next interim of jail suicide prevention, including how to build on or revise current laws related to coroner inquests.

Audit of Vehicle Title, Registration

As part of its agency monitoring, the committee has been reviewing the vehicle title and registration backlog and processing difficulties related to the new Montana Enhanced Registration and Licensing Information Network (MERLIN). In response to comments from county treasurers, car dealers, and private citizens who have had problems with the system, the committee voted to request a performance audit of the Motor Vehicle Division and MERLIN. Prior to the meeting, Rep. Shannon Augare, committee chair, sent a letter to the Legislative Audit Committee outlining the committee's concerns in the following areas:

- sorting and accounting of fees, especially with respect to web registration renewal, has affected state revenue collection and has also affected nonprofit organizations that rely on specialty plate revenue;
- untimely help desk/customer service assistance for county treasurers and others with questions;
- computer interface glitches that have affected the operation of printers and scanners at the state and county level, despite efforts to replace the printers;
- license plate shortages and untimely filling of plate orders;

- data conversion glitches and problems with validating county treasurer title processing have caused inaccurate fee charges; and
- long turnaround times for vehicle title services for individuals and car dealers.

Legislative Audit Division staff told the committee that an audit will be conducted and that the division will decide how best to structure the audit, taking into account the information provided by the committee.

Sens. Lynda Moss and John Esp and Reps. Ken Peterson and Augare were appointed to attend Legislative Finance subcommittee meetings to examine budget cutting options in the Judicial Branch, Department of Justice, and Department of Corrections. The subcommittee met July 19 and will meet again in late August or early September (see related article on p. 11).

The final meeting of the interim committee is scheduled for Sept. 1-2 in Helena. The meeting may be rescheduled to coincide with the next meeting of the Legislative Finance subcommittee. For more information, visit leg.mt.gov/ljic or contact Sheri Heffelfinger, committee staff, at 406-444-3596 or sheffelfinger@mt.gov.

Legislative Council Prepares for Next Legislative Session, Works on LSD Budget

A budget subcommittee of the Legislative Council will conduct a teleconference meeting at 10 a.m. Aug. 4 in Room 102 of the Capitol to develop recommendations on the legislative branch budget for presentation to the council in September. Subcommittee members are Sens. Carol Williams and Jeff Essmann and Reps. Tom McGillvray and Mike Phillips. Materials for the meeting are available on the council's website at leg.mt.gov/legcouncil by following the "2009-2010" link to the listing of the subcommittees.

The full council is scheduled to meet Sept. 9 to work on legislative rules and adopt a preliminary budget for the Legislative Services Division. It will also consider reports on the legislative space study and the session systems and processes study. Other agenda items include introduction of new staff, discussion of interstate legislative organizations, preparation for the next legislative session, and administrative matters.

Tentative dates for legislative caucuses, orientation for new

legislators, and various training sessions for legislators are listed below.

- Senate and House Caucuses: Nov. 17, 10 a.m.
- Leadership Orientation: Nov. 17
- Legislator Orientation: Nov. 17-19
- Legislative Dinner: evening of Nov. 17
- Rules Committee Training and Hearing on Rules: morning of Dec. 6
- Committee Chair Training: afternoon of Dec. 6
- Law School for Legislators: morning of Jan. 4
- Legislative Rules Training: afternoon of Jan. 5

For more information about the council or to view agendas, minutes, and meeting materials, visit the Legislative Council website at leg.mt.gov/legcouncil, or contact Susan Byorth Fox, executive director of the Legislative Services Division, at 406-444-3066 or sfox@mt.gov.

Members of the Legislative Council are Reps. Dennis Himmelberger (chair), Bob Bergren, Margaret Campbell, Tom McGillvray, Jesse O'Hara, and Mike Phillips, and Sens. Carol Williams (vice chair), John Brueggeman, Jeff Essmann, Mitch Tropila, Bob Story, and David Wanzenried.

Legislative Finance Subcommittees to Meet to Discuss 'Reference Book'

As previously reported, the Legislative Fiscal Division, at the request of the Legislative Finance Committee, has prepared a list of various options for closing the budget gap between expenditures and revenues. Those options are contained in the publication *Closing the Budget Gap: A Reference Book of Options for Discussions*.

Three subcommittee of the Legislative Finance Committee will meet to discuss these options during the next couple of months. Several legislative interim committees will also discuss options related to their agency monitoring responsibilities.

