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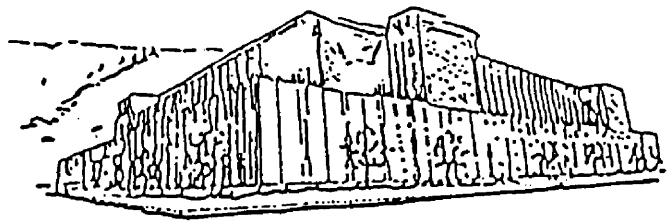
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# Between Two Worlds

A Case Study of the Provision of State Services  
to the  
Residents of the Crow Reservation

by

F. Guy Youngblood

B.S. Lamar University, 1968

presented in partial fulfillment of the requirements

for the degree of

Master of Public Administration

The University of Montana

1996

Approved by:

Jonathan Perkins  
Chairperson

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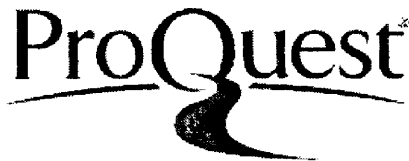


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## **CHAPTER 1**

### **INTRODUCTION**

The political tapestry of the State of Montana is a complex weave of diverse cultures. From the vast agricultural enterprises of the Highline and Yellowstone Basin to the timber and mining interests of the Northern Rockies, each socioeconomic group has left its mark upon the Treasure State and upon the other players in this evolving pattern. Against the warp of these modes of livelihood lies the weft of ethnic and racial ancestry, further defining Montana's collective perception of the role of government. In varying degrees, Montana's Native American peoples, now principally centered around seven reservations, have influenced, and been influenced by, this interactive process.

In 1990, American Indians constituted 5.97% of the population of the State of Montana. As an identifiable minority, these 47,679 Montanans were far more numerically prominent than the 12,174 Hispanics, the next largest minority within the Treasure State. The decennial census further disclosed that 30,424 or 63.8% of Montana's Indians

resided on the seven reservations or trust lands.<sup>1</sup> However, when examining the role of state government in relation to Montana's dominant minority, these reservations occupy a more pivotal place than might be derived solely from being the home of most of Montana's Indians.

The reservations are the seats of tribal government. This intervening intergovernmental relationship, with unique issues of sovereignty, often alters the legal relationship between the state and tribally enrolled reservation residents. With the exception of a few affirmative action programs, this distinction does not apply to Indians who reside outside the confines of a reservation; they interact with federal, state, and local government without special consideration of their tribal or racial status. Reservations are distinctive communities, with their enrolled tribal members simultaneously being consumers of services from a tribal nation and the State of Montana. They dwell in two worlds.

Since reservation residents are a significant and unique segment of the State's citizenry, it is important that members of the ten tribes and non-Indians residing on the seven reservations; federal, tribal, state, and local government administrators; and Montana's taxpayers have a

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<sup>1</sup> Census of the Population and Housing, 1990: Public Law (P.L.) 94-171 Data (Montana)[machine-readable data files]/ prepared by the Bureau of the Census. ([Washington, D.C.]: The Bureau [producer and distributor], 1991).



thorough, realistic understanding of the relationship between the residents of these geographic entities and the State of Montana.

## Indian Tribes

In *Tribal Government Today: Politics on Montana's Indian Reservations*, Professors Lopach, Brown, and Clow have pointed out,

The setting of Montana's seven Indian reservations has a governmental aspect that is as significant as their geography. Probably the clearest statement of this context is that reservations do not exist in a governmental vacuum. Tribal governments have constant contacts with officials of local, state, and national governments, and these external relationships affect tribal operations just as do internal political relationships.<sup>2</sup>

It is imperative that tribal representatives possess an accurate perception of the services rendered by the State of Montana to their members. First, as the voice of their people, the tribal councils are able to speak out against any discrimination that may occur in the provision of services to their constituents. Second, tribal operations are highly influenced by the actions of the state. Indians who reside on Montana's reservations are eligible for services from the national, state, and tribal governments. The provision of services by the state, or the lack thereof,

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<sup>2</sup> Margery Hunter Brown, Richard L. Clow, James J. Lopach, Tribal Government Today. (Boulder: Westview Press, 1990), 6.

clearly affects types and level of services provided by the other two levels of government.

## **Government Administrators**

Under the law, the American Indian residents of Montana's reservations are entitled to the same rights and privileges as exercised by any other citizen of the United States and the State of Montana. However, questions continue to arise as to whether this relationship enshrined in law is reflected in daily reality.

A thorough understanding of the actual relationship between the residents of the reservations and the State of Montana is an essential point of departure for any future inquiry into questions of efficiency, effectiveness, and equity in the delivery of state services to these citizens. The reservations are also a significant physical presence in portions of this state. Since the provision of geographically oriented services, such as highways, is accomplished within a unique intergovernmental context, it is important for public administrators to understand how the provision of these services differs from delivery elsewhere within the state.

## **Montana's Taxpayers**

Also of importance is that all Montanans understand the actual relationship between the residents of the reservations and the State of Montana. When knowledge

replaces perception, the probability of improved intercultural relations and community support for programs increases.

### **Statement of Purpose**

The varied perspectives of the tribes, administrators, and taxpayers highlight the need for a better understanding of the provision of state services to the residents of the seven reservations within Montana. Any model addressing this need must consider these issues:

- What is the range of services provided to the residents of the reservations?
- How are they delivered?
- Do these services differ in kind and magnitude from those provided to other citizens of the Treasure State?
- What intergovernmental problems arise from the delivery of these services?

This professional paper examines these essential questions as they pertain to one reservation, the Crow Reservation. This case study of a single reservation discloses relevant implications that can serve as a point of departure for future study of other reservations and for a more thorough, realistic understanding of the relationship between the residents of all reservations and the State of Montana.

## Research Design

This case study addresses the issues raised in the Statement of Purpose in two parts: a description of the services provided by the State of Montana to the residents of the Crow Reservation and an analysis of those services.

### Description of State Services

In 1993, an in-depth study of the services provided by the State of Montana to the residents of the Crow Tribal Reservation was performed by this author for submission to the United States District Court, District of Montana, Billings Division (Exhibit 510, Crow Tribe v. Montana, No. 78-110-BLG-JDS (D. Mont.)). That stand-alone document, which describes the types of state services and substantiates their delivery to reservation residents, is appended to this case study without modification. In designing, conducting, and reporting the results of that study for the Montana Department of Justice, this author distinguished between direct, indirect, and unallocatable services provided to the residents.

### Direct and Indirect Services

Any comprehensive study of the delivery of state services to an identifiable group must differentiate between direct and indirect services. This distinction may be observed most easily in the construction and maintenance of

highways: the motorist receives a direct benefit of the program, but all who receive goods and services transported over these roadways are also indirect beneficiaries. This study primarily focuses on the provision of direct services, with appropriate comments concerning indirect services only when they may be reasonably inferred.

### **Unallocatable Services**

Closely allied to the matter of direct/indirect services is the concept of unallocatable services -- those services provided equally to all citizens. Most notable of these are the services provided by the legislative and judicial branches, as well as by the Governor's Office of the executive branch. Within the executive branch are also departments whose purpose is to provide supporting service to other executive departments which provide direct services to Montanans. Most notable of these are the Departments of Administration and Revenue. Although services to the residents of the Crow Reservation could not be provided if these support departments did not exist, the degree of support provided by these agencies to the residents of the Crow Reservation cannot reasonably be determined. This study does not describe unallocatable services, nor does it focus on those executive departments that provide primarily support services. In short, programs are investigated only within the following agencies:

Department of Social and Rehabilitative Services  
Department of Family Services  
Department of Health and Environmental Sciences  
Department of Corrections and Human Services  
Department of Natural Resources and Conservation  
Department of Fish, Wildlife, and Parks  
Department of State Lands  
Department of Agriculture  
Department of Livestock  
Department of Transportation  
Department of Commerce  
Department of Labor and Industry  
Department of Justice

Note: As the result of legislative direction during the 1995 Biennium, action has been taken to reorganize certain areas of state government. In some instances, departments have been renamed and programs transferred from one agency to another. In the interest of consistency, this study has retained throughout the paper the names and organizational structure that were used in Exhibit 510.

## Exclusion

Although comparable services provided to the residents of the Crow Reservation by other levels of government, such as the Crow Tribe, Big Horn County, and the Federal government, are important, the study does not detail those services. The study also does not attempt to explain why the residents have a preference for one comparable program over another.

## Research Methodology

The information upon which this case study is based was submitted to the court as Exhibit 510, a document of public record. This information, covering the period 1975 to 1992, was collected by the author through an iterative process

designed to compensate for the lack of more traditional sources of information. The impediments noted in that study, pertaining to data collection, retention, and retrieval, must, by extension, also be overcome in this paper.

### **Data Collection, Retrieval, Retention**

Record keeping for state programs is designed to correspond to the basic sub-division of state government, the county. This format presents significant problems when retrieving information pertaining to reservation residents because the boundaries of Montana's Indian reservations do not correspond to county lines (e.g., the Crow Reservation, which is primarily in Big Horn County, is also in Yellowstone County). On occasion, state programs will record the ethnicity of the client, but the lack of physical congruence between reservation and county lines leads to significant anomalies (e.g., county-wide data may enumerate all Indian clients residing within Yellowstone County, but this statistic does not mean that these clients also reside within the Crow Reservation). Many state services are also provided through the county seat (e.g., Hardin), regional centers (e.g., Billings), and centralized operations at the capital. There is rarely a documented correlation between these off-reservation programs and the recipient's residence on the reservation.

When considering the period prior to the 1990's, a paucity of contemporaneous records exists. Many documentary sources of data have been destroyed through the normal records retention process. The remaining records were often not collected in a format retrievable by either ethnicity or tribal affiliation.

### Iterative Interview Process - Exhibit 510

Since the expenditure of funds is the one commonality for the delivery of all public services, regardless of recipient, the iterative process began with the State budget, the Appropriations Report 1993 Biennium (1991 Regular Session, 1992 Special Session). This state-wide information was incorporated into a standardized questionnaire which was provided to each Deputy Director or Administrator of a target agency.

Using the questionnaires as a point of departure for structured interviews, each official was asked to comment upon the services their department/division provided to the residents of the Crow Reservation, and to note how these services differed in kind and magnitude from those provided to other citizens of Montana. Where available, supporting documentation was requested. If subordinate employees or other parties had first hand knowledge of this matter, they were identified for follow-on interviews. A synopsis of all interviews and supporting documentation was then provided to



a representative of the Department Director for additional comments or acceptance as the agency's official position on the question.

## Comparison Data

Chapters two and three examine the legal and environmental contexts in which the state services described in the Appendices (Exhibit 510) are provided. In assessing the impact of physical and cultural geography on the delivery of state services to the residents of the Crow Reservation, it is helpful to compare that data to comparable data collected for other settings. The obvious comparison, in light of the purpose of this study, is between the Crow Reservation and the State of Montana. However, because of the extensive diversity in cultural and physical geography within the state, this comparison may be misleading. To compensate for this anomaly, data from Custer and Treasure Counties are also used for purposes of comparison. Treasure County, which lies immediately north of Big Horn County, was chosen because it is a geographical unit that is indicative of the area surrounding the Crow Reservation. Like the Crow Reservation, the economy of Treasure County is primarily based upon agriculture; Treasure County does not have a large community within its boundaries; and Treasure County has an interstate highway (i.e., I-94) running through it. Unlike the Crow

Reservation, the population of Treasure County is comparatively small (i.e., 874 inhabitants versus 6,366 persons residing on the reservation). To compensate for this difference, data pertaining to Custer County has also been used. The population of Custer County was 11,697 at the time of comparison. Custer County is in eastern Montana, and it is located on I-94. Unlike the Crow Reservation, Custer County contains a significant incorporated municipality, the county seat, Miles City. Most significantly, for the purpose of comparison, neither Custer nor Treasure County contains a reservation or a significant Indian population (i.e., Custer County - 1.68% Indian; Treasure County - 1.03% Indian).<sup>3</sup>

The data cited in Chapter 3 are subject to some limitations. Data collected by the Bureau of the Census are either absolute numbers (i.e., tabulated from every census questionnaire, such as population for apportionment purposes) or derived measures. The Census and Economic Information Center, Montana Department of Commerce, which is the repository for census data in Montana, warns "Information provided on Summary Tape File 3 (STF3) and Summary Tape File 4 (STF4) is from the long form questionnaire that was collected from about 1 in 6 housing units. These sample data are subject to sampling error and other limitations." When census data are used, full

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<sup>3</sup> Census, Public Law 94-171 Data.

citations are given so the reader may be aware of any sampling limitations.

## CHAPTER 2

### LEGAL CONTEXT FOR PROVISION OF STATE SERVICES

Any understanding of the world in which the residents of Montana's reservations exercise their rights and fulfill their obligations as citizens of this state must begin with a survey of Indian law. In determining what Indian law is, and is not, Professor Canby states,

The term "Indian Law" is a catchall with various meanings, but it refers primarily to that body of law dealing with the status of Indian tribes and their special relationship to the federal government, with all the attendant consequences for the tribes and their members, the states and their citizens, and the federal government.<sup>1</sup>

Indian law is not tribal law, that body of law dealing with the internal affairs of a tribe and governing relationships between members of that tribe. Rather, Indian law, which Canby would more aptly call "federal law about Indians," is a body of law that has an impact upon the activities of all reservation residents, regardless of ethnicity or tribal affiliation. Indian law delineates the actions that a state may take within a reservation. It also prescribes the role

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<sup>1</sup> William C. Canby, Jr., American Indian Law in a Nutshell (St. Paul: West Publishing Company, 1981), 1.

of tribal governments in relation to reservation residents who are not Indian.

This study examines the vast body of Indian law only as it pertains to the delivery of services by the State of Montana on the Crow Reservation. Any reference to tribal or federal jurisdiction is limited to those instances in which it proscribes action by the state. In making this distinction, one must examine the criteria for determining jurisdiction.

### **Jurisdiction**

In Indian law, jurisdictional limits are based upon three tests: person, place, and subject matter.

#### **Person**

An individual's status under law, to include eligibility for various federal programs, may be based upon whether that person is or is not an Indian. In simplest terms, to be an Indian, a person must have "some" Indian blood (the minimal percentage being determined by and varying with each tribe) and be recognized as an Indian by his community. However, for federal jurisdictional purposes, to be an Indian, a person must also be a member of a federally recognized tribe. Although formal enrollment in a tribe is considered to be the best evidence of Indian status, it is not a mandatory requirement.

In examining the delivery of state services to residents of the Crow Reservation, this study focuses on the delivery of services to Indians, whether or not they are members of the Crow Tribe. This approach has been taken for two reasons. First, agency records usually classify service recipients based upon ethnicity, not tribal affiliation. Second, in determining jurisdiction, with rare exception, federal law does not discriminate between Indians residing on the reservation of their tribe and those residing on the reservation of another tribe. Jurisdictional rules for a Navajo residing at Crow Agency are generally identical to those for a Crow tribal member. The remaining residents are non-Indians, that is, persons who would classify themselves for census purposes as being white, black, Asian and Pacific Islanders, or other races. Because of the significant presence of non-Indians on the Crow Reservation as land owners or lease holders, this study also identifies their role within the community.

## Place

The question of territorial jurisdiction hinges on whether the matter in question occurs inside or outside "Indian country". Indian country has been formally defined by Congress in 18 U.S.C.A. § 1151. For the Crow Reservation, the applicable portion of that definition is all territory lying within the exterior boundaries of the

reservation. Indian law does not apply outside of Indian country. A member of the Crow Tribe who commits an offense in Billings is fully subject to the laws of that city, the State of Montana, and the United States. Conversely, a non-Indian who resides in Pryor, which is within the Crow Reservation, will be subject to state actions as defined by Indian law.

## Subject Matter

Congressional action and case law have determined that certain activities fall within the purview of a specific type of government: the federal government, a tribal government, or state and local government. Sometimes this jurisdiction is concurrently held by more than one level of government, and sometimes jurisdiction is exclusively held by one entity. For example, the Indian Child Welfare Act of 1978 requires every federal, state, and tribal court to give full faith and credit to tribal judgements in Indian child custody proceedings. This act has major implications for the delivery of state social services related to Indian children.

The taxonomy of jurisdiction divides the body of law between criminal and civil jurisdiction. Specific examples of criminal and civil jurisdiction are provided later in the study.

## Indian Policy and the Law

Indian law has directly evolved out of the nation's prevailing policies toward Indians. Although the nation's approach to dealing with its indigenous peoples has varied with the passage of time, four themes have remained and are the doctrinal basis of Indian law,

First, the tribes are independent entities with inherent powers of self-government. Second, the independence of the tribes is subject to exceptionally great powers of Congress to regulate and modify the status of the tribes. Third, the power to deal with and regulate the tribes is wholly federal; the states are excluded unless Congress delegates power to them. Fourth, the federal government has a responsibility for the protection of the tribes and their properties, including encroachments by the states and their citizens.<sup>2</sup>

These themes are reflected in four federal laws which have established the relationship between the State of Montana and the residents of the Crow Reservation. These laws, which are described below in the context of their contemporaneous Indian policy, are the General Allotment Act, the Indian Reorganization Act of 1934, Public Law 280, and the Indian Civil Rights Act of 1968.

### Policy of Separation

The initial Indian policy of the fledgling United States was an extension of the English colonial philosophy of separation between settlers and indigenous peoples, with

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<sup>2</sup> Ibid., 2.



intercourse between these groups being strictly controlled by the central government. The preeminence of the federal government was affirmed in Cherokee Nation v. Georgia, 30 U.S. (5 Pet.)(1831), when Chief Justice Marshall determined that Indian tribes were not "foreign nations," but rather, "dominated dependent nations." Indians possessed independent title to tribal lands, but enjoyed a relationship "to the United States [that] resembles that of a ward to his guardian." In Worcester v. Georgia, 31 U.S. (6 Pet.) 1515 (1832), Chief Justice Marshall further stated "The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force."<sup>3</sup> The cumulative effect of these decisions is that, to this day, a protective relationship exists between the federal government and the Indian tribes, and the role of the various state governments on those tribal reservations exists solely at the pleasure of the United States.

When separation could no longer be accomplished through westward relocation of the native population, segregation was attained by confining the tribes to reservations. By the 1880s, with Congress under pressure to abate Indian poverty on the reservations and to open large tracts of Indian land to settlers, national policy swung toward facilitating assimilation.

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<sup>3</sup> Ibid., 16.

## Policy of Assimilation

In 1887, the General Allotment Act (24 Stat. 388), commonly called the Dawes Act, sought to break tribal communal ties by individualizing Indian lands. It was commonly felt that, since non-Indians had attained self-sufficiency through agriculture, private ownership of property and an agrarian lifestyle would also lead to prosperity on the reservations. To attain this end, parcels of reservation land were to be allotted to individual Indians, and, after a trust period of 25 years, the lands were to be conveyed to the allottees without fee or encumbrance. The act also conferred United States citizenship upon the recipients with each allottee being endowed with "all the civil and political privileges and subject to all the responsibilities and duties of any other citizen of the Republic."<sup>4</sup>

This well-meaning effort at assimilation within the larger society produced disastrous results. Nationally, between 1887 and 1934, Indian lands were reduced by 65%, from 138 million acres to 48 million acres. Large portions of reservation land were transferred to non-Indian ownership for several reasons. Individual Indian owners became subject to state taxes, and, when unable to pay these taxes,

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<sup>4</sup> Theodore W. Taylor, The States and Their Indian Citizens (Washington, D.C.: United States Department of the Interior, Bureau of Indian Affairs, 1972), 16.

they forfeited ownership of their allotted land. Also, after the trust period expired, many Indian owners exercised their newly acquired power to sell their property. Lastly, the Dawes Act authorized the Secretary of the Interior to negotiate with the tribes for the purchase or release of unallotted lands.<sup>5</sup>

The General Allotment Act was predated by the "Agreement with the Crows, 1880", which was ratified on April 11, 1882, and placed the contemplated provisions of the General Allotment Act in effect on the Crow Reservation five years before the national policy.<sup>6</sup> The General Allotment Act itself was implemented on the Crow Reservation in 1905.<sup>7</sup> Subsequently, "on June 4, 1920, Congress passed an act, sponsored by the tribe itself, dividing the remainder of the reservation into tracts that were allotted to every enrolled member of the tribe."<sup>8</sup> Mountainous portions of the reservation were excluded from this allotment and remained in trust under tribal control.

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<sup>5</sup> Margery Hunter Brown, Richard L. Clow, James J. Lopach, Tribal Government Today. (Boulder: Westview Press, 1990), 18.

<sup>6</sup> Charles J. Kappler, comp., Indian Treaties 1778-1883 (New York: Interland Publishing, Inc. 1975), 1064.

<sup>7</sup> Rodney Frey, The World of the Crow Indians: as Driftwood Lodges (Norman: University of Oklahoma Press, 1987), 32.

<sup>8</sup> Joseph Medicine Crow, From the Heart of the Crow Country: the Crow Indians Own Stories (New York: Orion Books, 1992), 4.

Today, the Crow Tribe owns 18 percent of the reservation acreage. Members of the tribe own 50 percent of the acreage through individual allotments, and 32 percent of the land within the Crow Reservation is owned by non-Indians. However, these percentages disguise the full impact of non-Indians on the reservation community. Approximately 75 percent of the acreage owned by individual tribal members is leased to non-Indian agricultural interests.<sup>9</sup>

Although the Allotment Act was the most significant effort toward assimilation, it did not clarify the citizenship status of every Indian. By conferring citizenship upon all Indians born within the territorial limits of the United States who had not previously gained citizenship by treaty or statute, the Citizenship Act of 1924 simultaneously made these persons citizens of the state of their residence.

### Policy of Tribal Viability

The next shift in policy occurred during the two decades between 1934 and 1953. The Indian Reorganization Act of 1934 (Wheeler-Howard Act; 25 U.S.C.A. § 461 et seq.) sought to indefinitely maintain the viability of the tribes and to protect their connection to tribal lands. The act extended indefinitely the trust status of those lands still held in trust, facilitated the restoration of tribal

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<sup>9</sup> Brown, et al, Tribal Government Today, 57.

ownership of "surplus" reservation lands, and provided for limited self-government. Tribes could adopt constitutions and by-laws subject to approval by the Secretary of the Interior.

## Policy of Termination

In 1953, Congress swung the policy pendulum toward "termination" - an effort to make Indians subject to the same laws and entitled to the same privileges as any other citizen of the United States. This trend toward "mainstreaming" America's native peoples saw the role of many tribal governments altered either by individually enacted termination statutes or by Public Law 280. The federal Bureau of Indian Affairs also actively encouraged individual Indians to relocate off the reservations.

### Individual Termination Statutes

Between 1953 and 1968, the special federal relationship with over 100 tribes was terminated through individual acts of Congress. These actions changed the status of the tribal land bases from being "in trust" to various forms of private ownership, made the land subject to state and local taxes, provided state legislative and judicial power over the former reservations, and terminated many federal services. Contrary to this policy, Congress did not remove recognition from the Crow Tribe.

## Public Law 280

Although philosophically consistent, Public Law 280 (67 Stat. 588 [1953]) had a wider applicability and produced far different results than the individual termination statutes. This law "extended state civil and criminal jurisdiction to Indian Country in five specified states: California, Nebraska, Minnesota (except Red Lake reservation), Oregon (except Warm Springs reservation), and Wisconsin." It also specified that any other state could "assume such jurisdiction by statute or state constitutional amendment."

Public Law 280 addressed the question of jurisdictional applicability pertaining to "persons" within Indian country. The answer to this seemingly straightforward question does not lie in a single citation, but rather in a compilation of over a century of statutory and case law. Since 1817, crimes committed by non-Indians against Indians and, generally, by Indians against non-Indians in Indian country have been within the province of the federal government (Federal Enclaves Act, 18 U.S.C.A. § 1152). In 1825, the Assimilative Crimes Act, 18 U.S.C.A. § 13, "borrowed" criminal law from the respective states surrounding federal enclaves and made those crimes federal offenses if committed by non-Indians against Indians or by Indians against non-Indians on the reservations. Offenses by Indians against Indians in Indian country remained the responsibility of the tribes. However, in 1885, the Major Crimes Act, U.S.C.A. §

1153, identified fourteen violent crimes for which the federal government, rather than the tribes, would have jurisdiction, if the enumerated offenses were committed by Indians against Indians in Indian country. The remaining category of crimes, those committed by non-Indians against non-Indians in Indian country, was ultimately decided in 1881 by case law. In United States v. McBraney, the Supreme Court ruled that since tribal interests were not involved in crimes committed by non-Indians against non-Indians in Indian country, state, rather than federal, jurisdiction applied. Public Law 280 offered the states the option of altering all of these rules by assuming jurisdiction for "offenses committed by or against Indians in the areas of Indian country ... to the same extent that such State has jurisdiction over offenses committed elsewhere within the State...." The Act also offered the option to the states of assuming jurisdiction in civil causes within Indian country.

The State of Montana elected to extend its criminal jurisdiction to Flathead Indian country under the provisions of Public Law 280 [Montana Code Annotated 2-1-301]. In 1993, the State opted to allow for the return of jurisdiction over misdemeanors to the Confederated Salish and Kootenai Indian Tribes [2-1-306, MCA]. No other Public Law 280 action has been taken within the Treasure State. The import of this decision is that the State of Montana has

limited jurisdiction in criminal and civil matters on the Crow Reservation.

While Public Law 280 established the mechanism for making all residents of Indian country subject to state civil and criminal jurisdiction, unlike the termination statutes, it did not end the "special relationship" with the federal government. Participating states would be required to provide services, such as law enforcement, on the reservations, but the reservation lands could not be taxed. The law also did not alter treaty hunting and fishing rights, and by judicial precedent, did not confer upon the states regulatory authority within the reservations. Tribal interests were displeased because assumption of jurisdiction by the states could be accomplished without tribal consent. No one was satisfied, and by the 1960s, the stated policy of "termination" was deemed a failure.

## Policy of Self-Determination

The last major piece of legislation, and the one controlling state-reservation relations today, is the Indian Civil Rights Act of 1968 (82 Stat. 77. 25 U.S.C.A. § 1301 et seq.). Ostensibly passed to make the Bill of Rights binding upon tribal government, as the 14th Amendment had done for the states, it also amended Public Law 280. The law provided that states could not assume civil and criminal jurisdiction on a reservation without the express consent of



the affected tribe by special election. The law also answered the question of partial assumption of jurisdiction over Indian Country, as Montana had done by assuming jurisdiction only on certain reservations.<sup>10</sup>

### **Rights, Privileges, and Immunities - Montana Code Annotated**

In consonance with these federal laws, under 2-1-304, MCA, the State of Montana has enumerated the "Rights, privileges, and immunities reserved to Indians." This law states,

Nothing in this part shall:

(1) authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States;

(2) authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute or with any regulation made pursuant thereto;

(3) confer jurisdiction upon the state of Montana to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein;

(4) deprive any Indian of any tribe, band, or community of any right, privilege, or immunity afforded under federal treaty, agreement, statute, or executive order with respect to hunting, trapping, fishing, or the control, licensing, or regulation thereof.

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<sup>10</sup> Canby, 19-30, 158-177 passim.

## Summary of Rules - Crow Reservation

The cumulative effect of these federal and state statutes, and their judicial precedents, has been a complex set of rules governing the delivery and funding of state services on reservation lands. These rules vary depending upon whether the resident is an Indian or not, and, in some cases, if the resident is an Indian, whether the resident is a member of the tribe associated with the reservation of residence. The following is a synopsis of the rules pertaining to the Crow Reservation:

General Services. Residents of the Crow Reservation are citizens of the United States and the State of Montana if they meet the general citizenship criteria of this nation. As Montanans, they are entitled to the same programs and services as otherwise provided throughout the state. Any attempt to restrict the delivery of these services because reservation residents may not contribute to the tax base of the state or because of their special relationship to the federal government has been prohibited by the courts.<sup>11</sup>

Criminal and Civil Law. The provision of state services related to the administration of justice presents numerous exceptions to the entitlement rule cited above.

▫ Criminal Law - Since the State of Montana and the Crow Tribe have not chosen to have the state assume

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<sup>11</sup> Ibid., 205.

criminal jurisdiction under Public Law 280, the role of the State of Montana in providing criminal law related services on the Crow Reservation is jurisdictionally limited to crimes committed by non-Indians against non-Indians and to crimes committed by non-Indians in which there is no victim. All other criminal jurisdiction rests with either federal or tribal courts. (Note: When determining jurisdictional applicability, the term "Indian" applies to the ethnicity of the party or parties involved, regardless of tribal affiliation. However, the position that tribal courts have jurisdiction over Indians of another tribe has not been settled definitively.)<sup>12</sup>

▫ Civil Law - As with criminal jurisdiction, the State of Montana has not elected, under the provisions of Public Law 280, to exercise civil jurisdiction on the Crow Reservation. The rules for determining when the state may exercise limited civil jurisdiction on the reservation are quite complex, and specific examples related to agency services (e.g., child support) are provided in the Appendices. However, as a general rule, the state may exercise civil jurisdiction on the reservation under these circumstances:

▫▫ General Civil Litigation - If the source of the claim is on the reservation and the parties are non-

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<sup>12</sup> Ibid., 128.

Indian or the plaintiff is Indian and the defendant is non-Indian (concurrent with Tribal Court);

▣▣ Divorce - If the domicile of the parties is the reservation and the parties are non-Indian or the plaintiff is non-Indian and the defendant is Indian (probable);

▣▣ Adoption and Child Custody (non-divorce) - None. If the domicile of the child is on the reservation, only the Tribal Court has jurisdiction;

▣▣ Probate - If the decedent is non-Indian, the State has jurisdiction. If the decedent is Indian and the domicile was outside of Indian country, the state will have jurisdiction over moveable assets.<sup>13</sup>

Taxation. Residents who are not Indian or, in some instances, who are Indian, but not Crow, are subject to the usual rules of taxation for the State of Montana. Although Montana statutes limit the state in its ability to tax reservation lands held in trust, judicial precedent also prohibits the State of Montana from taxing the non-trust property of a Crow tribal member if it is on the Crow Reservation (Bryan v. Itasca County, 426 U.S. 373 (1976); Moe v. Confederated Salish and Kootenai Tribes, 425 U.S. 463 (1976)). The state also may not tax the income of a Crow tribal member if the income is earned on the Crow

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<sup>13</sup> Ibid., 153.

Reservation (McClanahan v. Arizona State Tax Comm'n, 411 U. S. 164 (1973)).<sup>14</sup>

Regulatory Services. State powers of regulation in Indian country generally parallel state powers of taxation. Montana may regulate the activities of non-Indians on the Crow Reservation if those regulations are not preempted by federal law, or they do not interfere with the ability of the tribal government to promulgate its own laws and to govern Indian residents by them.<sup>15</sup>

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<sup>14</sup> Ibid., 184.

<sup>15</sup> Ibid., 196.

## CHAPTER 3

### ENVIRONMENTAL CONTEXT FOR PROVISION OF STATE SERVICES

#### The Land, The People, The Economy

Of the total spectrum of potential state services, the range of services requested by these residents has been significantly influenced by the physical and cultural geography of the Crow Reservation.

Montana has often been called "the last best place", and members of the Crow Tribe would certainly apply that appellation to the reservation which occupies their tribal homelands. The Crow, or Absarokee<sup>1</sup> as they call themselves, were originally a branch of an ancestral agricultural tribe dwelling at the headwaters of the Mississippi<sup>2</sup> or in southeastern Manitoba<sup>3</sup>. In the mid-sixteenth century, under pressure from more militant eastern tribes, the Absarokee-

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<sup>1</sup> Absarokee means "children of the large beaked bird" (i.e., raven) in the Hidatsa language.

<sup>2</sup> Joseph Medicine Crow, From the Heart of the Crow Country: the Crow Indians Own Stories (New York: Orion Books, 1992) 2.

<sup>3</sup> Rodney Frey, The World of the Crow Indians: as Driftwood Lodges (Norman: University of Oklahoma Press, 1987), 8.

Hidatsa began the first of a series of westward migrations onto the plains, initially settling near "Sacred Waters" (Devil's Lake, North Dakota). A further tribal division and relocation, occurring between 1600 and 1625, resulted in the creation of the present Crow Tribe.<sup>4</sup> By 1700, the Absarokee were firmly established in northern Wyoming and eastern Montana.<sup>5</sup> It was in this setting that the Absarokee entered into their first treaty with the United States of America in 1825. Under the terms of the Treaty of Friendship, the tribe acknowledged the supremacy of the United States over any other foreign power and the right of the United States to regulate contact between the Absarokee and non-Indians.<sup>6</sup>

The process of decline by which the Absarokee homelands became the present day Crow Reservation began with the Fort Laramie Treaty of 1851. The Laramie Treaty, which established the first boundaries of Absarokee territory, designated 35,531,147 acres in the region of the Yellowstone River, as a home for the Crow. In 1868, a second Laramie Treaty reduced the reservation to 8,000,400 acres, and shortly thereafter, the first Crow Agency was established near Livingston, Montana. Prior to the General Allotment Act, which was described in Chapter 2, Congress negotiated

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<sup>4</sup> Medicine Crow, From the Heart of the Crow Country, 2.

<sup>5</sup> Ibid., 13.

<sup>6</sup> Frey, World of the Crow Indians, 28.

a further reduction of Crow Reservation land in 1882 as compensation for livestock acquired for the tribe and housing to be constructed on the reservation. The final cessions occurred in 1890 and 1905, leaving the Crow Reservation in its present configuration of approximately 2.3 million acres.<sup>7</sup> (Fig. 1 - Indian Reservations in Montana<sup>8</sup>; Fig. 2 - Indian Reservations in Southcentral Montana<sup>9</sup>; Fig. 3 - Crow and Northern Cheyenne Reservations<sup>10</sup>).

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<sup>7</sup> Medicine Crow, From the Heart of the Crow Country, 3.

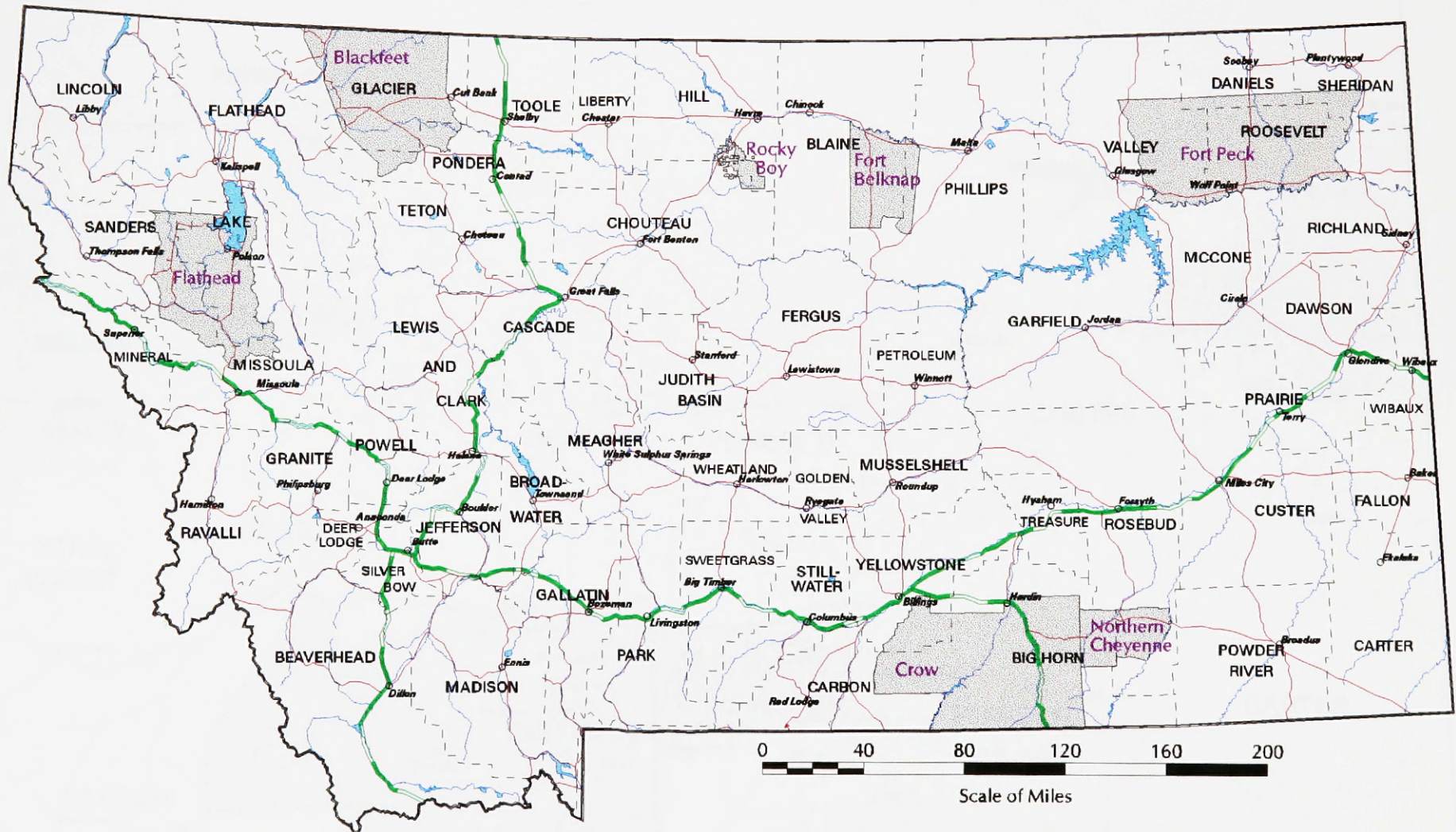
<sup>8</sup> Montana State Library, Natural Resource Information System, TIGER Files (Montana)[machine-readable data files]/ prepared by the Bureau of the Census. - Washington: The Bureau [producer and distributor] 1994. Map #96nris999.