Review of the options contained in the reference book will provide a forum for legislators, state agencies, and the public to hear and discuss these or any other options for reducing the budget gap. The goal of the meetings is to improve and refine the options, add additional options, and guide staff on what additional research is needed. All legislators are welcome to attend any of the meetings if they have the time and resources to do so. The subcommittees will try to include all legislators who attend in their discussion.

A schedule for the reference book discussions is available at <http://leg.mt.gov/css/fiscal/hot-topics.asp>. Please note that some of the meeting dates are tentative.

The options have been and will continue to be updated as additional research is completed. The reference book will be updated throughout the fall and during the 2011 legislative session as more information becomes available.

The options are now grouped by which legislative committee or subcommittee will review them. They are listed on the hot-topics link shown above.

The LFD staff will post updates to the options on the LFD website as they become available. For more information, contact Amy Carlson, director of the Legislative Fiscal Division, at acarlson@mt.gov or 406-444-2986, or other LFD staff.

Judicial Branch, Law Enforcement, Corrections

The LFC reference book Subcommittee for the Judicial Branch, Law Enforcement, and Corrections met July 19. Representatives of the Law and Justice Interim Committee also attended. The subcommittee reviewed and discussed legislative options affecting the 2013 biennium budget for these state agencies.

The subcommittee exchanged information with agency staff and heard public testimony. Subcommittee members emphasized the importance of the Legislature hearing ideas and comments from agency staff, providers, and other stakeholders on budget matters during these challenging economic times. The subcommittee plans to meet again in early September. For more information, contact Pat Gervais at pagervais@mt.gov or 406-444-1795.

Reference book subcommittees scheduled to meet in August include:

- Public Health and Human Services Subcommittee: Aug. 2, 10 a.m., Room 152 of the state Capitol
- Education Subcommittee: Aug 17, 1 p.m., in Room 172 of the Capitol and Aug. 18, 8 a.m., Room 172

SAVA to Continue Working on Changes to Design of Public Retirement Systems

In June, the State Administration and Veterans' Affairs Interim Committee requested the drafting of a variety of

legislative proposals, authorized the drafting of legislative proposals from state agencies, and worked on four potential retirement system designs.

SAVA requested a committee bill to revise certain provisions related to state agency notification of the primary sponsor of a bill when the agency adopts initial administrative rules implementing the legislation. The proposal would shift the responsibility of maintaining the contact list of former and current legislators from the Secretary of State's Office to the Legislative Services Division. It would also clarify that if an agency proposing an administrative rule is able to contact a sponsor by one of three methods (phone, email, or mail), it would not need to use the other two. The committee will review an initial draft in September and assign a sponsor for the bill.

The Montana Association of Clerks and Recorders asked SAVA to consider a committee bill that would allow, but not require, counties to hold mail ballot elections for all elections. State law currently allows counties to hold mail ballot elections for certain contests. SAVA has not decided whether to request a committee bill, but members asked staff for a preliminary draft for the September meeting. The committee will consider comments about the proposal from interested groups before making a final decision on whether to request a committee bill. A preliminary draft of the proposal is available on the SAVA website at leg.mt.gov/sava.

The committee studied the mail ballot issue last interim; the study report is available at http://leg.mt.gov/css/Committees/interim/2007_2008/st_admin_vet_affairs/default.asp.

The committee also authorized the drafting of state agency legislative proposals. The agencies for which the committee has oversight duties include the Department of Administration, Secretary of State's Office, Department of Military Affairs, Board of Veterans' Affairs, Commissioner of Political Practices, and agencies administering the state's employee retirement systems.

Retirement Options

HB 659 directs the committee to study the state's retirement systems and offer a redesign of the Teachers' Retirement System (TRS). As part of its work, the committee also is looking at modifying or redesigning the Public Employees'

Retirement System (PERS). In June, representatives of Buck Consultants reviewed how new designs for TRS and PERS might look and function, if implemented. Using an interactive software package, the consultants showed how design changes – such as altering a retirement age in a traditional defined benefit design or changing the interest rate credited to member contributions in a money purchase plan – might affect retirement income available to hypothetical system members. The presentation included information on income replacement ratios and benefit comparisons for potential new designs compared to the current system designs.

The committee decided to continue review of two basic designs for TRS and two for PERS. The potential redesigns of TRS are:

- a money purchase plan based on one suggested by the Teachers' Retirement Board; and
- a modified defined benefit plan – termed the “professional retirement option” (PRO) – that would increase the benefit formula multiplier for all years from the current 1.67 percent to 2 percent for members who accrue 30 or more years of service in the system. The PRO would be available only for new hires.