<sup>9</sup> Ibid., Map #96nris888.

<sup>10</sup> Ibid., Map #96nris777.



## Indian Reservations in Montana



Map #96nrs248c - 2/12/96

Fig. 1



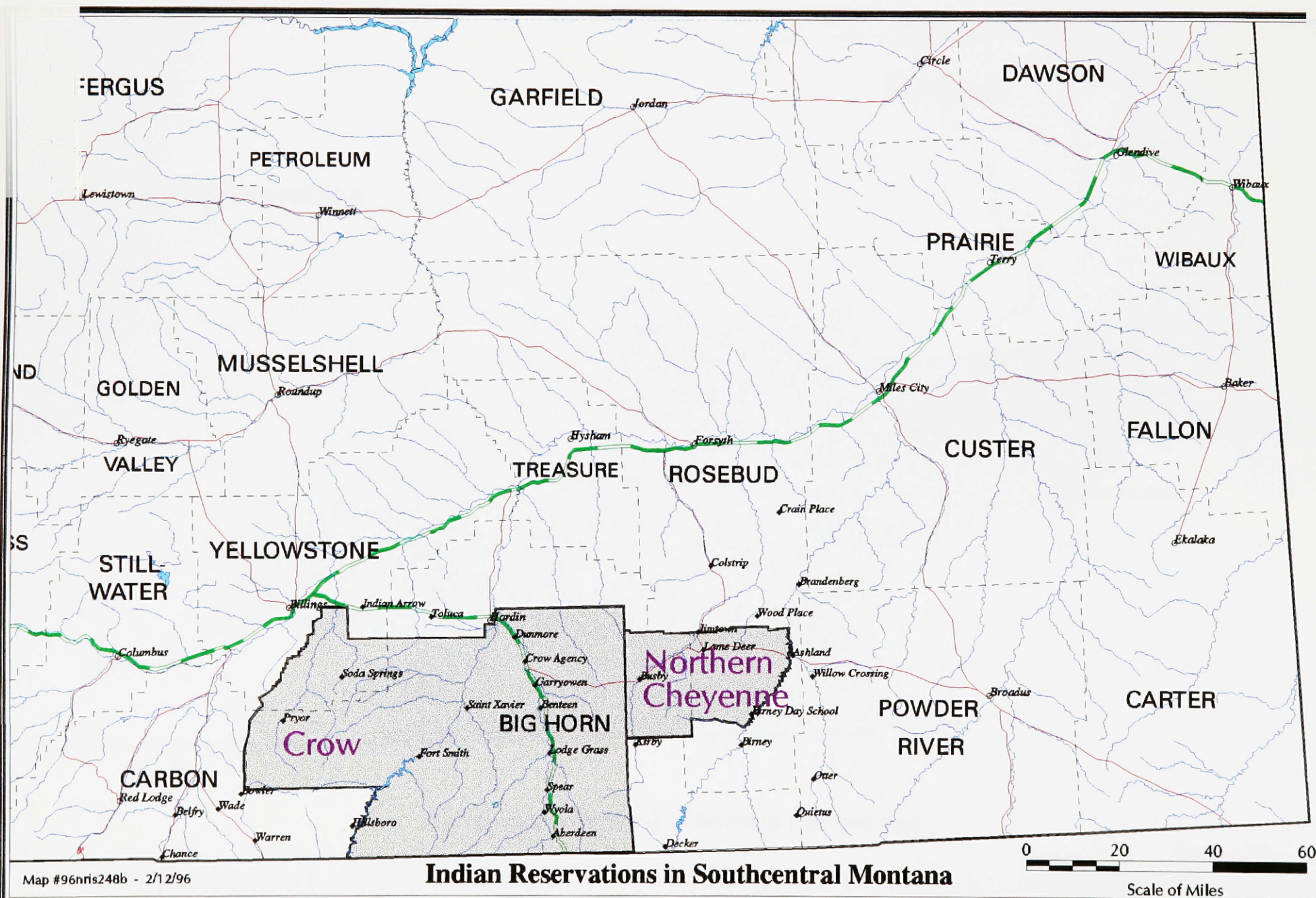
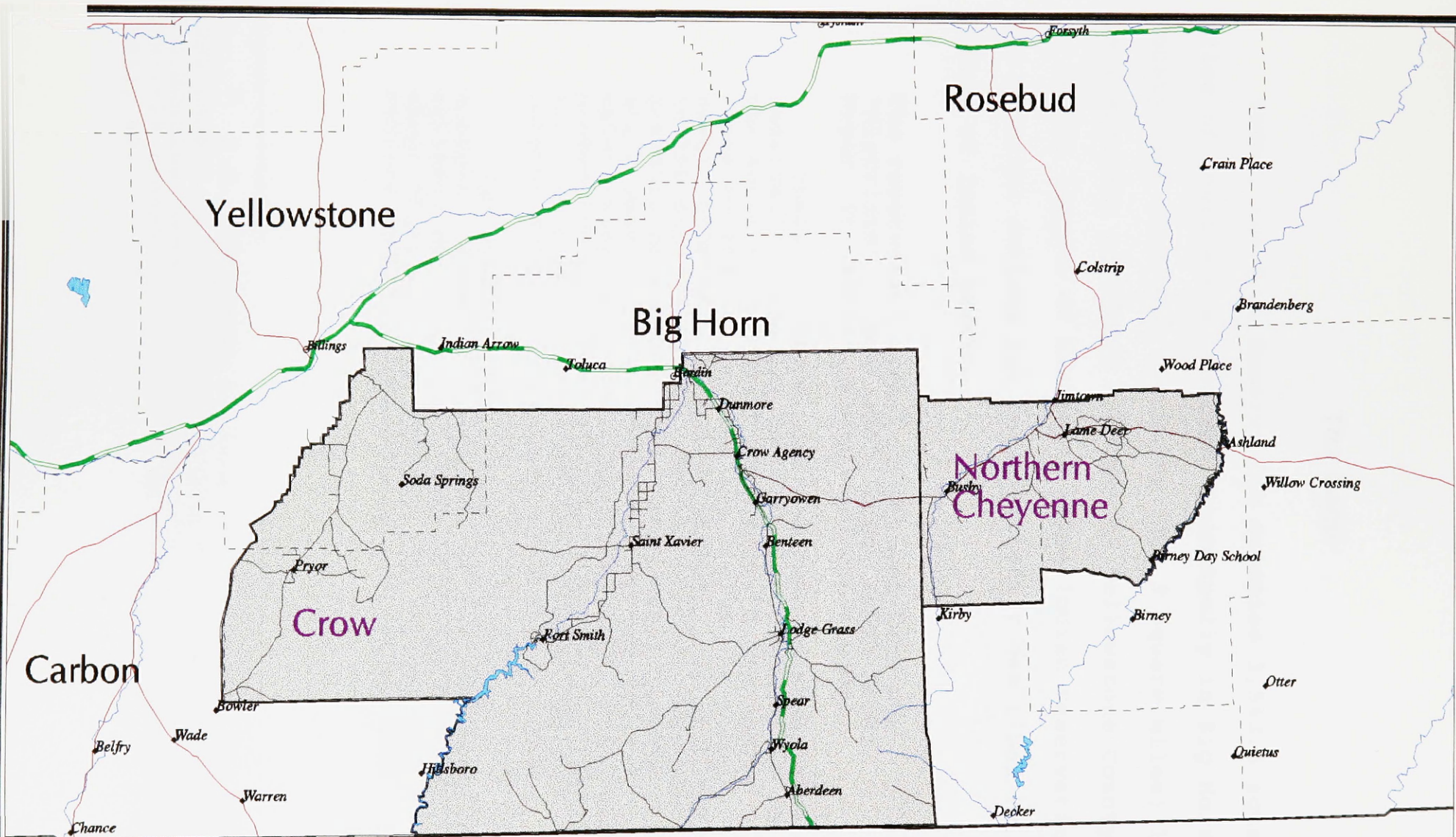


Fig. 2





**Crow and Northern Cheyenne Reservations**

Map #96nris248a - 2/12/96

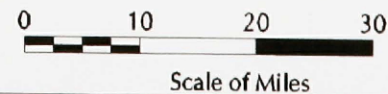


Fig. 3

## The Land

Today, the Crow Reservation occupies 3,543.5 square miles of southcentral Montana, principally in Big Horn County, but with some territory (358.9 square miles) located in a sparsely populated quadrant of Yellowstone County.<sup>11</sup> It is the largest of Montana's seven Indian reservations. The physical setting has been succinctly described by the Bureau of Indian Affairs:

The reservation itself is divided into six "districts". These are: Reno, Lodge Grass, Pryor, St. Xavier, Wyola, and Black Lodge.

There are three main mountainous areas on the reservation, the Big Horn and Prior Mountains to the south and the Wolf Mountains to the east. These mountains, meeting the plains and range areas, produce a varied topography. In addition to the high mountains, the reservation includes gravelly or stony slopes, broad hilltops with soils generally capable of supporting and maintaining excellent vegetative cover, level and productive irrigated valleys along the Big Horn and Little Horn Rivers and Pryor Creek, deep canyons and extensive areas of rolling plateau.

The nearest service center is Hardin, Montana, immediately adjacent to the reservation's northern boundary. Billings, Montana, located about 60 miles northwest, is the largest urban service center in the area of the reservation.

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<sup>11</sup> U.S. Department of Commerce, Bureau of the Census, 1990 Census of Population and Housing: Summary Population and Housing Characteristics, Montana, Series Number 1990 CPH-1-28 ([Washington, D.C.]: Government Printing Office, 1991), 69.

The overall climate of the area is considered semiarid.<sup>12</sup>

In relating the people to the land, one notes that the Crow Reservation is sparsely populated, with only 1.797 persons per square mile. The reservation population is clustered in two areas: astride Interstate Highway 90 (e.g., Crow Agency, Lodge Grass, Wyola, and Aberdeen) and in the valley of the Big Horn River (e.g., Saint Xavier and Ft. Smith). Pryor is the only community on the western side of the reservation. The town of Lodge Grass is the only incorporated community within the reservation.

In commenting on ownership of this land, Professors Lopach, Brown, and Clow have noted,

The Crow Tribe itself owns 18 percent of the reservation acreage, while members of the tribe hold 50 percent of acreage through individual allotments. Non-Indians own 32 percent of the land within the reservation boundaries.

The non-Indian presence on the Crow reservation extends beyond white land ownership. Approximately three-fourths of the land owned by individual tribal members is leased to non-Indian agricultural operators, primarily ranchers.<sup>13</sup>

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<sup>12</sup> Department of the Interior, Bureau of Indian Affairs, Planning Support Group, American Indian Tribes of Montana and Wyoming, Report no. 262, (Billings, Montana, 1978), 38.

<sup>13</sup> Margery Hunter Brown, Richard L. Clow, James J. Lopach, Tribal Government Today. (Boulder: Westview Press, 1990), 57.

Note: In the following sections, some of the data presented are available only for the Crow Reservation and Trust Lands. The Trust Lands comprise 30.6 square miles of tribal property outside the boundaries of the reservation, in Big Horn County (5.7 square miles), Treasure County (22.5 square miles), and Yellowstone County (2.5 square miles).<sup>14</sup> The population of the Trust Lands is four people. For gross analytical purposes, data for the Crow Reservation and Trust Lands and the Crow Reservation are interchangeable.

### **The People**

In 1990, the Crow Reservation was home to 6,366 persons, with 6,066 residing in Big Horn County and 300 residing in Yellowstone County.<sup>15</sup> These residents identified themselves as belonging to the following racial categories<sup>16</sup>:

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<sup>14</sup> Census, 1990 Census of Population and Housing: Summary Population and Housing Characteristics, Montana, 69.

<sup>15</sup> Census of the Population and Housing, 1990: Summary Tape File 2B, Part A (Montana)[machine-readable data files]/prepared by the Bureau of the Census. - Washington: The Bureau [producer and distributor] 1991. "Profile #1 - Characteristics of the Population."

<sup>16</sup> In census reporting, racial and tribal characteristics are based upon self-identification by the respondents. Self-identification may, or may not, be consistent with legal definitions cited earlier in this study and/or with data derived from tribal rolls.

Table 1. -- Racial Characteristics of Residents as a Percentage of Total Crow Reservation Population

Race	Absolute Numbers	Pct of Population
American Indian *	4,724	74.2
White	1,603	25.2
Black	12	00.2
Asian/Pacific Is.	8	00.1
Other Races	19	00.3

Note: \* presented in the census using the category "American Indian/Eskimo/Aleut"; however, no Eskimos or Aleuts were identified in this decennial census on the Crow Reservation.

Table 2. -- Identification by Tribe as a Percentage of All American Indians residing on the Crow Reservation

Tribal Categories	Absolute Numbers	Pct of Population
Crow	4,227	66.4
Cheyenne	78	1.2
Sioux	51	.8
Chippewa	20	.3
Blackfoot	19	.3

Note: Other tribes representing smaller percentages of the population and those respondents not specifying a tribe have been omitted.

Crows constituted 89.48% of the American Indians residing on the Crow Reservation.<sup>17</sup>

<sup>17</sup> Ibid.

## Age of Population

The relative "age" of a community often dictates the type and volume of services that the community will require. The presence of infants within a community supposes requests for maternal and infant care services (e.g., Women, Infants, and Children Program [WIC]; Montana Initiative for the Abatement of Mortality in Infants [MIAMI]). Children must be educated (e.g., Head Start, primary and secondary education). The elderly often require state services related to the provision of geriatric care (e.g., Veteran's Nursing Home, Office on Aging). In addition to these services, an imbalanced ratio of the young and/or elderly to the economically productive portion of the population demands another group of programs associated with the abatement of poverty (e.g., AFDC or Aid to Families with Dependent Children).

Table 3: -- Median Age of the Population

All Races				Indian/E./A.		
	Total	M	F	Total	M	F
Montana	33.8	33.1	34.6	23.0	21.7	24.2
Big Horn County	28.1	27.0	29.2	21.4	19.6	22.8
Custer County	35.5	34.2	36.9	18.1	17.2	27.3
Treasure County	36.3	35.9	36.7	0	0	0
Crow Res. & Tst.	25.6	--	--	21.8	19.6	23.6



Table 4: -- Percent of Population by Age

Age Group	All Races		Indian/Eskimo/Aleut	
	Montana	Crow Reserv.	Montana	Crow Reserv.
Under 5	7.42	11.11	12.90	12.38
5 to 9	8.18	11.68	12.21	13.08
10 to 14	7.87	10.82	10.75	12.34
15 to 19	7.11	8.82	9.51	9.63
20 to 24	5.98	6.56	7.75	7.09
17 & Under	27.80	39.28	41.70	44.01
18 & Over	72.20	60.72	58.30	55.99
62 & Over	15.88	7.30	5.94	4.85

Table 5: -- American Indian/Eskimo/Aleut Population By Age as Percentage of Total Population of Crow Reservation and Trust Lands

Age Groups	Pct. of Total
Under 5	9.18
5 to 9	9.70
10 to 14	9.15
15 to 19	7.14
20 to 24	5.26
17 & Under	58.48
18 & Over	41.52
62 & Over	3.59

The median age of the American Indian population residing on the Crow Reservation and Trust Lands is 12.0

years less than that of the general populace of Montana. The median age of the comparison counties (i.e., Custer and Treasure) more closely approximates the state's median age than that of either Big Horn County or the Reservation. Of all residents of the Crow Reservation and Trust Lands, 58.48 percent were American Indian and age seventeen or younger. While 15.88 percent of Montanans were age 62 and older, only 4.85 percent of the American Indians residing on the Crow Reservation and Trust Lands attained that age.<sup>18</sup> It is not within the scope of this study to examine the causes of this age distribution; however, it is appropriate to note that these demographic characteristics are consistent with a demand for youth and poverty related services and the absence of a significant demand for services for the aged.

## Households

### Types of Households

The Bureau of the Census categorizes residential settings as being households (family or non-family) or group quarters. Family households are composed of a householder and one or more persons living in the same household who are

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<sup>18</sup> Census of the Population and Housing, 1990: Summary Tape File 2 (Montana)[machine-readable data files]/ prepared by the Bureau of the Census. - Washington: The Bureau [producer and distributor] 1991. "Special Profile #1 - Age and Sex by Race". Median shown on processed document; percentages calculated by author from the absolute census numbers.

related to the householder by birth, marriage, or adoption. A householder "includes, in most cases, the person or one of the persons in whose name the home is owned, being bought, or rented...." Family households may be either a "married couple" or "other family - male/female householder" (e.g., a single parent). Non-family households are either a householder living alone or with non-relatives.

Table 6: -- Percentage of Persons Residing in Each Household Type

Pct. Household Type	Crow Res.	Montana	Custer	Treasure
Family	95.1	83.3	82.3	90.2
Non-family	4.2	13.7	14.5	9.8
Group	0.6	3.0	3.2	0.0

Table 7: -- Percentage of Persons Residing in Family Households

Pct. Family Type	Crow Res.	Montana	Custer	Treasure
Married	83.9	81.6	78.8	91.9
Other Family	16.1	18.4	21.2	8.1
Male Householder	1.8	3.6	4.9	2.0
Female Householder	14.3	14.8	16.4	6.1

As shown in Table 6, 95.1 percent of the persons on the Crow Reservation reside in family households, 4.2 percent in

non-family households, and 0.6 percent in group quarters.<sup>19</sup> There are 1,447 families on the reservation.<sup>20</sup> On the reservation, the mean number of persons per household is 4.37 and the mean number of persons per family is 4.62.<sup>21</sup> By contrast, in Montana, the mean number of persons per household is 2.53 and the mean number of persons per family is 3.08.<sup>22</sup>

As shown in Table 7, of the family households which include their own children age 17 and younger, 83.9 percent of the householders are married couples and 16.1 percent are other families. In the "Other Family" category, 1.8 percent of the families are led by a male householder (spouse not present) and 14.3 percent are led by a female householder (spouse not present).<sup>23</sup> By comparison, the reservation has a higher percentage of family households than does the state or Custer County. The reservation also has a slightly

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<sup>19</sup> Census of the Population and Housing, 1990: Summary Tape File 3A (Montana)[machine-readable data files]/ prepared by the Bureau of the Census. - Washington: The Bureau [producer and distributor] 1992. "Profile 06 - Population: Ancestry/ Household Type and Relationship/Families, Subfamilies, and Marital Status", Tapes P17/18/40.

<sup>20</sup> Ibid., Tape P4.

<sup>21</sup> U.S. Department of Commerce, Bureau of the Census, 1990 Census of Population, General Population Characteristics, Montana ([Washington, D.C.]: Government Printing Office, 1992), 176.

<sup>22</sup> Ibid., 3.

<sup>23</sup> Census, STF 3A, Tape P23.

higher percentage of married couple households than those two entities.

### Household Property

An understanding of the ownership of real property and significant depreciable property (e.g., motor vehicles) provides insight into the utilization of services related to those types of assets.

#### Dwellings

There are 2,088 housing units on the Crow Reservation, of which 1,673 are occupied. Indians occupy 1,077 of these dwellings, with 653 being occupied by owners (owner specified mean value = \$40,000) and 424, by renters (mean contract rent = \$122). Of the 1,077 units occupied by Indians, 978 are family households and 99 are non-family households.<sup>24</sup>

Table 8: -- Unit Value of Owner-occupied Housing

Unit Value (All)	Crow Res.	Montana	Custer	Treasure
Mean Value	37,518	61,316	41,039	36,491
Median Value	34,400	56,500	36,600	34,700

Table 8 is based upon sampling data for the value of all owner-occupied housing units in each entity. It reveals

<sup>24</sup> Census, 1990 Census of Population and Housing: Summary Population and Housing Characteristics, Montana, 69.

that reservation housing is valued below that of the state, but it is comparable to that of the comparison counties.<sup>25</sup>

### Vehicles

Table 9: -- Percent of Occupied Housing Units with Vehicle Available

Vehicles	None	1 or More
Crow Reservation	5.1	94.9
Montana	6.7	93.3
Custer County	7.4	92.6
Treasure County	5.0	95.0

Table 10: -- Percentage, by Race, of Occupied Housing Units on Crow Reservation with Vehicle Available

	White		Indian	
	None	1 or More	None	1 or More
Crow Reservation	0.2	36.0	4.9	58.4

Among occupied housing units on the reservation, 94.9 percent of the respondents sampled had one or more vehicles available to them, while 5.1 percent of the respondents had no vehicles available. This overall availability rate is comparable to that of the state and the comparison counties. Of the occupied housing units on the reservation, 58.4

<sup>25</sup> Census, STF 3A, "Profile 19 - Housing: Tenure/Value/ Utilities/Vehicles Available", Tapes H61/62.

percent were occupied by Indians with access to one or more vehicles.<sup>26</sup> Considered from another perspective, 92.28 percent of the dwellings occupied by Indians on the Crow Reservation had one or more vehicles available to the residents.

Table 11: -- Mean of Available Vehicles at Occupied Housing Units

	Crow Res.	Montana	Custer	Treasure
Total	1.88	1.95	1.86	2.22
Owner	2.04	2.21	2.15	2.45
Renter	1.58	1.41	1.28	1.79

A sampling of vehicles available at occupied housing disclosed that the mean of available vehicles is only slightly less on the reservation than throughout Montana and that the mean availability on the reservation falls in between that of Custer and Treasure Counties.<sup>27</sup>

Since the vehicle availability rate for residents of the Crow Reservation, whether white or Indian, is comparable to that of the general populace of Montana, it is logical to assume that the reservation population contains a comparable proportion of drivers. Whether these vehicle operators drive only on the reservation cannot be conclusively

<sup>26</sup> Ibid., Table H39/40.

<sup>27</sup> Ibid., Tape H37/38.

determined; however, information contained in the "Economy" subsection strongly intimates that they do not. The absence of essential services on the reservation indicates the need to travel to nearby off-reservation service centers such as Hardin and Billings. State services, such as vehicle and operator licensing, grant access to state roadways and are not based upon the frequency of operation over those roadways. One may assume that reservation residents, regardless of race, do use these services at a comparable rate to other Montanans.

## Education

The relative level of education within a community often dictates the type and volume of services that the community will require. A correlation exists between the overall degree of literacy and/or technical proficiency within the community and the type of industrial activities that the community is able to attract and sustain.

Table 12: -- Educational Attainment by Persons 25 Years and Over

Presentation: Highest educational level achieved as a percentage of each group.

Primary	Reservation All Indian	Montana	Custer	Treasure	
No school or <1yr	0.36	0.37	0.43	0.81	0
1st - 4th Grade	0.00	0.00	0.41	1.66	0.35
5th - 8th Grade	10.24	9.49	7.26	9.38	6.68

Indian = American Indian/Eskimo/Aleut



Secondary	Reservation All Indian		Montana	Custer	Treasure
9th Grade	5.29	7.29	2.21	2.59	1.05
10th Grade	4.12	5.46	3.10	2.96	2.11
11th Grade	2.64	4.03	2.84	2.58	3.34
12th, No Diploma	4.57	3.53	2.75	2.89	1.41
H.S. Grad. incl Equivalency	24.15	20.86	33.49	32.31	41.12

College	Reservation All Indian		Montana	Custer	Treasure
Some College, no Degree	32.71	37.83	22.10	20.34	25.48
Associate Degree (Occupational)	3.48	3.21	3.67	5.30	3.16
Associate Degree (Academic)	1.35	1.28	1.95	3.17	2.11
Bachelor's Degree	8.38	5.27	14.10	13.28	10.90

Graduate	Reservation All Indian		Montana	Custer	Treasure
Masters degree	1.89	1.38	3.55	1.71	1.93
Professional degree	0.18	0	1.45	0.86	0.35
Doctorate degree	0	0	0.69	0.16	0

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Table 12 describes the highest level of education attained by persons 25 years old and older residing in Montana, in the comparison counties, and on the Crow

Reservation.<sup>28</sup> Except for the category of those holding a primary education and no higher, Crow Reservation residents, as a group, consistently achieved a lower percentage of educational attainment than that of the all race population of Montana or the comparison counties. If non-Indian residents of the reservation are considered alone, their educational performance is comparable to the all race population of Montana and the comparison counties.

The category of persons 25 years old and older constitutes the most economically productive portion of each geographic entity's population. Their level of educational attainment is a valid measure of each entity's industrial potential. What these data do not reflect is the loss to the community that occurs when a member achieves an educational level and departs that community because of the lack of employment opportunities or other reasons.

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<sup>28</sup> Census of the Population and Housing, 1990: Summary Tape File 4B, Part B (Montana)[machine-readable data files]/ prepared by the Bureau of the Census. - Washington: The Bureau [producer and distributor] 1993. "Education/ Language Profile 03 - "Sex by Age by School Enrollment, Educational Attainment, and Employment Status", Tape PB44.

Table 13: -- Percentage of Persons Enrolled in School

Universe: Persons 3 years and over

Age Groups	Crow Res.				
	All	Indian	MT	Custer	Treasure
3 and 4 years	45.06	46.19	19.23	11.71	20.83
5 and 6 years	76.38	76.53	75.21	66.67	79.17
7 to 9 years	93.59	95.06	96.38	97.71	100.00
10 to 14 years	100.00	100.00	97.03	98.37	95.89
15 to 17 years	84.93	84.10	94.02	92.87	100.00
18 and 19 years	66.84	61.33	69.60	70.80	81.25
20 to 24 years	17.37	22.15	36.03	20.69	7.50
25 to 34 years	16.48	16.53	10.53	8.66	6.09
35 years & over	7.75	10.79	3.63	3.93	1.10

Table 13 reflects school enrollment in each of the entities with enrolled students being a percentage of the total number of persons surveyed within each age group.<sup>29</sup> Three anomalies exist concerning these data as they pertain to the residents of the Crow Reservation and to Indians residing on the reservation. First, residents of the reservation are enrolled in preprimary schools to a significantly greater degree than are members of the all race population of Montana or the comparison counties. Of

<sup>29</sup> Census, STF 4B, Part B, "Education/Language Profile 02 - "Language Spoken at Home by Age, Linguistic Isolation by Age, and School Enrollment by Sex and Age and Type of School", Tape PB42.

the 179 students surveyed who resided on the reservation and attended preprimary school, 165 were Indian. Of those 165 Indians, 89.7 percent attended public schools.<sup>30</sup> Second, in the 15 to 17 year age group, a drop of approximately 10 percentage points is noted when comparing enrollment on the reservation to comparison groups. This observation is consistent with the number of reservation residents having attained some secondary education, but not holding a high school degree. Third, residents of the reservation are enrolled in adult education to a significantly greater degree than are members of the all race population of Montana or the comparison counties.

Table 14: -- Percentage of Persons Enrolled in College

Universe: Persons 18 years and over

Age Groups	Crow Res. All	Indian	Montana	Custer	Treasure
18 to 24	17.63	16.29	35.28	21.00	12.50
25 and older	9.55	11.46	5.06	4.92	2.11

Table 14 reflects college enrollment in each of the entities with enrolled students being a percentage of the

<sup>30</sup> Census, STF 4B, Part B, "Education/Language Profile 02 - "Language Spoken at Home by Age, Linguistic Isolation by Age, and "School Enrollment by Sex and Age and Type of School", Tape PB41.

total number of persons surveyed within each age group.<sup>31</sup> Residents of the Crow Reservation are enrolled in college as "traditional students" to a lesser degree than are members of the all race population of Montana or Custer County. Residents of the Crow Reservation are enrolled in college as "non-traditional students" to a greater degree than are members of the all race population of Montana or the comparison counties. It should be noted that these data may be affected by the presence of Little Big Horn College on the Crow Reservation and Miles Community College in Custer County.

## Income

Table 15: -- Per Capita Income (1989)

	Crow Res.	Montana	Custer	Treasure
All Persons	5,701	11,213	10,310	10,244
White	9,848	11,634	10,393	10,340
Indian/E/Aleut	4,243	5,422	4,489	9,011

In 1989, the per capita income for all persons residing on the Crow Reservation was approximately half that of the state or of the comparison counties. However, the per

<sup>31</sup> Census, STF 4B, Part B, Tape PB43.

capita income of white residents of the reservation closely resembled that of the comparison entities.<sup>32</sup>

Table 16: -- Mean and Median Income (1989)<sup>33</sup>

	Crow Reservation		Montana	
	Mean	Median	Mean	Median
Households	21,221	17,153	28,773	22,988
Families	22,247	18,666	33,358	28,044
Non-family House.	14,647	10,441	17,452	12,502

Table 17: -- Percentage of Persons below Poverty Level by Race (1989)

Universe: Persons for whom poverty status is determined

	Total	White	Indian/E/A
Crow Res.	41.7%	18.1	50.0
Montana	16.1	14.0	46.1
Custer	16.5	16.6	18.6
Treasure	15.8	14.9	75.0

In 1989, the percentage of all persons residing on the Crow Reservation, who were determined to be below the federally established poverty level, was significantly greater than that of the state or the comparison counties.

<sup>32</sup> Census, STF 3A, Tapes P114/115/116.

<sup>33</sup> Ibid., Tape P80/81/107/108/110/111.

White residents of the reservation also fared worse than their counterparts residing in the comparison entities.<sup>34</sup>

Table 18: -- Percentage of Families below Poverty Level (1989)

Family Types	Crow Res. All Indian		MT	Custer Treasure	
<u>Married Couple</u>	25.77	34.58	6.67	7.45	14.57
▶ HS Graduate	_____	_____	_____	_____	_____
▶ Non-graduate	37.79	46.01	12.26	15.11	None
<u>Other family</u> Male Householder (No wife)					
▶ HS Graduate	19.51	30.77	18.67	23.19	50.00
▶ Non-graduate	40.54	65.22	26.47	37.84	None
<u>Other family</u> Female Householder (No husband)					
▶ HS Graduate	65.10	62.59	35.74	37.15	31.25
▶ Non-graduate	93.44	93.44	56.47	47.06	100.0

<sup>34</sup> Ibid., Tapes P119/120.

## The Economy

In considering economic activity on the reservation, and the types and volume of state services that may be associated with that sphere, it is helpful to examine the topic of employment. Employment may be examined from four perspectives: employment status, industry, class of worker, and place of employment.

### Employment Status

Table 19: -- Percentage of Unemployment Among the Members of Each Ethnic Group for Persons 16 Years and Over Residing on the Crow Reservation

Ethnicity	Total	Males	Females
All Persons	30.4	31.2	29.3
White	5.1	3.9	6.7
Indian	44.0	45.5	42.1
Black	0	0	0
Asian	0	0	0
Other	0	0	0
Hispanic	0	0	0

Note: The total sample consisted of 4,147 residents of whom none were in the armed forces, 2,376 were in the civilian labor force, and 1,771 were not in the labor force. Persons not in the labor force are those persons 16 years old or older who are not actively seeking work. Among others, this category typically includes students, homemakers, retirees and the elderly who are not employed at least part-time.<sup>35</sup>

<sup>35</sup> Census, STF 3A, Tapes P70/71/72.



Of the 4,147 persons sampled on the Crow Reservation, 61.5% worked in 1989 and 38.5% did not work in that year. By comparison, in the same year, 71.6% worked and 28.4% did not work in Montana; 70.4% worked and 29.6% did not work in Custer County; and 77.4% worked and 22.6% did not work in Treasure County.<sup>36</sup>

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<sup>36</sup> Ibid., Tape P79.

## Employment by Industry

Table 20: -- Percentage of All Employed Persons 16 Years and Over  
Employed in Each Industry

U.S. Standard Industrial Classification [SIC Codes]

	Crow Res. All Indian		Montana	Custer	Treasure
Agriculture/ Forestry/ Fisheries	20.3	13.0	9.6	12.1	44.9
Mining	2.5	3.2	1.6	0.1	1.4
Construction	5.1	6.2	5.8	5.6	6.7
Manufacturing	3.4	5.3	7.6	3.9	2.6
Transportation	2.2	1.4	4.7	5.8	3.8
Communications/ Public utilities	1.8	0.8	2.7	1.9	3.3
Wholesale Trade	1.9	1.3	3.7	3.3	2.1
Retail Trade	14.5	10.6	19.4	19.0	10.9
Finance/ insurance/ real estate	2.5	0	5.0	4.8	2.4
Services	37.2	43.6	34.4	36.4	19.0
► Professional	30.4	38.2	25.4	29.6	14.7
► ► Health	9.5	14.0	8.6	13.0	3.3
► ► Educational	14.0	17.9	10.1	10.8	9.7
Public administration	8.8	14.1	5.6	7.0	2.9

Sample Data:

N = 1,653 865 350,723 5,351 421

This table reflects the percentage of employed persons working in each industrial category for the state, the two comparison counties, and the Crow Reservation. It further

reflects the percentage of Indians employed within each industry as a part of the total Indian labor force residing on the Crow Reservation.<sup>37</sup>

Table 21: -- Five Categories or Subcategories Employing the Largest Percentage of Workers Residing on the Crow Reservation

	#	Pct	Rank
Agriculture/Forestry/Fisheries	336	20.3%	1
Retail Trade	239	14.5	2
Services			
Professional services			
Educational services	232	14.0	3
Health services	157	9.5	4
Public administration	145	8.8	5
N = 1,653 (Total sampled)			

The five categories or subcategories employing the largest percentage of workers residing on the reservation are, in descending order:

▣ *Agriculture/Forestry/Fisheries* (20.3% of employed persons)

It is not surprising that agriculture is the most prominent industry of employment for all persons, given the topography of the reservation. Of the 1,653 residents sampled, 308 worked in agricultural production, none in agricultural services, and 28 in forestry and fisheries. Of Crow Reservation residents employed in agricultural production, 29.2 percent are Indian.

<sup>37</sup> Census, STF 3A, Tape P77 and STF 4B Part B, Tape PB61.

▫ *Retail Trade* (14.5% of employed persons)

Of the residents sampled, 239 persons were employed in retail trade. In descending order of the dominant subgroups, these employees worked in:

- eating and drinking establishments (36.4% of retail),
- food, bakery, and dairy stores (16.7%),
- gasoline service stations (10.9%), and
- building materials and hardware and garden stores (7.5%).

These types of employment are indicative of activities with a short "range of the good" (i.e., activities for which the consumer is willing to travel only a short distance to obtain the service). They represent neighborhood enterprises. This hierarchy is also consistent with having most of the reservation's population centers clustered along an interstate highway. Conversely, almost no activity is present on the reservation in the areas of apparel and accessory stores (including shoes), home furnishing and equipment stores, or general merchandise stores. The demand for these services is probably minimal because of the small consumer population and the service's greater range of the good. People are willing to travel to Hardin or Billings for these purchases. American Indians constituted a significant portion of those employed in retail trade:

- eating and drinking establishments - 40.2%
- food, bakery, and dairy stores - 65 %
- gasoline service stations - None
- building materials and hardware and garden stores - 55.6%

▫ *Professional Services*

▫▫ *Educational Services* (14.0% of employed persons)

Of the residents sampled, elementary and secondary schools employed 197 workers (145 government and 52 private sector workers or 84.9% of educational services employees). The remaining 35 persons sampled were employed by colleges and universities.<sup>38</sup> Several public schools, located in communities on the reservation, provided opportunities for employment: Crow Agency (K-8 school of the Hardin School District), Lodge Grass (K-12), Wyola (K-8), and Pryor (K-12). Little Big Horn College is also located at Crow Agency.<sup>39</sup> American Indians constituted a significant portion of those employed by elementary and secondary schools (60.9%) and by colleges and universities (100%).

▫▫ *Health Services* (9.5% of employed persons)

Of the residents sampled, hospitals employed 102 workers (65%), while health services other than hospitals employed the remaining 55 persons.<sup>40</sup> The Indian Health Service provides both in and out-patient services at the Crow Agency Hospital.<sup>41</sup> American Indians constituted 74.5

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<sup>38</sup> Census, STF 4B, Part B, Tape PB61.

<sup>39</sup> Mr. Bob Parsley, interview by author, notes, Office of Public Instruction, Helena, Montana, March 13, 1996.

<sup>40</sup> Census, STF 4B, Part B, Tape 61.

<sup>41</sup> Bureau of Indian Affairs, American Indian Tribes of Montana and Wyoming, 39.

percent of those employed in hospitals and 81.8 percent in other health services.

▫ *Public Administration* (8.8% of employed persons)

Of the residents sampled, fourteen workers were employed in providing justice, public order, and safety services and 131 public administrators provided "other" services (90.3%). American Indians constituted a significant portion of those employed in justice, public order, and safety services (100%) and "other" public administration (82.4%).<sup>42</sup>

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<sup>42</sup> Census, STF 4B, Part B, Tape PB 61.

## Classes of Worker

Table 22: -- Percentage of Employed Persons 16 Years and Over in Each Class of Employment

		Crow Res. All	Indian	Montana	Custer	Treasure
Private Wage & Salary						
▶ For-profit		37.9	28.1	58.6	52.9	51.5
▶ Not-for-profit		9.1	10.4	7.1	7.9	3.6
Government Workers		35.3	50.8	20.0	24.3	17.8
▶ Local		16.6	22.1	8.4	9.6	13.1
▶ State		3.7	4.2	6.8	7.8	1.2
▶ Federal		15.0	24.5	4.9	6.8	3.6
Self-Employed Workers		15.9	10.8	13.2	13.5	24.9
Unpaid Family Workers		1.8	0	1.0	1.5	2.1

Sample data:      N =    1,653      865    350,723    5,351      421

Note 1: Local government workers include school system and tribal employees.

Note 2: Data anomalies - Treasure County. First, the unusually high percentage of local government workers found in Treasure County (i.e., 55 of 421) may be attributed to the minimum number of workers necessary to perform public functions in any county (e.g., elected officials, public safety, road maintenance, education) and the low population of that county. Second, the unusually high percentage of self-employed workers in Treasure County appears to be consistent with the dominant role that agriculture plays in that small community.

Table 22 depicts, within each geographic entity, the percentage of workers employed within the various classes of employment. With the exception of two anomalies, the data for the state and two comparison counties are fairly consistent. By contrast, the percentage of persons residing on the reservation who are employed in the private wage and salary class is unusually low, and the percentage of reservation residents working in the public sector is unusually high.