The potential redesigns of PERS are:

- a money purchase plan similar to the proposal for TRS; and
- revisions to the current PERS structure, including raising the retirement age to 65 with at least 5 years of service; implementing a phased-in multiplier that would increase with additional years of service; and changing the time period for determining a member's highest average compensation from 3 to 5 years.

The design changes have been sent to actuaries for the two retirement boards. The actuarial analysis on possible costs and savings of the proposals will be considered at an Aug. 17 meeting of the committee.

Also at that meeting, the committee will review reference book options compiled by the Legislative Finance Committee and its staff. The committee rescheduled its Sept. 10 meeting to Sept. 13. Both meetings will be in Helena in the state Capitol. Agendas and meeting materials will be posted when available at leg.mt.gov/sava.

For more information, contact Rachel Weiss, committee staff, at 406-444-5367 or rweiss@mt.gov.

State-Tribal Relations Committee Holds July Meeting on Blackfeet Reservation

The State-Tribal Relations Interim Committee met with the Blackfeet Tribal Business Council July 7 in Browning. The following topics were covered:

- Lesa Evers, acting director of the Governor's Office of Indian Affairs, gave an update on Indian affairs.
- Jeremy Gersovitz, committee staff attorney, reviewed a longstanding dispute between Fort Belknap and Blaine County regarding road maintenance and taxation. The committee directed staff to determine whether a legislative remedy could be crafted to resolve the dispute that would not be considered special legislation under Article V, section 12, of the Montana Constitution.
- Evers reported on foster care contracts with the Department of Public Health and Human Services. The committee chair requested that Evers ask DPHHS for an update on the contract talks before the last committee meeting on Sept. 1. Foster care on the Blackfeet Reservation was discussed by Reese Fisher, Tribal Business Council member; Mary Ellen LaFromboise, director of Blackfeet Family Services; and Sandra K. Watts, tribal attorney. The committee asked the tribal representative to prepare an overview of foster care on the Blackfeet Reservation and describe the elements of an ideal program delivery system.
- Discussion of cultural and historical preservation concerns was postponed until the September meeting. Committee staff will gather proposals on draft amendments to the Montana Antiquities Act from tribal historic preservation officers and distribute the proposals to certain state agencies for feedback.
- Jim Smith, co-director of the Montana Sheriffs and Peace Officers Association, described an innovative law enforcement cultural awareness training program recently held at the Blackfeet Reservation. John Salois, president of Blackfeet Community College, and Lea Whitford, chair of the Blackfeet Studies Department at Blackfeet Community College, also participated in the discussion.

For more information, contact Casey Barrs, committee staff, at 406-444-3957 or cbarrs@mt.gov. Or visit the committee website at leg.mt.gov/tribal.

The Back Page

Kings of Cattle and Copper: Funding Historic Preservation

By **Leanne Kurtz**
Legislative Services Division

In 1883, Pierre Wibaux “wrung from his father a reluctant consent” and \$10,000 to travel from his hometown of Roubaix, France, to the American West to investigate opportunities in the region’s burgeoning cattle industry.

A decade later, the “Cattle King of Eastern Montana” and contemporary and friend of Teddy Roosevelt was considered by at least one source¹ to be among this country’s heroes of industry who built their empires of “realms redeemed from the primal wilderness and planted with beneficent activity – of arid wastes made fruitful as the gardens of God, laughing, clapping their hands, pouring forth in spontaneous abundance everything brilliant and fragrant and nourishing.”

The ravages of time and Eastern Montana weather have taken their toll on the physical remains of Wibaux’s realm – his office building and residence. But with the use of funds awarded through the HB 645 Historic Preservation Competitive Grant Program, created by the 2009 Legislature and administered by the Montana Department of Commerce, the Wibaux House and 55 other heritage properties across Montana, all with tales to tell about the state’s colorful past, are staving off decay.

HB 645, signed by the governor on May 14, 2009, implemented the federal American Recovery and Reinvestment Act (ARRA) in Montana. It appropriated federal funds and state general fund money freed up through the receipt of federal dollars. Dozens of programs received funding through the bill, along with specific instructions on program operation.

The Legislature set aside \$3.6 million for competitive historic preservation grants and, in the narrative establishing the program, recognized both the potential economic benefits of historic preservation and the value of the state’s heritage.