Data for the Crow Reservation reveal several trends concerning the classes of employers of Indians. First, by far, the largest employer of Indians is the government, with 50.8 percent of employed Indians working in the public sector. This class of employment is divided almost equally between the local (e.g., town, county, tribal, school district) and federal governments. From another perspective, of all reservation residents employed by local government, 69.45 percent are Indian. Of all reservation residents employed by the federal government, 85.48 percent are Indian. Second, Indians are involved in the "for-profit" sector at a significantly lesser rate than the general population in the state or the two comparison counties. Third, in agriculture, the largest single industry on the reservation, Indians constitute 17.7 percent of the private wage and salary for-profit employees and 42 percent of the self-employed workers. Conversely, non-



Indian residents constitute 82.3 percent of the private wage and salary for-profit employees and 57.8 percent of the self-employed workers. Of the private wage and salary for-profit employees in agriculture, 7.96 percent are employed by their own corporations. All of these owners are non-Indians.<sup>43</sup> Considering the percentage of Indians in the reservation population, Indians are significantly underrepresented in agriculture. These comments concerning percent of participation versus percent of population must take into consideration, to some degree, the unusually low median age of the Indian community and the implications that it has for determining the potentially productive portion of their community.

### Place of Employment

Having considered the status, types, and classes of employment for the various ethnic groups residing on the Crow Reservation, it is also important to examine whether these persons are employed on or off of the reservation. The previous chapter and the Appendices show that, for Indians, the location of employment is frequently a determining factor in questions of state regulation and taxation.

The question of place of employment for residents of the reservation cannot be considered directly because the

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<sup>43</sup> Census, STF 3A, Tape P79 and STF 4B, Tape PB62.

specific question has not been asked. However, two census reports do provide an inference.

Table 23: -- Place of Work Destinations for American Indians, Eskimos, and Aleuts Residing in Big Horn County

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Entity	Percent
City of Billings	6.0
City of Hardin	9.0
Town of Lodge Grass (Reservation)	4.2
Remainder Big Horn County	63.9
Treasure County	1.1
Rosebud County	12.9
Elsewhere	2.9

Note: The City of Hardin and Town of Lodge Grass are the only incorporated municipalities in Big Horn County.<sup>44</sup>

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<sup>44</sup> Census of the Population and Housing, 1990: Summary Tape File 420 (Montana)[machine-readable data files]/ prepared by the Bureau of the Census. - Washington: The Bureau [producer and distributor] 1992. "Place of Work 20 Destinations File", "Profile 01- Race and Hispanic Origin By Place of Work", Tapes P3/4/5.

Table 24: -- Time Required to Commute to Work

Universe: Workers age 16 and over who reside on the Crow Reservation

▣ Worked at Home	All Persons 193	Indians 78
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▣ Worked Outside Home	1387	734
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Duration of Travel	All Persons	Indians
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Less than 5 minutes	149 (10.7%)	89 (12.1%)
5 to 10 minutes	489 (35.3%)	262 (35.7%)
10 to 14 minutes	179 (12.9%)	53 ( 7.2%)
15 to 19 minutes	98 ( 7.1%)	54 ( 7.6%)
20 to 24 minutes	75	24
25 to 29 minutes	15	11
30 to 34 minutes	200	94
35 to 39 minutes	13	13
40 to 44 minutes	0	0
45 to 59 minutes	70	48
60 to 89 minutes	63	50
90 minutes or more	36	36

Of the 1,580 employed reservation residents sampled, 1,387 or 87.8 percent commuted to work and 12.2 percent were employed in their homes. Of the total respondents sampled, 812 workers were Indian and, within that racial group, 90.4

percent commuted to work and 9.6 percent were employed in their homes.

Of all commuters, 66 percent travelled less than 20 minutes to work. Of Indian commuters, 62.6 percent travelled less than 20 minutes to work. Considering those employed within their homes with this group, 70.1 percent of all workers and 66 percent of Indian workers were within less than twenty minutes of their place of employment.<sup>45</sup>

Given the location of population clusters within the reservation and the relative position of places of employment outside of the Crow Reservation, there can be little question that most residents, including American Indians and residents who are members of the Crow Tribe, are employed on the Crow Reservation. This observation is completely consistent with the prominence of agricultural employment and with the significant role retail trade and certain professional services play in the reservation economy.

### Leasing of Land

In examining the economy of the Reservation as it pertains to the requirements for the delivery of state services, this study has focused on the industrial classifications and classes of employment of Indian and non-Indian residents. This approach obscures one vital aspect

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<sup>45</sup> Census, STF 4B - Part B, Tape PB37.

of the environment: the role individuals, Indian and non-Indian, play in the leasing of allotted and tribally owned lands. Anthropologist Joseph Medicine Crow has characterized today's Crow economy as being individually based on farming, livestock, and the leasing of lands, and as being communally based on timber sales and mineral leases.<sup>46</sup> This observation is in consonance with the statement by Lopach, Brown, and Clow that "Approximately three-fourths of the land owned by individual tribal members is leased to non-Indian agricultural operators, primarily ranchers." While only 13 percent of employed Indians residing on the reservation are agricultural, forestry, or fishery workers, these industries play a far greater role in the economic life of the Reservation than their small percentage of Indian employment would imply.

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<sup>46</sup> Joseph Medicine Crow, From the Heart of the Crow Country: the Crow Indians Own Stories (New York: Orion Books, 1992) 8.

## CHAPTER 4

### SUMMARY OF FINDINGS

The quest for a better understanding of the provision of state services to the residents of the seven reservations within Montana has highlighted the need for a model addressing the following essential questions:

- What is the range of services provided to the residents of the reservations?
- How are they delivered?
- Do these services differ in kind and magnitude from those provided to other citizens of the Treasure State?
- What intergovernmental problems arise from the delivery of these services?

A model has been constructed by the author and tested concerning the delivery of state services on the Crow Reservation. The results of that inquiry are contained in the Appendices of this study.

The thirteen appendices describe the range of services available from the respective departments and provide specific, detailed examples of their delivery to the residents of the Crow Reservation. Each departmental program also lists the on- and off-reservation workcenters used to deliver these services. Where appropriate, the author has provided a historical perspective concerning the

evolution of the programs. The following findings are based upon those appendices:

### **Range of Services Provided to the Residents of the Crow Reservation**

As Montanans, residents of the Crow Reservation are eligible to receive the entire range of services provided by the State of Montana. With certain notable exceptions, which are described later in these findings, the residents of the Crow Reservation have availed themselves of the entire range of these services.

### **How State Services Are Delivered**

Questions concerning the delivery of state services may be answered from two perspectives: the physical location of the delivery sites and the level of government that sponsors and/or administers the services provided by the State of Montana.

State services are physically delivered to residents of the Crow Reservation in the same manner in which they are delivered to other citizens throughout the state. Often these services are provided through local workcenters situated at the county seat. For example, the Big Horn County Office of Human Services in Hardin administers county-wide programs for the Department of Social and Rehabilitation Services (SRS). In some instances, local

workcenters are permanently situated on the reservation because they must be physically located close to the task being performed (e.g., Department of Transportation Lodge Grass Maintenance Facility; Chief Plenty Coups State Park). In other instances, local outreach services are provided through temporary offices periodically located on the reservation (e.g., the WIC Program Clinic in Pryor). More specialized services are frequently delivered through regional centers (e.g., Billings District Rehabilitative/ Visual Services Office; Small Business Development Center, Billings). Highly specialized services are dispensed through centralized operations at the capital (e.g., Institutional Conservation Program, Energy Division, Department of Natural Resources and Conservation) or through one-of-a-kind facilities located elsewhere in the state (e.g., State Grain Laboratory in Great Falls). In all of these delivery modes, reservation clients are served using the same methods as are used throughout the state.

The other perspective of "how" services are delivered pertains to the level of government which sponsors and/or administers the programs. As indicated in the "Program Funding and Expenditure" comments within the Appendices, the federal government funds a wide range of programs on the reservation and throughout Montana. Many of the human services programs are completely financed by our national government with the State of Montana being responsible for



the cost of administering the department (e.g., SRS, Dept. Health and Environmental Sciences). In other programs, such as those within the Department of Livestock, federal revenue is minimal. But, whatever the level of financial support provided by the federal government, the operative element of the programs is the State of Montana. In providing services at the local level, the State of Montana will occasionally subcontract service delivery through the county and, where applicable, the tribal government.

### **Do Services Differ in Kind and Magnitude from Those Provided to Other Citizens?**

Instances in which the State of Montana provides different services or different levels of service to the residents of the Crow Reservation than are generally provided to other Montanans may be attributed to legal constraints on the state or to environmental factors that dictate the unique needs of the reservation community.

#### **Legally Constrained Services**

Although the residents of the Crow Reservation are entitled to the same state services that are available to all Montanans, the State of Montana is legally constrained in providing these services when their provision entails compulsion by the state. In Chapter 2, these services were divided into those relating to the execution of criminal and civil law, taxation, and regulation.

The most visible of the legally constrained services are those pertaining to the administration of justice. Since Montana's courts do not have jurisdiction over Indians concerning activities occurring within the reservation, state services which could result in a fine, penalty, or confinement are carefully circumscribed. For example, the activities of the Montana Highway Patrol within the Crow Reservation are limited to providing first responder assistance for all persons and to conducting law enforcement activities concerning non-Indians. Similarly, the Gross Vehicle Weight Program of the Motor Carrier Services Division provides vehicle weight and safety compliance services on the reservation; however, officers will not issue citations for violations on the reservation if the operator or owner of a vehicle is an enrolled member of the Crow Tribe. Wardens of the Fish, Wildlife, and Parks Department protect reservation wildlife by enforcing Montana fish and game regulations on non-Indians within the reservation. Offenses committed by Indians are the responsibility of the US Fish and Wildlife Service and the Crow Tribal Wardens. In the area of human services, the Child Support Enforcement Program may alter its collection procedures when the issue of failure to provide financial support involves an Indian parent residing on the reservation. However, all residents of the Crow Reservation are not Indian, and, for the benefit of the entire

community, the State of Montana provides a full range of judicial services, when appropriate.

The State of Montana collects revenue through taxation for the administration of its programs and for disbursal to subordinate levels of government such as Big Horn County and the Town of Lodge Grass. Except in the limited circumstances described in Chapter 2, collection does not occur within the reservation. However, the Motor Fuels Program of the Department of Transportation does provide a service to the Crow Tribe by collecting all gasoline taxes on the reservation and refunding to the Tribe an equivalent portion based on the estimated consumption of gasoline on the reservation by enrolled tribal members who reside on the reservation. The State of Montana also provides a service to the Crow Tribe by licensing the vehicles of resident members without assessing the usual licensing fee. This service allows these vehicles to be operated off of the reservation. Of the 3,975 vehicles licensed by the State of Montana on the reservation, 58.21% of the owners claimed a tribal fee waiver.

The power of the State of Montana to regulate activities on the reservation varies greatly. As a practical matter, state regulation within Indian country occurs in three ways.

First, Montana may regulate the activities of non-Indians on the Crow Reservation if those regulations are not

preempted by federal law or they do not interfere with the ability of the tribal government to promulgate its own laws and to govern Indian residents by them. This study did not identify any state-wide regulatory standard which was not applicable to non-Indians on the reservation. Indirectly, these laws provide a service to all residents by assuring reservation businesses are operated in a safe, healthful, and honest manner.

Second, the authority of the State to regulate certain activities has been extended to Indians within the reservation by agreements with the federal government and the Crow Tribe. For example, the Montana Board of Oil and Gas Conservation has no jurisdiction over trust lands, but under a memorandum of understanding intended to provide consistency, the Board will conduct hearings concerning these lands and the federal Bureau of Land Management will issue orders on the matter. Also, the Agricultural and Biological Sciences Division, Montana Department of Agriculture, enforces state and federal pesticide regulations on the reservation. In the area of human services, the Department of Family Services provides child protective services on the reservation under a contract with the Crow Tribe.

The last way in which the State of Montana regulates activities within the Crow Reservation is by encouraging voluntary compliance with state programs. Submission to

certain state regulatory standards is largely an economic issue. For example, the State of Montana has no authority to compel Indian-owned businesses to comply with state-wide weight and measurement standards. However, the Weights and Measures Bureau routinely inspects and calibrates commercial scales and petroleum pumps on the reservation. The issue of compliance with state building codes is another matter. Throughout Montana, the state enforces minimum building, plumbing, mechanical, electrical, energy, and elevator codes. Voluntary acceptance of these codes by the Tribe and tribal members residing on the reservation is mixed. In at least two areas, the State will not provide otherwise available services unless an applicant agrees to related regulation by the State. Schools and Community Development Block Grant projects within the reservation must be constructed and maintained in accordance with state building codes.

This study identified only one area in which the State of Montana provides a non-judicial service, but the agency is prohibited from providing that service on the reservation. The responsibility for providing family planning services on the reservation is exclusively reserved for the Indian Health Service.

## Environmentally Influenced Services

Having established that Crow Reservation residents are

entitled to the entire spectrum of state services, albeit somewhat legally constrained, the question remains as to whether these services further differ in kind and magnitude from those provided to other citizens of the Treasure State. It appears that reservation residents, regardless of race, utilize state services based upon need, and, as throughout Montana, individual need is strongly influenced by environmental factors. These factors and the degree of atypical utilization of services are presented by budgeting categories.

## **General Government and Transportation**

### **Department of Transportation**

During the period 1972 - November 1992, over \$152,000,000 in highway construction was performed within the Crow Reservation by the Montana Department of Transportation. As documented in Chapter 3, there is ample reason to believe that reservation residents of all races have exercised their option of access to state highways to the same degree as other Montana drivers.

## **Human Services**

### **Department of Family Services**

In 1978, the federal Indian Child Welfare Act mandated that the tribal government had primary responsibility for protective services on the reservations. The contract between the Tribe and the Department of Family Services

(DFS) has been previously described in this study. The DFS also provides diagnosis, care, and rehabilitation services for juveniles committed to its care by the courts. Both Mountain View and Pine Hills Schools have been utilized by youth from the Crow Reservation.

#### Department of Health and Environmental Services

This study has primarily focused on the Family/Maternal and Child Health Bureau. As might be expected in a community with a median age that is 12 years less than that of the general populace of the state and with 58 percent of its predominant racial group being age seventeen and under, the demand for maternal and child related services is exceptionally high. The Department of Health and Environmental Services (DHES) administers the Montana Child Nutrition Program which provides reimbursement for meals consumed and training for staff at non-profit childcare centers, day care homes, Head Start programs, and outside-school hours programs. On-reservation facilities supported by DHES include the Head Start program and the childcare center at the Little Big Horn College. The DHES also administers the Supplemental Food Program for Women, Infants, and Children (WIC). The WIC program provided assistance to 648 low-income women on the reservation, 613 or 94.6 percent of whom are Indian.

### Department of Labor and Industry

In a community with 44 percent unemployment among the Indian civilian labor force, the primary responsibility for job assistance lies with the tribal employment office (TERO) of the Crow Tribe. The Job Service Division provides on-site assistance with job fairs and unemployment insurance claims training, as required. The Unemployment Insurance Division serves as the operative agent for dispensing benefits under the federal unemployment insurance program.

### Department of Social and Rehabilitation Services

In no place are the social demands of poverty more apparent than in the programs administered by the SRS. The Family Assistance Division, acting through the Big Horn County Office of Human Services, is the agency responsible for delivering the Aid to Families with Dependent Children (AFDC), General Assistance, food stamps, and Weatherization and Low-income Energy Assistance Programs (LIEAP). In the first six months of state fiscal year (SFY) 1992, 93.18 percent of AFDC benefits in Big Horn County were consumed by enrolled tribal members (note: 74.9% of the Indian residents of Big Horn County are Crow). The Medical Services Division is responsible for the Medicaid and State Medical programs which initially enroll clients through the Big Horn County Office of Human Services. In SFY92, residents of the Crow Reservation consumed 47.68 percent of the Medicaid benefits



in Big Horn County. This expenditure does not include Medicaid reimbursement paid to the Indian Health Service for services received in their facility. Since the Child Support Enforcement Program is required to open an initial inquiry on each family receiving AFDC benefits, the program is commensurately active on the reservation.

## Natural Resources and Commerce

### Department of Agriculture

Agriculture is the largest single industrial activity on the Crow Reservation. Residents employ state services in the training and licensing of pesticide applicators. The Plant Industry Division also inspects/licenses two seed dealers and a feed and fertilizer dealership on the reservation. In Hardin, which is within the reservation trade area, there are three commodity dealers/public warehousemen, six nurserymen, five seed dealers, and nine feed and fertilizer dealers that are inspected/licensed by the State of Montana. The reservation residents have not utilized the services of the Agricultural Development Division.

### Department of Commerce

In varying degrees, residents of the reservation have utilized the wide range of services provided by the Department of Commerce. However, two services have not been used on the Crow Reservation: the Health Facilities

Authority and the Montana Board of Housing. The former agency was created by the Legislature to assist eligible health care institutions in accessing the tax-exempt interest market. Since the reservation has relied upon the Indian Health Service for medical care, there has not been a need for financing private health care institutions on the reservation. The latter agency was created to help provide decent, safe, sanitary, and affordable housing for lower income individuals and families by assisting in the financing of single-family ownership and multi-family rental housing. This program has not been used on the Crow Reservation because the federal government has conducted parallel programs for Native Americans residing on reservations.

#### Department of Fish, Wildlife, and Parks

The Crow Reservation contains recreational opportunities associated with the Yellowtail Dam Reservoir and excellent fishing sites that are supported by the Department of Fish, Wildlife, and Parks (FWP). The FWP also has an extensive fisheries program within the reservation.

#### Department of Livestock

The grazing of livestock, which is industrially considered as being part of agriculture, is an economic mainstay of the reservation. Utilization of associated

services on the reservation appears to be consistent with this role.

#### Department of Natural Resources and Conservation

With one notable exception, residents of the reservation do use the entire spectrum of services available from the Department of Natural Resources and Conservation (DNRC). The exception concerns providing assistance to the Water Court. Although the Water Resources Division has actively assisted in regional adjudication, the Water Court has no jurisdiction internal to the reservation.

#### Department of State Lands

The Coal and Uranium Bureau of the Department of State Lands (DSL) has provided services to the Crow Tribe pertaining to the permitting of the Westmoreland Absaloka Mine; but that facility is located off of the reservation in the so-called "ceded strip". The Open Cut Mining Bureau does supervise the reclamation of sand and gravel pits on the reservation; however, their jurisdiction is limited to deeded lands. The Forestry Division has provided nursery and hazard reduction services and community programs for schools and parks on the reservation.

## Institutions and Cultural Education

### Department of Corrections and Human Services

The Department of Corrections and Human Services provides assistance to the residents of the reservation in varying degrees. Due to jurisdictional restrictions, Indian residents of the reservation who commit offenses on the reservation will not be committed to the Department for confinement. Residents who commit offenses off of the reservation may be incarcerated within Montana facilities. At the time of the survey, persons who listed the Crow Reservation as being their place of residence at the time of confinement were committed to every Montana correctional facility except the Swan River Forest Camp. The Mental Health Division operates the Montana State Hospital at Warm Springs (psychiatric care) and Montana State Hospital at Galen (chemical dependence and medical care). Both facilities are used by former residents of the Crow Reservation. The Chemical Dependency Division was conducting a Community Youth Activity Program demonstration project at Lodge Grass.

The most noticeable difference in the level of services used throughout Montana and by the residents of the Crow Reservation concerns care for the aged and those requiring long term care for developmental disabilities. The Mental Health Division operates the Center for the Aged in Lewistown, the Developmental Disability Division operates

the Montana Developmental Center in Boulder and the Eastmont Human Services Center in Glendive, and the Veteran's Nursing Home Division operates that facility in Columbia Falls. None of these facilities contained a client who listed the Crow Reservation as being their place of residence at the time of the initiation of services. Perhaps this is because of the relatively youthful age of the reservation population or because of the importance of maintaining family ties in the Crow culture. The author has no knowledge of comparable alternative programs available through the federal government or currently in use through the private sector.

### **What Intergovernmental Problems Arise from the Delivery of These Services?**

Intergovernmental problems pertaining to the delivery of services can range from irritants to impediments. This study did not identify any intergovernmental difficulty that significantly interfered with the delivery of state services. However, some lesser problems do exist pertaining to jurisdiction and mechanisms for service delivery.

The level of clarity in issues of jurisdiction on the reservation varies considerably depending on the subject matter under consideration. In areas such as law enforcement, there exists little ambiguity. Few questions arise as to which agency investigates and which court prosecutes a homicide on the reservation. Issues of jurisdiction are less defined in matters of civil law,

particularly those involving the administration of programs. For example, questions of child support, which are closely intertwined with legal issues of custody, are often decided on a case-by-case basis. The author was left with the impression that this flexible approach can be a problem, but not a significant problem, for state administrators. The interviews did not disclose any effort by the State of Montana which would lead to judicial clarification of the matters.

Intergovernmental problems concerning the means of delivering services on the reservation arise from federal-state and tribal-state relationships.

## **Federal-State Relationships**

Certain categories of programs, primarily those providing human services, are within the bailiwick of the federal government, but the operative agency for the delivery of these services is the State of Montana. Previously cited examples of this division of labor include the WIC program and Medicaid. State administrators involved in the daily implementation of "federal" programs did not seem to have a problem with this approach. However, these procedures, which entail national mandates, have raised state-wide questions concerning the Helena-Washington relationship which are beyond the scope of this study.

One area of service delivery that is unique to the reservation concerns the use of alternative programs that change financial responsibility from one level of government to another. For example, Indians who meet certain means tests are eligible for medical treatment from both the Indian Health Service and from civilian caregivers through Medicaid. In the former instance, the cost is solely borne by the federal government; while in the latter, the bill is partially borne by the state. The partial transfer of the financial obligation for reservation Indians, persons enjoying a "special relationship" with the federal government, to the State of Montana is a source of intergovernmental friction. Comments gained through the interview process vocalized frustrations similar to those described in Chapter 2 pertaining to Public Law 280.

## **Tribal-State Relationships**

The tribal-state relationship poses no discernable problems for the residents of the Crow Reservation, regardless of ethnicity. In some instances, the State of Montana will not deliver certain services to resident Indians because of jurisdictional constraints, but in these cases, an alternative service is available from the Crow Tribe or the federal government. In other instances, services that are somewhat legally constrained (e.g., building codes) are available to resident Indians upon

request. Interviews did not disclose any instance in which the Crow Tribe had objected to the State of Montana enforcing state laws and regulations on non-Indians. Conversely, selectively enforcing these laws and regulations within the reservation can create a burden for state employees. However, partial enforcement, where feasible, does make the Crow Reservation a safer place for all Montanans, regardless of ethnicity.

## **Conclusions**

The tapestry of any community is composed of various strands, each contributing to the character, the strengths and fragility of the whole. In examining the provision of state services to the residents of the Crow Reservation, the focus of this case study was the American Indian, those Montanans and tribal members who dwell between two worlds. In the course of fulfilling this objective, the study disclosed the presence of a significant minority, the non-Indians, who constitute one quarter of the reservation population. The findings strongly imply an interrelationship between these groups. Any conclusions must address both bodies.

## **Indians**

The full array of state services is available to Indians residing within the Crow Reservation without restrictions other than those established by Indian law.



## Human Services

Of the four budgeting categories analyzed, the greatest volume of activity is within Human Services. This demand for services is consistent with needs generated by the high level of poverty and unemployment found within the Indian community. While the needs are not as acute among the non-Indian population, lower median income, higher levels of poverty, and lower levels of educational attainment are characteristic of the entire reservation community, as compared with the state and comparison counties.

## Natural Resources and Commerce

Indian participation in programs under the category of Natural Resources and Commerce is less than one would expect to find in a reservation with the "finest grass lands on the continent." One explanation for Indians not fully utilizing state commercially related services can be found in census data. The data disclose that the largest employer of Indian workers is not private wage and salary enterprises or self-employment, but the government. Collectively, educational and health services and public administration employ almost half of all Indian workers. Whether the atypical balance between the public and private sectors is a cause or effect of the commercial climate on the reservation is not within the scope of this study; however, it does explain the lower demand for these services.

## General Government and Transportation

Activity within this category is mixed. For jurisdictional reasons, Indian residents use less services related to the administration of justice. Indians appear to use state highways and other transportation services to the same degree as other Montanans.

## Institutions and Cultural Education

With the exception of services related to the aged and to those requiring institutionalization for developmental disabilities, Indians residing on the reservation use this category of services to the same degree as other residents of the state.

## Non-Indians

The non-Indian component of the reservation population is remarkable only because of its size -- one out of every four Crow Reservation residents is not an Indian. If one accepts the premise that governmental services rendered to an individual have some benefit for the community, all residents of the reservation and the Crow Tribe benefit by the provision of state services to the non-Indian minority. This relationship may most easily be seen in the delivery of commercially related state services. Non-Indian owned or leased farms, ranches, and retail outlets play a significant role in the reservation economy.

If administrators, whether tribal or state, are to manage programs wisely, the first step is to obtain an accurate assessment of the existing situation. This case study, guided by four basic questions, has pursued an overall objective of obtaining a more realistic view of the relationship between the State of Montana and one of Montana's seven reservations. The study, and the replicable methodology used to conduct it, provides administrators with a comprehensive assessment of state services delivered to the residents of the Crow Reservation.

**GOVERNMENT SERVICES PROVIDED BY THE STATE OF MONTANA  
TO RESIDENTS OF THE CROW RESERVATION**

**APPENDICES**

**Prepared for:**

**Montana Department of Justice**

**Prepared by:**

**F. Guy Youngblood**

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**June 1, 1993**

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# Department of Social & Rehabilitation Services

## AGENCY DESCRIPTION<sup>1</sup>

The Department of Social and Rehabilitation Services (SRS), provided for in Section 2-15-22, MCA, and Title 53, MCA, is responsible for a broad range of human services including the state's welfare programs, medical assistance and care, and training for persons with disabilities. Department staff provide services to assist blind and partially blind persons become gainfully employed and promote the restoration of handicapped Montanans to their fullest physical, mental, vocational, and social abilities. The department's mission statement is "Working Together To Empower Montanans", and its policies are designed to encourage people to become self-sufficient and to assist those who cannot do so.

## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	99,110,133	101,614,147
- State Rev.	14,451,170	14,956,434
- Proprietary	2	1
State Aggregate	113,561,305 (28.54%)	116,570,582 (28.41%)
Federal Revenue Fund	284,313,307 (71.46%)	293,793,476 (71.59%)

**FUNDING COMMENTS:** The department is funded by a mix of general fund, state revenue (county funds and collections from child support enforcement activities which are changed from proprietary to state revenue in the 1993 biennium), and federal funds, which comprise nearly 72.0 percent of the department's funding in fiscal 1993. Federal funding for major benefit programs is 71.71 percent in fiscal 1992 and estimated at 71.9 percent in fiscal 1993.

## PROGRAMS

6901 01	Family Assistance
6901 03	Eligibility Determination Program
6901 04	Administration and Support Services
6901 05	Child Support Enforcement
6901 06	State Assumed County Administration
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## **Family Assistance**

Budgetary Program(s): 6901 01

Agency/Division/Bureau:

Social and Rehabilitation Services  
Family Assistance Division  
Field Services Bureau  
Region III (Billings)  
Big Horn County Office of Human Services

### **NATURE OF SERVICES<sup>2</sup>**

The Family Assistance Program is responsible for the coordination and management of Montana's public assistance programs. Program staff develop policy, coordinate with federal agencies, and provide administrative supervision of grant and benefit programs, including Aid to Families with Dependant Children (AFDC), General Assistance (GA), food stamps, and weatherization and Low-Income Energy Assistance Block Grants (LIEAP).

(Mandate: Title 53, Chapter 2; Title 53, Chapter 3; Title 53, Chapter 4, Part 2; and Sections 53-4-101, and 53-6-133 MCA. Federal: Social Security Act Titles IV-A, XIV, XVI, and XIX; Food Stamp Act of 1977).

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>3</sup>**

#### ***A. Workcenters within the Reservation***

The Family Assistance Division routinely provides services to Montanans residing on the Crow Reservation through the Big Horn County Office of Human Services in Hardin. Through an outreach program, the county office also has temporary offices located on the reservation in Crow Agency every other Wednesday afternoon and in Pryor on the first Thursday of each month. The manning of these temporary offices varies on a rotating basis, but 6.0 FTE are dedicated to this effort (1 Eligibility Supervisor, 4 Eligibility Technicians, and 1 Administrative Assistant I).

(Note: Prior to 1993, visits to Crow Agency were conducted each week.)

Specific services provided on the Reservation --

#### **1. Aid to Families with Dependent Children (AFDC) -**

A monthly grant to provide day-to-day requirements of low income children in need because of the absence, unemployment, or incapacitation of a parent. This includes refugee assistance and

emergency AFDC. Benefit determinations are based on the income and resources of the family.

## 2. Food Stamps -

Food stamps are provided to eligible clients, based on their income and resources, to alleviate hunger and malnutrition of the state's lowest income households.

(Cross-reference: DHES Montana Child Nutrition Program; Supplemental Food Program for Women, Infants, and Children)

## 3. Medical Assistance -

Provide medical payments to SSI, AFDC clients and others who qualify based on income and resources. The cost of travel to providers for services not available locally is provided for all eligible clients. In addition, Early Periodic Screening, Diagnostic and Treatment Services are provided for all children covered by Medicaid.

(Cross-reference: DHES Children's Special Health Services)

## 4. County General Assistance and County Medical -

A program to provide the basic necessities for minimum subsistence compatible with decency and health, and to provide medical services necessary for treatment of serious medical conditions. Although all persons meeting program criteria are eligible for assistance, this program is generally used by non-enrolled tribal members since tribal programs fulfill the needs of enrolled tribal members.

### B. Off-Reservation Services

#### 1. Big Horn County Office of Human Services

The Big Horn County Office of Human Services in Hardin employs 9.0 FTE (8.0 prior to 1993). Two of these personnel (Economic Assistance County Supervisor II and Word Processing Operator II) are not involved in the on-reservation delivery of services.

#### 2. Family Assistance Division, Region III, Billings

#### 3. Family Assistance Division, Helena

The Family Assistance Division employs 38 FTE in field supervision duties and in central administration of the program in Helena.

### a. Intergovernmental Services Bureau

The Intergovernmental Services Bureau is the organizational element responsible for administering all 100 percent federally funded programs (e.g., LIEAP, commodities, weatherization, Community Services Block Grants, homelessness). The delivery of these services to the client is contracted through area Human Resource Development Councils (e.g., For Crow Reservation - District VII, Human Resource Development Council, Billings).

### b. Commodity Warehouse

The Commodity Warehouse, centrally located in Helena, distributes USDA food products to eligible recipients through the Needy Family Program. These commodities are disseminated on the Crow Reservation by District VII, Human Resource Development Council, Billings. Note: The distribution of these foods was previously accomplished through a contract with the Crow Tribal Government. However, the contract was terminated for non-compliance with administrative procedures. In 1993, negotiations are underway to reinstate this state-tribal relationship.

### c. Program and Policy Bureau

#### PROGRAM FUNDING AND EXPENDITURE

##### A. Budget By Funding Source<sup>4</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	17,646,557	18,064,508
- State Rev.	835,685	869,113
- Proprietary	0	0
State Aggregate	18,482,242 (26.34%)	18,933,621 (26.31%)
Federal Revenue Fund	51,693,262 (73.66%)	53,032,120 (73.69%)

#### Funding Comments:

This program is funded by a mix of general fund, state revenue (county funds), and federal funds. General assistance benefits and burials are funded with 100 percent general fund, while the federal government participates in AFDC benefits and day care at 71.71 percent in fiscal 1992 and 71.9 percent in fiscal 1993.

B. *Program Expenditures Related to the Crow Tribe*<sup>5</sup>  
(By program in Big Horn County)

1. Aid for Families with Dependent Children

a. A historical perspective of the level of expenditure on AFDC benefits in Big Horn County can be obtained by reviewing "Aid to Dependent Children: Amounts and Monthly Averages by County" (Big Horn County by State Fiscal Year):

<u>SFY</u>	<u>Avg. AFDC Cases</u>	<u>Amount</u>	<u>Avg. AFDC Payment</u>
81	171.5	\$ 373,237	\$183.53
82	181.9	410,361	187.98
83	176.5	470,458	222.12
84	215.2	719,859	278.80
85	252.4	873,049	288.23
86	270.8	959,913	295.36
87	304.8	1,089,543	297.93
88	342.3	1,248,187	303.92
89	355.7	1,311,924	307.39
90	371.7	1,423,229	319.11
91	385.8	1,498,989	323.76
92	384.8	1,544,954	354.82

(Source: "State of Montana, Department of Social and Rehabilitation Services, Statistical Report, State Fiscal Year - xx")

b. The degree of participation by enrolled tribal members in the AFDC program in Big Horn County can be obtained by reviewing the SRS Economic Assistance Management System (TEAMS) "Welfare Category by County Report" (July - December 1992):

<u>Month</u>	<u>Total Cases</u>	<u>Enrolled Indians</u> (Percent of Total)	<u>Total Benefits</u>
July	398	373 (93.72%)	\$144,471.00
August	411	384 (93.43%)	142,728.00
September	442	411 (92.99%)	149,470.00
October	430	399 (92.79%)	142,183.00
November	426	397 (93.19%)	144,961.00
December	430	400 (93.02%)	144,675.00
Total	2,537	2,364	868,488.00
Average	422.83	394 (93.18%)	144,748.00

### c. State Proportion of Expenditure

(1) Benefits - Given that enrolled tribal members consumed 93.18% of the AFDC benefits in Big Horn County throughout SFY 92, the cost of these benefits would be \$1,439,588.14 annually. Since the State of Montana is responsible for paying the non-federal portion of benefits for enrolled tribal members, and the non-federal portion of AFDC benefits for SFY '92 was 28.29 percent, it may be inferred that enrolled tribal members received approximately \$407,000 in AFDC benefits from the state in state fiscal year 1992. In actuality, the state subsidy to Big Horn County for AFDC enrolled Indian cases in SFY 92 was \$408,362.

Note: Of the 6,288 American Indians who resided in Big Horn County, 4,712 or 74.94% identified themselves as being Crow. This is the largest tribal affiliation in Big Horn County. (Source: 1990 Census of Population and Housing - Summary Tape File 2B, Part A, Profile #1 - Characteristics of the Population - Big Horn County).

(2) Administrative Costs - Administrative costs (personal services and operating expenses) for client enrollment are found in budget program 6901 03 and are borne in equal proportions by the federal government and the respective counties (i.e., Big Horn or Yellowstone). State administrative costs are contained within this budget category and are a proportion of the total cost incurred in administering this program statewide.

## 2. Food Stamps

A historical perspective of the level of expenditure on food stamp benefits in Big Horn County can be obtained by reviewing "Food Stamps: Amounts and Monthly Averages by County" (Big Horn County by State Fiscal Year):

<u>SFY</u>	<u>Avg. Cases</u>	<u>Amount</u>	<u>Avg. Food Stamp Payment</u>
81	386.4	687,031	146.42
82	522.3	958,865	152.97
83	512.8	916,283	148.89
84	506.0	859,900	141.62
85	492.8	860,455	145.49
86	599.4	1,074,378	149.36
87	652.2	1,189,077	151.94
88	682.	1,083,729	168.95
89	646.	1,394,745	179.85
90	661.	1,624,538	204.89
91	661.	1,729,467	218.04
92	658.	1,723,012	217.88

(Source: "State of Montana, Department of Social and Rehabilitation Services, Statistical Report, State Fiscal Year - xx")

### b. State Proportion of Expenditure

(1) Benefits - Food Stamp benefits are 100% federally funded.

(2) Administrative Costs - Administrative costs (personal services and operating expenses) for client enrollment are found in budget program 6901 03 and are borne in equal proportions by the federal government and the respective counties (i.e., Big Horn or Yellowstone). State administrative costs are contained within this budget category and are a proportion of the total cost incurred in administering this program statewide.



## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Eligibility Determination**

Budgetary Program(s): 6901 03

Agency/Division/Bureau:

Social and Rehabilitation Services  
Family Assistance Division  
Field Services Bureau  
Region III (Billings)  
Big Horn County Office of Human Services

### **NATURE OF SERVICES**<sup>6</sup>

The Eligibility Determination program is responsible for determining initial and on-going recipient eligibility for benefit programs, including AFDC, medicaid, food stamps, energy assistance, and state and county financial and medical assistance. The program includes funding for county welfare eligibility and clerical staff and for county welfare directors' salaries and travel.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>7</sup>

#### ***A. Workcenters within the Reservation***

The Eligibility Determination program funds the agency-to-client contact through which all Family Assistance Division programs (cross-reference "Nature of Services" program 6901 01) are delivered to eligible residents of the Crow Reservation. These services are provided through the Big Horn County Office of Human Services in Hardin. Through an outreach program, the county office also has temporary offices located on the reservation in Crow Agency every other Wednesday afternoon and in Pryor on the first Thursday of each month. The manning of these temporary offices varies on a rotating basis, but 6.0 FTE are dedicated to this effort (1 Eligibility Supervisor, 4 Eligibility Technicians, and 1 Administrative Assistant I).

(Note: Prior to 1993, visits to Crow Agency were conducted each week.)

In a March 10, 1993, interview, Jean Kukes, Director of Human Services, Big Horn County, indicated that her agency "serves very few non-Indians." She further opined that in comparing American Indians to non-Indians, the former group requires approximately a four-fold expenditure of agency effort to provide the same level of service. She believes that the additional level of effort required to achieve similar results for American Indians is because the agency's Indian clients are less likely to keep appointments and program mandated deadlines, are more mobile

frequently requiring reinitiation of casework, and are more likely to change family structure (e.g., residence from parents to grandparents) requiring recalculation of benefits based on family size and composition.