Historic preservation competitive grants are awarded to

public or private entities for the preservation of historic sites within the state of Montana based on competitive criteria established by the Department of Commerce, as guided by the legislature. These criteria may include:

- the degree of economic stimulus or economic activity, including job creation and work creation for Montana contractors and service workers;
- the timing of the project, including the access to matching funds if needed and approval of permits so the work can be completed without delay;
- the historic or heritage value related to the state of Montana;
- the successful track record or experience of the organization directing the project; and
- the expected ongoing economic benefit to the state as a result of project completion.

HB 645 did not sail smoothly through the Legislature. Fundamental philosophical differences about how to strengthen the economy and what government should look like ignited lengthy debates as the bill wended its way through the process. Whether the economic stimulus strategy embodied in ARRA and in HB 645 proves to have been successful in the long run, communities that received historic preservation grants are putting those dollars – and local contractors – to work on some interesting projects.

Of the 135 applicants who requested over \$20 million in funding for historic preservation projects, 56 received grants, ranging in size from \$13,509 for the Wibaux House to \$161,174 for the Rialto Theater in Deer Lodge.

Four of the 56 diverse projects are featured here, including a brief history of each site and a summary of the heritage value and estimated economic benefit information that applicants were required to submit. Quoted material in the tables is from the grant applications submitted to the Department of Commerce.

Wibaux House, Wibaux County

Within a few years of his arrival in the area, Pierre Wibaux had built a considerable cattle herd that roamed on an estimated 70,000 acres of open range. He established his ranch, the W-Bar, along Beaver Creek about 12 miles

¹ *Progressive Men of the State of Montana* (Chicago: A.W. Bowen and Company, 1903)

WIBAUX HOUSE

HB 645 funds requested: \$17,793

Grant award: \$13,509

Proposed preservation work: Paint interior and exterior; repair and paint porch. Efforts to restore the gardens are ongoing; however HB 645 money may only be used for historic structures.

Heritage value as described in application

materials: “Wibaux is the embodiment of the era of Western cattlemen documented by such books and movies as *Lonesome Dove*. Thus he is not only a local and regional figure but a nationally important one as well. . . . For historians local and national, the availability of such a building is important to understanding how businesses and private lives intersected. This particular property, with emphasis on beautiful gardens, is unmatched in the area or region.”

Expected ongoing economic benefit to Montana:

“As the first exposure to Montana that many travelers and tourists have, it is important that their first impression of Montana’s history be positive, thus it is vital that the house be properly cared for and preserved. A well-preserved and presented Pierre Wibaux house, with the presence of gardens replicating those of Wibaux’s French gardeners, will again provide the draw to entice tourists just as Pierre Wibaux’s gardens once did.”

Estimated economic activity, including job and work creation for Montanans:

Applicants estimate that one worker will be employed full-time for nearly a month and this worker and any additional workers will use local services.

Wibaux County Museum has one full-time employee and several seasonal employees.

north of Mingusville, a community described at the time as a “straggling collection of uncanny shacks.”² Wibaux is credited with bringing a Northern Pacific Railroad shipping point to Mingusville, transforming it into a “thriving and promising village,” which the state Legislature was compelled to rechristen in Wibaux’s name.³

2 *Progressive Men of the State of Montana* (Chicago: A.W. Bowen and Company, 1903)

3 *Ibid.*

At a time when throngs of would-be cattlemen – many of them Europeans⁴ – flocked to Montana to make their fortunes, Wibaux stood out for his refinement, intelligence, and business sense. While “some of the foreigners who turned up on the Montana range were known by the locals as ‘remittance men’ – rich and adventuresome youngsters who lived mainly off the money sent to them by their families,” others, like Wibaux, were serious and ultimately successful businessmen.⁵

Wibaux’s office building, where he frequently lived while conducting business in town, was built in 1892. He hired a French gardener to landscape the grounds, which may have been what inspired his biographer to evoke the image of “arid wastes made fruitful as the gardens of God.” The grounds featured ponds, fountains, a grotto, statues, and a lush arbor that provided “the shade and comfort that agrees so well with the summer drinks, the concomitants of which are readily found in the well-stocked altar.”⁶

Fire destroyed Wibaux’s W-Bar ranch house in the 1920s, and the meticulously landscaped Eden on the prairie surrounding his office has long since vanished, save for some scattered cottonwood trees. Wibaux County officials and the Wibaux County Museum board plan to use their HB 645 grant to help spare the Wibaux house (in which the museum is located) the same fate.

Original Mine Yard, Butte-Silver Bow County

Hundreds of historically significant sites occupy Butte and its environs. The city’s uptown is a National Historic Landmark and part of the largest National Historic Landmark District in the country.

Prospectors found gold and silver in the Butte area in the 1860s, but commercial development of copper was the city’s future, and it all began⁷ in 1872 when William A.

4 In 1887, in response to the proliferation of corporate ranches owned by Europeans, Congress passed a law to prohibit aliens from owning any property in the territories.

5 *Montana: A History of Two Centuries*. Michel P. Malone, Richard R. Roder, William L. Lang (University of Washington Press, 1991), p. 157.

6 The quote, attributed to the *Yellowstone Journal*, is included in the property’s National Register of Historic Places Inventory-Nomination Form.

7 Commercial development began with Clark’s claim, but other area inhabitants may have recognized something special about the place as well. A report prepared by the Butte-Silver Bow Historic Preservation Commission submitted as part of Butte-Silver Bow’s HB 645 application entitled *Building the Future by Conserving the Past: A Proposal to Rehabilitate and Preserve Publicly-Owned Historic Mining Properties in Butte, Montana*, notes that “the Original mine is the site where it is believed that early explorers in the area discovered a shallow prospect hole dug with an elk horn. It has been speculated that this was done by American Indians in the area.”

ORIGINAL MINE

HB 645 funds requested: \$43,490

Grant award: \$43,490

Proposed preservation work: Repair/replace deteriorated windows and stairwells; replace/repaint exterior trim details; repair interior guard rails and stairs; mitigate asbestos insulation; clean interior; install interpretive signs.

Heritage value as described in application materials: “The Hoist House and Garage of the Original Mine Yard were constructed under the ownership of Copper King William A. Clark. Clark was a pivotal character in the history of mining in Montana in the late 19th and early 20th centuries. His significance in Butte is not only founded in his mining endeavors, but as the developer of the now-gone Columbia Gardens Park. In addition, Clark played a key and somewhat controversial role in the political history of Montana.”

According to the Butte-Silver Bow Historic Preservation Commission, “only a small number of the many dozens of mine yards that once occupied Butte Hill survive today. They represent the history of the technology of mining in Butte, the ethnic diversity of the people of Butte, and the vibrant tapestry of those who labored in the mines and their families living and working on ‘The Richest Hill on Earth.’”

Expected ongoing economic benefit to Montana: “Festivals, like the National Folk Festival, and guided tours of historic areas and districts, offer visitors both an understanding of history of the area and when done through and around active business districts, allow visitors access to the businesses in those tour areas, thereby potentially increasing business overall.”

Estimated economic activity, including job and work creation for Montanans: Applicants estimate that the work proposed for the mine yard will require 6 to 9 months of labor from carpenters, painters, masons, plumbers, glass workers and others in construction trades.

Applicants estimate materials costs to exceed \$15,000 and labor costs to exceed \$68,000.

Clark filed the first copper mine claim on Butte Hill and the Original Mine commenced operation.

In 1898, a hoist house and garage (compressor house) were constructed on the site, as well as a 127-foot-tall steel head frame used for lowering miners and materials into the shaft. The brick construction of the hoist house and garage made these structures unique, as most mine-yard structures of the day were built of steel and wood.

Clark owned the Original Mine until 1905, when the Original Consolidated Mining Company assumed ownership and management. In 1910, the mine became part of the Amalgamated Copper Mining Company, later the Anaconda Copper Mining Company. When the Original Mine shut down in 1940, its shaft measured 3,569 feet deep.

The Original Mine yard has recently been pressed into service once again as an open-air amphitheater and the main stage for the National Folk Festival. Although the festival has completed its 3-year run in Butte, community members hope to host regional music events at the 7.5 acre site, as well as draw visitors with interpretive information.