#### B. Off-Reservation Services

The Eligibility Determination Program is centrally administered by the Family Assistance Division in Helena.

#### PROGRAM FUNDING AND EXPENDITURE

##### A. Budget By Funding Source<sup>8</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	2,646,406	2,753,260
- State Rev.	2,622,872	2,728,028
- Proprietary	0	0
State Aggregate	5,269,278 (51.93%)	5,481,288 (51.92%)
Federal Revenue Fund	4,878,058 (48.07%)	5,076,366 (48.08%)

##### Funding Comments:

This program is funded by a combination of general fund, state revenue (reimbursement from non-assumed counties), and federal funds (a mixture of food stamps, welfare, and medicaid funding). Charges are assessed against each funding source bases on Random Moment Time Study conducted by the agency. The legislature appropriated the funding mix submitted by the agency.

Note on Budget Comment: In a March 15, 1993, interview, Jack Lowney indicated that the State of Montana pays the salaries and travel costs for county employees; however, the "General Fund" reimburses the portion not paid by the federal government in state assumed counties and the "State Special Revenue Fund" (county "poor fund" taxes) reimburses the portion not paid by the federal government in non-assumed counties. Big Horn and Yellowstone are non-assumed counties, thus state taxes do not pay for the eligibility determination program.

B. *Program Expenditures Related to the Crow Tribe*  
(SFY 92 - Big Horn County) - \$226,323.92

Object Summary Expenses

Personal Services	\$223,126.68
Salaries	180,359.78
Benefits	42,766.90
Operating Expenses	3,197.24
Communications	75.20
Travel	3,197.04

Funding Summary

County Reimbursement	112,851.79
Public Welfare	113,472.13

(Source: "Reporting Center Financial Report for Fiscal Year 1992, Center 3022 - Big Horn Eligibility Policy [SBAS Form 662, Report 3366.01, Agency 6901], dated 7/24/92.)

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Administration and Support Services**

Budgetary Program(s): 6901 04

Agency/Division/Bureau:

Social and Rehabilitation Services

- Director
  - Personnel
  - Legal Affairs
- Support Services Division
  - Fiscal Bureau
  - Facilities Support Bureau
    - Word Processing Unit
    - Mail Room
  - Audit and Compliance Bureau (See 6901 08)

### **NATURE OF SERVICES**<sup>9</sup>

The Administrative and Support Services program, comprised of the Director's Office and the Support Services Division, is responsible for providing the agency's overall direction for policy development, budgeting, and for coordinating the various human services programs.

(Mandate: the administrative organization of the department is established in Sections 2-15-112, 2-15-2201, and 53-2-201, MCA.)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>10</sup>

#### ***A. Workcenters within the Reservation***

The administrative and support services program does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

The Administrative and Support Services program provides essential indirect services to the members of the Crow Tribe. By furnishing overall direction for policy development, coordinating various primary programs, and accomplishing fiscal and budgeting tasks, the program facilitates the delivery of all human services programs within SRS. Examples of participation by tribal members in the primary programs are described under the respective budget categories.

As part of the agency's Equal Employment Opportunity effort, the Support Services Division also collects demographic information and reports activity in the departmental biennial Affirmative Action Plan.

These functions are centrally performed by employees assigned to the SRS headquarters in Helena.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>11</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	713,567	664,626
- State Rev.	335,906	337,734
- Proprietary	1	1
State Aggregate	1,049,474 (38.61%)	1,002,361 (38.06%)
Federal Revenue Fund	1,668,834 (61.39%)	1,631,167 (61.94%)

##### *Funding Comments:*

This program is funded by a combination of general fund, state revenue (reimbursement from non-assumed counties and child support enforcement funds), and federal funds (a mixture of food stamps, welfare, vocational rehabilitation, and LIEAP funding). Child support enforcement funds recorded in a proprietary account in fiscal 1990 are appropriated in a state special revenue account during the 1993 biennium. An indirect cost allocation plan approved by the federal government is used to determine appropriate funding percentages. The legislature appropriated the funding mix submitted by the agency.

##### *B. Program Expenditures Related to the Crow Tribe*

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have

residents of the Crow Reservation during the period 1975 to 1992.

## Child Support Enforcement

Budgetary Program(s): 6901 05

Agency/Division/Bureau:

Social and Rehabilitation Services  
Child Support Enforcement Division  
Region III Office - Billings

### NATURE OF SERVICES<sup>12</sup>

The Child Support Enforcement Program is responsible for establishing, enforcing, and collecting financial support owed by absent parents. Program staff locate absent parents, identify assets, establish paternity, and ensure that absent parents maintain medical health insurance coverage for their dependent children.

(Mandate: Title 40, Chapter 5, Parts 2 and 4, MCA; 53-4-248, MCA; 53-2-613, MCA.)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>13</sup>

#### *A. Workcenters within the Reservation*

The Child Support Enforcement program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

Operations of the Child Support Division are divided between functions centrally performed in Helena and field services performed through the SRS Regional Offices (i.e., Butte, Missoula, Great Falls, Helena, and Billings). The regional office of responsibility is determined by the place of residence of the custodial person (e.g., parent, grandparent); therefore, cases on the Crow Reservation are handled by Region III Office - Billings. However, any office could be working a case in which one or more parties are members of the Crow Tribe.

Note: The Child Support Enforcement Division currently employs 115.25 FTE.

In every case in which the State of Montana is providing benefits through the Aid for Families with Dependent Children (See Program 6901 01 for activity in Big Horn County), a child support inquiry is initiated by the appropriate regional office to determine if child support enforcement services are appropriate. This screening procedure entails record checks on all parties involved



to determine if the state has jurisdiction in the matter. If state jurisdiction does not exist or enforcement is not possible, the case will be periodically reexamined to determine if changes have occurred which would affect jurisdiction or the ability to collect a legitimate obligation.

The Child Support Enforcement program can interact with residents of the Crow Reservation in numerous ways. Each interaction is a permutation of various issues such as whether paternity has been established or a child support obligation been decreed, as well as the physical location of the "custodial parent" and "absent parent" and the source of the absent parent's income. Although all situations cannot be described in this report, the scope of service to the residents of the Crow Reservation can be inferred from several representative scenarios:

1. Scenario: The custodial parent is an enrolled tribal member, but resides off of the reservation (e.g., Billings); the absent parent is not a tribal member. The State of Montana would have jurisdiction and personnel of the division would enforce an order of a state court or an administrative order of SRS on behalf of the tribal member. The State of Montana would also have jurisdiction to establish paternity and support.

2. Scenario: The custodial parent is an enrolled tribal member, and resides on the reservation; the absent parent is not a tribal member and resides off of the reservation (e.g., Billings). In most cases, the Crow Tribe would have jurisdiction to establish paternity or issue a child support order. Personnel of the division would enforce an order of the tribal court on behalf of the tribal member.

3. Scenario: The custodial parent, who is not a tribal member, and child reside off of the reservation; the absent parent resides on the reservation and is an enrolled tribal member. Depending upon other factors, jurisdiction to establish paternity and a support obligation may lie either in tribal court or with the state. Enforcement action on behalf of the custodial parent is possible when the absent parent's income or assets are found or earned off of the reservation. These sources may include state and federal tax refunds and unemployment compensation.

K. Agency personnel indicate that all three scenarios have actually occurred.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>14</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	1,421,469	1,447,117
- Proprietary	0	0
State Aggregate	1,421,469 (33.21%)	1,447,117 (32.91%)
Federal Revenue Fund	2,858,642 (66.79%)	2,950,436 (68.09%)

#### Funding Comments:

This program is funded by a combination of federal funds and collections from child support enforcement activities which were recorded in a proprietary account in fiscal 1990 but are appropriated in a state special revenue account during the 1993 biennium. Federal funds support approximately 66.0 percent of this program.

### B. Program Expenditures Related to the Crow Tribe

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## State Assumed County Administration

Budgetary Program(s): 6901 06

Agency/Division/Bureau:

Social and Rehabilitation Services  
Family Assistance Division  
Field Services Bureau

### NATURE OF SERVICES<sup>15</sup>

The State Assumed County Administration Program funds the majority of operating and equipment costs associated with the administration of welfare programs in the 12 counties in which the state has assumed responsibility for county welfare programs. Personal services, benefits, and the remaining operational costs are provided for within other department programs.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>16</sup>

The State Assumed County Administration Program funds county operations costs, not personnel or travel expenses. Neither Big Horn nor Yellowstone Counties participates in the state-assumed program.

### PROGRAM FUNDING AND EXPENDITURE

#### *A. Budget By Funding Source*<sup>17</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	606,151	596,195
- State Rev.	0	0
- Proprietary	0	0
State Aggregate	606,151 (54.77%)	596,195 (54.35%)
Federal Revenue Fund	500,578 (45.23%)	500,752 (45.65%)

**Funding Comments:**

This program is funded by a combination of general fund and federal funds (a mixture of food stamps, welfare, and medicaid administrative funding). The legislature appropriated the funding mix submitted by the agency.

*B. Program Expenditures Related to the Crow Tribe*

Not Applicable

**HISTORICAL PERSPECTIVE**

Not Applicable

## **Medical Services**

Budgetary Program(s): 6901 07

Agency/Division/Bureau:

Social and Rehabilitation Services  
Medicaid Services Division

### **NATURE OF SERVICES**<sup>18</sup>

The Medical Assistance program is responsible for administering the Medicaid and State Medical programs. The Medicaid program, administered under federal regulations, serves persons who qualify for financial assistance under federal programs. The State Medical program, administered under state regulations in 12 counties, serves persons who are ineligible for medical benefits, but who do not have adequate financial resources to pay their medical bills.

(Mandate: Title 53, Chapter 6, MCA; ARM Chapter 12, sub-chapters 1 through 41).

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>19</sup>

#### ***A. Workcenters within the Reservation***

Access to benefits through the Medicaid program is determined based upon economic need and not upon the race or place of residence of the client. Persons residing on the Crow Reservation, who meet eligibility criteria, whether tribal members or non-members, are equally eligible for Medicaid benefits as those persons who reside elsewhere in Montana.

The Medical Assistance program does not have a facility or on-site delivery program located within the Crow Reservation. Client contact for Medicaid services is provided by either the Big Horn County Welfare Department or the Yellowstone County Office of Human Services, depending upon the county of residence within the Reservation. A typical delivery of these services for Big Horn County would be as follows:

1. As the agency-to-client point of contact, the Eligibility Determination program (6901 03) routinely provides services to persons residing on the Crow Reservation through the Big Horn County Welfare Office in Hardin. Through an outreach program, the county office also has temporary offices located on the reservation in Crow Agency every Wednesday afternoon and in Pryor on the second Thursday of each month. In one of these sessions, an Eligibility Technician would conduct a personal interview to determine the client's eligibility for the various

human services programs (e.g., public assistance, Medicaid). If the client is eligible for Medicaid, his/her data would be entered into the SRS computer data base and a Medicaid Eligibility Card would be issued from Helena. With the Eligibility Card, the client may obtain medical services from any participating Medicaid health care provider.

2. If the client is eligible to receive services through the Indian Health Service (IHS), Medicaid benefits may be used at the IHS Hospital on the Reservation. Under contract with the federal Health Care Financing Administration, the Medical Services program will confirm the client's eligibility data and the federal government will provide 100 percent reimbursement to the IHS. Under federal law, the IHS is "payer of last resort"; therefore, it is fiscally advantageous for the IHS to encourage Medicaid participation by enrolled tribal members.

3. If the client, regardless of tribal affiliation, receives medical services from a participating health care provider other than the IHS (e.g., Hardin, Billings), then the Medicaid Division will reimburse the provider with funds which are 28% state and 72% federal monies.

#### B. Off-Reservation Services

The Medical Services Division facilitates the delivery of medical services to Crow Tribal members through the efforts of 44.5 full-time employees with 10 Long Term Care Specialists (10 FTE) being employed in the field and the remainder being centrally assigned to SRS Headquarters in Helena. Personnel in Helena are responsible for policy development and provider payments.

### PROGRAM FUNDING AND EXPENDITURE

#### A. Budget By Funding Source<sup>20</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	61,390,127	60,985,672
- State Rev.	7,724,929	7,975,494
- Proprietary	0	0
State Aggregate	69,115,056 (27.03%)	68,961,166 (26.36%)
Federal Revenue Fund	186,595,642 (72.97%)	192,698,115 (73.64%)

### Funding Comments:

This program is funded with a mix of state general fund, state revenue fund (the 12 mill welfare levy in the assumed counties and child support enforcement revenues), and federal funds.

#### B. Program Expenditures Related to the Crow Tribe

1. In the period July 1, 1975 through 1992, the Division administered the delivery of these Medicaid benefits (e.g., physician and hospital costs) in Big Horn and Yellowstone Counties<sup>21</sup>:

FY	County	Avg Recips per month	Services for year	Expenditure
92	Big Horn	439	-	3,519,262
	Yellowstone	4,833	-	28,642,329
91	Big Horn	386	-	\$ 2,948,470
	Yellowstone	4,245	-	23,361,432
90	Big Horn	336	3,700	2,087,314
	Yellowstone	3,646	40,063	17,501,573
89	Big Horn	330	3,963	2,153,049
	Yellowstone	3,331	39,976	15,108,117
88	Big Horn	304	3,292	1,908,764
	Yellowstone	3,150	34,204	13,128,758
87	Big Horn	280	3,363	1,722,323
	Yellowstone	2,883	24,596	11,579,672
86	Big Horn	236	2,555	1,186,893
	Yellowstone	2,470	27,144	9,082,600
85	Big Horn	225	2,452	1,191,341
	Yellowstone	2,248	24,301	7,400,288
84	Big Horn	191	2,293	1,036,244
	Yellowstone	2,121	25,457	5,699,414
83	Big Horn	184	2,028	887,213
	Yellowstone	2,059	22,815	8,363,342

FY	County	Avg Recips per month	Services for year	Expenditure
82	Big Horn	201	2,408	851,566
	Yellowstone	2,257	27,083	7,477,505
81	Big Horn	185	2,018	658,957
	Yellowstone	2,311	25,486	7,023,569
80	Big Horn	158	1,890	499,823
	Yellowstone	2,099	25,191	5,721,870
79	Big Horn	169	2,030	525,770
	Yellowstone	2,168	26,017	5,827,355
78	Big Horn	171	2,057	476,928
	Yellowstone	2,013	24,151	4,728,991
77	Big Horn	159	1,913	379,738
	Yellowstone	1,915	22,985	3,586,518
76	Big Horn	134	1,607	292,875
	Yellowstone	1,976	23,714	3,089,121
75	Big Horn	123	1,480	273,636
	Yellowstone	2,049	24,588	2,899,376

Note 1: The 1991 and 1992 data were extracted from the "Year-end Department Statistical Report" (Rostocki); all other data were prepared and furnished by memo by Nancy Ellery.

Note 2: These figures reflect the delivery of benefits, not the administrative costs associated with the delivery of these services. Personnel costs for state employees assigned to the provision of these services are funded by 50% state monies and 50% federal funds.<sup>22</sup>

Note 3: These figures do not reflect Medicaid payments to the Indian Health Service for treatment provided to eligible recipients at the IHS hospital on the Crow Reservation. In SFY 93, the Division has been budgeted to administer \$4 million from the federal Health Care Financing Administration for this service.<sup>23</sup>



2. The degree of participation by residents of the Big Horn County in the Medicaid program can be obtained by reviewing data contained within the SRS Economic Assistance Management System (TEAMS) for the period January 1 - June 30, 1992<sup>24</sup>:

	Recipients	Total Claims
County	1006	\$1,632,516.11
Reservation	557	774,840.27 (47.46%)
Hardin	449	857,675.84 (52.54%)

Note: Persons residing at the following ZIP codes are "residents" of the Crow Reservation: Crow Agency - 59022, Lodge Grass - 59050, Wyola - 59089, Garryowen - 59031, Pryor - 59066, and St. Xavier - 59075. Persons receiving mail in Hardin use ZIP code 59034; some of these people may be enrolled tribal members.

#### c. State Proportion of Expenditure

(1) Benefits - Given that residents of the Crow Reservation consumed 47.46% of the benefits in Big Horn County throughout SFY 92, the cost of these benefits would be \$1,549,680 annually. Since the State of Montana is responsible for paying the non-federal portion of benefits for Medicaid benefits other than those provided through the IHS, and the non-federal portion of Medicaid benefits is 28 percent, it may be inferred that reservation residents received approximately \$433,000 in Medicaid benefits from the state in state fiscal year 1992.

(2) Administrative Costs - Administrative costs (personal services and operating expenses) for client enrollment are found in budget program 6901 03 and are borne in equal proportions by the federal government and the respective counties (i.e., Big Horn or Yellowstone). State administrative costs are contained within this budget category and are a proportion of the total cost incurred in administering this program statewide.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Audit and Program Compliance Division**

Budgetary Program(s): 6901 08

Agency/Division/Bureau:

Social and Rehabilitation Services  
Support Services Division  
Audit & Compliance Bureau

### **NATURE OF SERVICES**<sup>25</sup>

The Audit and Program Compliance program is responsible for performing financial audits, quality control reviews, and making financial recoveries for the department. Financial audits are periodically conducted on all programs administered by the department. Quality control reviews are conducted on selected AFDC, food stamp, and medicaid cases to ensure compliance with state and federal laws and regulations. Financial recoveries are made in cases of public assistance overpayments and medicaid third-party liability collections, such as health and liability insurance.

(Mandate: Authority for the Audit and Program Compliance program is derived from the programs it oversees.)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>26</sup>

#### ***A. Workcenters within the Reservation***

The Audit and Program Compliance program does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

The Audit and Compliance program provides an indirect benefit to the members of the Crow Tribe because its oversight function is a prerequisite for funding the human services programs that are enumerated in the "Nature of Services" paragraph. The participation of tribal members in these primary programs is described under those budget categories.

These functions are performed by 26 FTE assigned to the SRS headquarters in Helena and one full-time Quality Control Reviewer serving in Billings.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>27</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	609,506	621,920
- State Rev.	7,923	8,184
- Proprietary	0	0
State Aggregate	617,429 (42.13%)	630,104 (41.98%)
Federal Revenue Fund	848,257 (57.87%)	870,810 (58.02%)

#### **Funding Comments:**

This program is funded with a mix of state general fund, state revenue funds (child support enforcement revenues), and federal funds. The legislature appropriated the funding mix submitted by the agency.

### *B. Program Expenditures Related to the Crow Tribe*

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Office of Management, Analysis, and Systems

Budgetary Program(s): 6901 09

Agency/Division/Bureau:

Social and Rehabilitation Services  
Management, Analysis, and Systems Division

### NATURE OF SERVICES<sup>28</sup>

The Office of Management, Analysis and Systems (OMAS) was created during the 1991 biennium through departmental reorganization to administer the department's budget management process and computer information systems. The program is assigned responsibility for developing and implementing two large computer information systems -- The Economic Assistance Management System (TEAMS) and The System for Enforcement And Recovery of Child Support (SEARCHS).