Fort Assinniboine, Hill County

General Custer’s defeat at the Battle of the Little Bighorn in 1876 and Chief Joseph’s resistance at the Battle of the Bears Paw in 1877 were two events that led to the establishment of Fort Assinniboine in 1879, according to HB 645 grant application materials submitted by the Fort Assinniboine Preservation Association (FAPA). Malone, et al., provides additional details about the Fort’s inception:

Amid the tension caused by Louis Riel’s first rebellion in Canada, the conflicts between the Metis Indians and settlers, and the presence of Sitting Bull in the nearby Cypress Hills, the army built Fort Assinniboine in 1879 on the northwestern slopes of the Bears Paw Mountains. This million-dollar installation grew to become one of the major military bases in the West. As earlier posts like Fort Shaw and Fort Ellis were closed down, Fort Assinniboine’s impressive brick buildings became the army’s nucleus for all regional operations and headquarters for the District of Montana. . . . Fort Assinniboine, along with Fort Keogh and Fort Custer, and Fort Harrison,

FORT ASSINNIBOINE

HB 645 funds requested: \$249,845

Grant award: \$129,445

Proposed preservation work: Restore 1905 Post Stockade, including repair of gutter system and porch and painting exposed components.

Heritage value as described in application

materials: “The property is associated with events that have made a significant contribution to the broad patterns of our history and of persons significant in our past.”

A report cited by FAPA in the application called the buildings at Fort Assinniboine “the finest examples of late 19th and early 20th century’s military architecture to be found in the Northwest and are as impressive as any other comparable forts throughout the nation.”

Expected ongoing economic benefit to Montana:

Revenue to local businesses through tourism is anticipated as structures at Fort Assinniboine are stabilized and restored and the site is more heavily publicized as part of the Old Forts Trail organization.

Estimated economic activity, including job

and work creation for Montanans: The applicant estimates over \$17,000 in engineering fees would be paid to a regional firm. Construction labor and supplies are expected to exceed \$180,000.

Other economic activity in the short term includes local government permitting, local financial and insurance institutions, and local equipment rental businesses.

built near Helena in 1892, guarded the Montana frontier during its twilight years.⁸

At one point, over 100 buildings occupied the fort’s grounds. It also had a land reserve of 700,000 acres, the largest in the country.

Several decorated Civil War commanders resided at Fort Assinniboine, according to FAPA’s application. First

⁸ *Montana: A History of Two Centuries*. Michel P. Malone, Richard R. Roder, William L. Lang (University of Washington Press, 1991), p. 141.

Lieutenant John J. Pershing, who as General Pershing commanded the American Expeditionary Armed Forces in Europe during World War I, also served at Fort Assinniboine in 1895. He commanded the Black Tenth Cavalry “Buffalo” soldiers at the facility.

The fort closed for military purposes in 1911 but was pressed into service shortly thereafter as an agricultural experimentation station (AES). Montana State University-Northern’s AES now owns the property on which 14 structures remain. AES uses some of the buildings for office, laboratory, and storage space, as well as small group events. FAPA has identified the Post Stockade (Guard House), the Officer’s Amusement Hall, and a stable as the structures most in need of stabilization and restoration. FAPA received a grant award in the amount it estimated would be necessary to restore only the Post Stockade.

Rialto Theatre, Powell County

The National Register of Historic Places sign on the Rialto Theater in Deer Lodge best describes this community treasure:

“What you hear and what you will see will linger in your memory like a beautiful dream,” proclaimed the *Powell County Press* when the Rialto Theatre opened with a glittering production of the opera *Robin Hood* in May of 1921. The Butte architectural firm of Arnold and Van Hausen designed the theater for Jens Hansen, Sr., and Peter Pauty’s partnership, the “Rialto Theatre Corporation.” The theater is a classic example of Beaux Arts inspired American “movie palace” architecture. . . . Exotic, romantic movie palaces like the Rialto were designed to enhance the magical spell of motion pictures. Inside are marble wainscoting in the foyer, intricate gilt moldings, silk tapestries, elegant lighting, and air-cushioned leather seats outfitted underneath with wire hat racks. Equipped with state-of-the art projection equipment and a custom-built Cremona Theater organ for silent movies, the Rialto also possessed an ample stage, orchestra pit, and dressing rooms. The beautiful scenery backdrops made by the esteemed Twin Cities Scenic Studio of Minneapolis still grace the stage. The first “talking” picture was shown in 1929, and the stage has hosted countless high school plays, concerts, and other events. The partnership was dissolved in the 1950s but the Hansen family continued to operate this entertainment showpiece

RIALTO THEATRE

HB 645 funds requested: \$250,000

Grant award: \$161,174

Proposed preservation work: Refinish wood doors, window trim, baseboards, and other woodwork; repair masonry on front facade and airlock area; install steel doors and frames.

Heritage value as described in application

materials: “The Rialto is the anchor of the newly designated ‘Deer Lodge Business District National Historic District’ and was listed on the National Register of Historic Places in 1998 for its architectural and cultural significance. It is one of the few large historic theaters remaining in Montana. . . .”

Expected ongoing economic benefit to Montana:

The applicant anticipates that the project will enable the theater to resume its role contributing to the Montana economy, paying utilities and employing staff. It will also naturally be an attractive draw for tourists with an interest in historic architecture and the social history of the Deer Lodge valley.

Estimated economic activity, including job and work creation for Montanans: Ongoing contracted construction labor and materials.

until 1995 when it was purchased by the non-profit Rialto Community Theatre, Inc.

A fire gutted the Rialto in 2006, devastating many in Deer Lodge. Theater supporters, not content with letting the building languish, began raising money to restore the property. The HB 645 grant, the largest and highest-scoring among the 56 awards, is one of several grants and donations (including nearly \$2,000 in coins from school children) that friends of the Rialto have obtained.

Beyond the Wrecking Ball

As is evident from the language in HB 645 and the grant application materials, the intent of these historic preservation projects goes beyond simply keeping the wrecking ball at bay.

The projects that received grant awards were all evaluated on their heritage value to the state as well as on their

potential economic benefits – both in construction jobs and enhanced tourism.

The debate over the wisdom and long-term impact of the federal economic stimulus plan and the state’s role in that plan through the enactment of HB 645 will continue, but the historic preservation movement in a state with a storied past and wealth of heritage properties to tell those stories has received an undeniable boost.

Lawmakers Get Preservation Award

Montana was the only state to apply federal stimulus money to historic preservation. In recognition of this, the National Trust for Historic Preservation (NTHP) has conferred its Honor Award upon the Montana House Appropriations Committee and the Senate Finance and Claims Committee.

According to the NTHP website, the “National Preservation Honor Awards recognize the efforts of individuals, nonprofit organizations, public agencies, and corporations whose skill and determination have given new meaning to their communities through preservation.”

Through this award, NTHP praises the “vision of elected and appointed officials who support preservation projects and legislation in their communities, and educators and journalists who help Americans understand the value of preservation. All demonstrate commitment, leadership and achievement worthy of national recognition.”

All interim committee meetings are held in the Capitol in Helena unless otherwise noted.

August 2010						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Residential & Commercial Property Appraisal Subcomm, 8 am, Rm 137 Agriculture & Forest Land Property Reappraisal Subcomm, 8 am, Rm 102 Revenue & Transportation Comm, 1 pm, Rm 137 Finance Subcomm on Public Health & Human Services, 10 am, Rm 152	3 Revenue & Transportation Comm, 8 am, Rm 137 Biological Evidence Subcomm, 10 am, Rm 102	4 Legislative Budget Subcomm, 10 am, Rm 102	5	6	7
8	9	10	11	12 Medical Marijuana Subcomm, 10 am, Rm 137	13	14
15	16 Education & Local Govt Comm, 9:30 am, Rm 137	17 Finance Educ. Subcomm, 1 pm, Rm 172 Education & Local Govt Comm, 8:30 am, Rm 137 State Admin & Veterans' Affairs Comm, time TBA, Rm 137	18 Finance Education Subcomm, 8 am, Rm 172	19 Economic Affairs Comm, 8 am, Rm 137	20	21
22	23 Children, Families, Health & Human Services Comm, time TBA, Rm 137	24 Children, Families, Health & Human Services Comm, time TBA, Rm 137	25 Legislative Computer Systems Planning Council, time & place TBA	26	27	28
29	30	31				

All interim committee meetings are held in the Capitol in Helena unless otherwise noted.

September 2010						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 State-Tribal Relations Comm, time & place TBA Law & Justice Comm, time & place TBA	2 Law & Justice Comm, time & place TBA	3	4
5	6	7	8	9 Legislative Council, time & place TBA	10 Energy & Telecomm Comm, time & place TBA	11
12	13 State Admin & Veterans Affairs Comm, time & place TBA Environmental Quality Council, time TBA, Rm 172	14 Environmental Quality Council, time TBA, Rm 172	15 Revenue & Transportation Comm, time & place TBA	16 Revenue & Transportation Comm, time & place TBA	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

**You can find the most up-to-date information
about legislative interim committee meetings
on the Legislative Branch website**

leg.mt.gov

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