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>29</sup>

#### *A. Workcenters within the Reservation*

The Management Analysis and Systems program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

The primary function of this Helena-based unit is to provide technical assistance, planning, administrative oversight and coordination of the Department's automated information and budgeting functions. This action complies with a federal mandate to automate the SRS system by 1995. It also facilitates the delivery of the primary human services programs described elsewhere in this report.

In addition to the OMAS Director, there are seven bureaus employing 37 full-time employees:

1. Data Processing Bureau (14 FTE) - provides on-going mainframe support. This program is being phased toward the Microcomputer Applications and Security Bureau.
2. Microcomputer Technology Center (6 FTE) - provides personal computer and local area network hardware and software support.
3. Microcomputer Applications and Security Bureau (6 FTE) - develops and maintains computer applications designed for the

more cost effective personal computer platform.

4. Budget and Program Analysis Bureau (6 FTE) - provides the coordination, oversight, and execution of the department's budgeting process.

5. Telecommunications Device for the Deaf (TDD) (3 FTE) - provides the equipment, technical, assistance and coordination of Montana's TDD program. This program is administratively attached to SRS through OMAS.

6. TEAMS (1 FTE) - operates the automated eligibility system in the counties.

7. SEARCHES (1 FTE) - a correlated system to TEAMS that is in the process of developing a statewide, automated information system focused on obtaining and enforcing child support collections.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>30</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	2,161,699	2,581,453
- State Rev.	810,056	896,011
- Proprietary	1	0
State Aggregate	2,971,756 (35.49%)	3,477,464 (41.75%)
Federal Revenue Fund	5,401,898 (64.51%)	4,852.042 (58.25%)

##### **Funding Comments:**

Funding for this program is a mix of state general fund, state revenue (county reimbursement, telephone access line charges, child support enforcement revenues), and federal funds. The program is funded as requested by the department.

B. *Program Expenditures Related to the Crow Tribe*

Since centralized operations provides an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

HISTORICAL PERSPECTIVE

This program was created by departmental reorganization pursuant to direction from the 1991 biennium legislature.

## **Vocational Rehabilitation**

Budgetary Program(s): 6901 10

Agency/Division/Bureau:

Social and Rehabilitation Services  
Rehabilitative/Visual Services Div.  
Rehab/Visual Field Services Bureau  
Billings District Office

### **NATURE OF SERVICES**<sup>31</sup>

The Vocational Rehabilitation program is responsible for providing services to persons with physical or mental disabilities of employable age to restore them to gainful employment. Clients served by the program receive counseling and are assisted in developing an individual service plan, which may include counseling, training, job placement, or medical assistance. Clients who are not able to enter competitive employment are provided sheltered employment opportunities, supported employment, and independent living services.

(Mandate: Title 53, Chapter 7, MCA; Rehabilitation Act of 1973 as amended by Public Law 99-506.)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>32</sup>

#### ***A. Workcenters within the Reservation***

The Rehabilitative/Visual Services Division routinely provides assistance to persons residing on the Crow Reservation through the Billings District Rehabilitative/Visual Services Office. A Rehabilitative Services Division Counselor and a Visual Services Division Counselor from that office travel to the Crow Reservation at least once a month. The Division Administrator estimates that the agency is currently serving approximately 20 persons with disabilities who are Native Americans and who reside on the Crow Reservation. (See Visual Services - 6901 13).

#### ***B. Off-Reservation Services***

The Big Horn County Office of Human Services makes referrals to the Billings office and on an irregular basis provides temporary office space for the Rehabilitative/Visual Services Division counselor.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>33</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	1,197,374	1,265,196
- State Rev.	692,330	694,753
- Proprietary	0	0
State Aggregate	1,889,704 (21.83%)	1,959,949 (22.13%)
Federal Revenue Fund	6,767,391 (78.17%)	6,894,635 (77.87%)

#### Funding Comments:

The program is funded by a mix of state general fund, state revenue fund (industrial accident rehabilitation and workers' compensation regulation funds), and federal funds. During fiscal 1993, federal funds provide 78 percent of the funding for this program.

### B. Program Expenditures Related to the Crow Tribe

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE<sup>34</sup>

Montana's Rehabilitative Services Division used to operate an office on the Crow Reservation. This office was eliminated due to budgetary cutbacks in the 1980's. The Division employed a member of the Crow Tribe (Josephine Pretty Weasel) to work as a Counselor Aide with the Rehabilitation Counselor who traveled to the Crow Reservation from Billings.



## **Disability Determination**

Budgetary Program(s): 6901 11

Agency/Division/Bureau:

Social and Rehabilitation Services  
Rehabilitative/Visual Services Division  
Disability Determination Bureau

### **NATURE OF SERVICES**<sup>35</sup>

The Disability Determination program is responsible for determining disability of Montana residents who apply for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) disability benefits. The SSDI program provides cash benefits to disabled workers (and qualified dependents) who have contributed to the Social Security Trust Fund through taxes on their earnings. The SSI program provides a minimum income level for financially needy persons who are aged, blind or disabled.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>36</sup>

#### ***A. Workcenters within the Reservation***

The Disability Determination program does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

The State of Montana employs 25 claims examiners (total staff of 38) adjudicating federal Social Security Administration claims requests.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>37</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	0	0
- Proprietary	0	0
State Aggregate	0	0
Federal Revenue Fund	2,731,072 (100%)	2,774,452 (100%)

#### **Funding Comments:**

This program is 100 percent federally funded.

### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Visual Services

Budgetary Program(s): 6901 13

Agency/Division/Bureau:

Social and Rehabilitation Services  
Rehabilitative/Visual Services Div.  
Rehab/Visual Field Services Bureau  
Billings District Office

### NATURE OF SERVICES<sup>38</sup>

The Visual Services program is responsible for providing rehabilitative services to persons who are blind and visually-impaired. Clients served by this program receive counseling and are assisted in developing an individual service plan, which may include counseling and guidance, job placement, adaptive living techniques, training, and medical assistance. Clients who are not able to enter competitive employment are provided sheltered employment opportunities, independent living, and visual medical services.

(Mandate: Title 53, Chapter 7, MCA; Rehabilitation Act of 1973 as amended by Public Law 99-506.)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>39</sup>

#### A. *Workcenters within the Reservation*

The Visual Services program does not have a facility or on-site delivery program located within the Crow Reservation

#### B. *Off-Reservation Services*

The Rehabilitative/Visual Services Division routinely provides assistance to persons residing on the Crow Reservation through the Billings District Rehabilitative/Visual Services Office. A Rehabilitative Services Division Counselor and a Visual Services Division Counselor from that office travel to the Crow Reservation at least once a month. The Division Administrator estimates that the agency is currently serving approximately 20 persons with disabilities who are Native Americans and who reside on the Crow Reservation. (See Vocational Rehabilitation - 6901 10).

## PROGRAM FUNDING AND EXPENDITURE

### A. *Budget By Funding Source*<sup>40</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	294,224	304,608
- State Rev.	0	0
- Proprietary	0	0
State Aggregate	294,224 (22.41%)	304,608 (22.37%)
Federal Revenue Fund	1,018,914 (77.59%)	1,057,155 (77.63%)

#### Funding Comments:

This program is funded by a mix of state general fund and federal revenue. During fiscal 1993, federal funds provide 77 percent of the funding for this program.

### B. *Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE<sup>41</sup>

Montana's Rehabilitative Services Division used to operate an office on the Crow Reservation. This office was eliminated due to budgetary cutbacks in the 1980's. The Division employed a member of the Crow Tribe to work as a Counselor Aide with the Rehabilitation Counselor who traveled to the Crow Reservation from Billings.

## **Developmental Disabilities**

Budgetary Program(s): 6901 14

Agency/Division/Bureau:

Social and Rehabilitation Services  
Developmental Disabilities Division  
Field Services Bureau  
Region III Office - Billings  
Contractor

### **NATURE OF SERVICES**<sup>42</sup>

The Developmental Disabilities program is responsible for providing services to persons who are developmentally disabled. Residential, vocational, child and family care, and other support services are provided through contracts with local non-profit corporations. Among those eligible to receive services are persons with mental retardation, cerebral palsy, epilepsy, autism, or those with neurologically handicapping conditions similar to mental retardation that occur prior to age eighteen.

(Mandate: Title 53, Chapter 20, MCA.)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>43</sup>

#### ***A. Workcenters within the Reservation***

The Developmental Disabilities Division contracts with Special Training for Exceptional People (STEP), a private non-profit corporation, to provide for services to individuals with developmental disabilities on the Crow Reservation. As of May 1991, the STEP program was providing family care and supplemental support services, specialized family care, and supplemental training to 24 children and their families. Respite services have also been provided to 12 children or adults and their families. These services are delivered within the respective family homes in Crow Agency, Fort Smith, Hardin, Lodge Grass, Pryor, Wyola, and St. Xavier. Similar services would be provided anywhere in Big Horn County.

#### ***B. Off-Reservation Services***

The Developmental Disabilities Division contracts with Regional Services for South, Central, and Eastern Montana, a private non-profit corporation with headquarters in Billings, to provide services to adults with developmental disabilities in Big Horn County. As of May 1991, these services supported 16 persons residing in two adult community group homes in Hardin, five individuals in independent living situations, 21 people receiving

day habilitation services, and 21 people receiving transportation services.

Note: The group living homes in Hardin are the closest available facilities of this type to the Crow Reservation. On March 10, 1993, Jean Kukes, Director, Big Horn County Office of Human Services, advised that as of that date one Crow tribal member was residing in a group home in Hardin.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>44</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	11,894,522	13,876,709
- State Rev.	0	0
- Proprietary	0	0
State Aggregate	11,894,522 (38.5%)	13,876,709 (39.68%)
Federal Revenue Fund	18,997,540 (61.5%)	21,098,571 (60.32%)

##### *Funding Comments:*

This program is funded by a mix of general fund and federal funds. Federal funds include medicaid waiver, Social Services Block Grant, Low Income Energy Assistance funds (LIEAP), and funds from the Office of Public Instruction.

##### *B. Program Expenditures Related to the Crow Tribe<sup>45</sup>*

###### *1. Benefits By Provider*

Special Training for Exceptional People in FY91 - \$44,760

Family care and supplemental support services,  
specialized family care, and supplemental training = \$38,273  
(total)

Respite = \$6,487 (total)

Regional Services for South, Central, and Eastern Montana  
in FY91 - \$267,815

Adult Care Home/client =	\$7,439
Independent Living/client =	\$3,693
Daycare Services/client =	\$5,807
Transportation/client =	\$ 399

2. Administrative Costs

These contracts are administered by one full-time Training and Contract Manager, one full-time Regional Manager, and one full-time Administrative Assistant in Billings. The Developmental Disabilities Division also provides centralized administrative and technical support for this program.

The present caseload in Big Horn County constitutes approximately 2% of the developmentally disabled persons being served by the Division statewide. Based upon the proportion of the total population being served in SFY 93, it is projected that the operations cost for Big Horn County will be \$34,341. The services provided to the clients in Big Horn County (i.e., benefits) are projected to cost \$399,505 in SFY93.

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Developmental Disabilities Advisory Council**

Budgetary Program(s): 6901 15

Agency/Division/Bureau:

Social and Rehabilitation Services (administrative)  
Developmental Disabilities Advisory Council

### **NATURE OF SERVICES**<sup>46</sup>

The Montana State Developmental Disabilities Planning and Advisory Council (DDPAC), a 100 percent federally funded program, provides advice to the Governor's office, the department, other state agencies, local governments, and private organizations on programs and services for persons with developmental disabilities (DD). Through its grant and contract program, the council provides start-up funds for projects designed to assist persons with disabilities.

(Mandate: Sections 53-20-206 and 2-15-2204, MCA.)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>47</sup>

#### ***A. Workcenters within the Reservation***

The DDPAC program does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

The DDPAC program provides service to all of Montana's developmentally disabled by advising and assisting the Department of Health and Environmental Services, the Office of Public Instruction, the Department of Family Services, the Department of Corrections and Human Services, and especially the Developmental Disabilities Division of SRS on DD matters. Within the Native American community, the most significant need has been the prevention of developmental disabilities through outreach programs designed to lessen the incidence of fetal alcohol syndrome. Last year the council conducted a workshop on "Native American Culture and Values" to enhance the understanding of DD caregivers. This year, the council will conduct a workshop emphasizing fetal alcohol syndrome with Native Americans being the target audience. The Council is also working with Shodair Hospital to institute fetal alcohol programs in Hardin and Lodge Grass.

By law, a Native American must sit on the DDPAC. The present representative is not a Crow.



## PROGRAM FUNDING AND EXPENDITURE

### A. *Budget By Funding Source*<sup>48</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	0	0
- Proprietary	0	0
State Aggregate	0	0
Federal Revenue Fund	353,219 (100%)	356,855 (100%)

#### Funding Comments:

This program is funded totally with federal funds.

### B. *Program Expenditures Related to the Crow Tribe*

Since centralized operations provides an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-80.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-101.
3. Janet Ludwig, Area Supervisor, Billings, memorandum "Crow Tribe v. Montana", March 28, 1991; Roger LaVoie, Administrator, Organizational Chart (Oct '92) and Division Mission Statement (November 6, 1992); Jon A. Meredith, interview by author, February 16, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana; Jean Kukes, interview by author, March 10 and April 14, 1993, notes, Big Horn County Office of Human Services, Hardin, Montana.
4. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-101.
5. Jack Lowney, interview by author, February 23, March 3, and March 11, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.
6. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-109.
7. Jon A. Meredith, interview by author, February 16, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana; Jean Kukes, interview by author, March 10, 1993, notes, Big Horn County Office of Human Services, Hardin, Montana. Jack Lowney, interview by author, February 23, March 3, and March 11, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.
8. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-109.
9. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-111.
10. John Donwen, interview by author, February 3, 1993, notes, Department of Social and Rehabilitation Services, Helena.
11. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-111.

12. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-113.

13. Mary Ann Wellbank, Administrator, Helena, letter "Crow Tribe v. State of Montana Questionnaire", March 17, 1993; K. Amy Pfeifer, attorney, Helena, letter "Crow Tribe Case", April 9, 1993; Ann Hefenieder, interview by author, February 26, 1993, notes, Department of Social and Rehabilitation Services, Billings, Montana; Amy Pfeifer, interview by author, March 11, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.

14. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-113.

15. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-115.

16. Jon A. Meredith, interview by author, February 16, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana; Jack Lowney, interview by author, February 23, March 3, and March 11, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.

17. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-115.

18. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-116.

19. Nancy Ellery, Administrator, memorandum "Crow Tribe v. Montana", April 8, 1991; Nancy Ellery, interview by author, February 17, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana; Terry Krantz, interview by author, February 17, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana; Norm Rostocki, interview by author, February 17 and 23, March 11, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.

20. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-116.

21. Nancy Ellery, Administrator, memorandum "Crow Tribe v. Montana", April 8, 1991.

22. Norm Rostocki, interview by author, February 17 and 23, March 11, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.
23. Norm Rostocki, interview by author, February 17 and 23, March 11, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.
24. Norm Rostocki, interview by author, February 17 and 23, March 11, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.
25. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-124.
26. Erich Merdinger, interview by author, notes, Department of Social and Rehabilitation Services, Helena, Montana.
27. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-124.
28. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-126.
29. Scott Sim, Management Analyst, undated annotated copy of January 8, 1993 "Questionnaire Response" for Program 6901 09.
30. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-126.
31. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-128.
32. Joe A. Mathews, Administrator, Helena, memorandum "State Agency Services Outline as Attached", March 20, 1991; Joe A. Mathews, letter to author, February 12, 1993; Russ Cater, interview by author (providing Organizational Chart [Feb '91] and Division Mission Statement[undated]), November 23, 1992, notes, Department of Social and Rehabilitation Services, Helena, Montana; Jean Kukes, interview by author, March 10, 1993, notes, Big Horn County Office of Human Services, Hardin, Montana.
33. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-128.

34. Jean Kukes, interview by author, March 10, 1993, notes, Big Horn County Office of Human Services, Hardin, Montana.
35. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-130.
36. Joe A. Mathews, Administrator, Helena, memorandum "State Agency Services Outline as Attached", March 20, 1991; Joe A. Mathews, letter to author, February 12, 1993; Russ Cater, interview by author (providing Organizational Chart [Feb '91] and Division Mission Statement[undated]), November 23, 1992, notes, Department of Social and Rehabilitation Services, Helena, Montana.
37. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-130.
38. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-132.
39. Joe A. Mathews, Administrator, Helena, memorandum "State Agency Services Outline as Attached", March 20, 1991; Joe A. Mathews, letter to author, February 12, 1993; Russ Cater, interview by author (providing Organizational Chart [Feb '91] and Division Mission Statement[undated]), November 23, 1992, notes, Department of Social and Rehabilitation Services, Helena, Montana; Jean Kukes, interview by author, March 10, 1993, notes, Big Horn County Office of Human Services, Hardin, Montana.
40. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-132.
41. Jean Kukes, interview by author, March 10, 1993, notes, Big Horn County Office of Human Services, Hardin, Montana.
42. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-134.
43. Russell E. Cater, Chief Legal Counsel, Helena, letter "Crow Tribe v. Montana", May 1, 1991; Janice K. Frisch, interview by author, February 22, March 5, and April 9, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.
44. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-134.

45. Janice K. Frisch, interview by author, April 9, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.

46. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-137.

47. Greg A. Olsen, interview by author, February 22, 1993, notes, Department of Social and Rehabilitation Services, Helena, Montana.

48. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-137.

# Department of Family Services

## AGENCY DESCRIPTION<sup>1</sup>

The Department of Family Services (DFS) provides:

1) protective services for children, youth, and adults who are abused and neglected; 2) community based services designed to enhance the self-sufficiency and independence of the elderly and developmentally disabled; 3) care and education in the two state youth correctional institutions; and 4) aftercare services for youth coming out of these institutional placements. The department, authorized in Section 2-15-2401, MCA, and defined in Title 52, MCA, has four programs: 1) Management Support; 2) Community Services, including Aftercare and Youth Evaluation; 3) Mountain View; and 4) Pine Hills.

## AGENCY BUDGET BY FUNDING SOURCE

	Revised Total SFY 92	Revised Total SFY 93
- General	31,212,650	30,392,441
- State Rev.	3,010,390	3,045,735
- Proprietary	0	0
State Aggregate	16,973,783 (33.15%)	17,501,431 (34.36%)
Federal Revenue Fund	34,223,040 (66.85%)	33,438,176 (65.64%)

## FUNDING COMMENTS<sup>2</sup>:

Native American Services - Title IV-E requires each state to provide foster care services to all eligible children, including Native American children on reservations. Since the department anticipates serving an additional 250 Native American children in the 1993 biennium, the legislature approved an additional \$1,985,600 for this service. DFS is negotiating agreements for service with each tribe in compliance with Title 18, Chapter 11, MCA. Funds may be used to contact for direct services or pay for placement services. Funding is at the estimated medicaid matching rate of 28.3 percent general fund and 71.7 percent federal revenue.

## **PROGRAMS**

6911 01 Management Support

6911 02 Community Services

6911 03 Mountain View

6911 04 Pine Hills



## **Management Support**

Budgetary Program(s): 6911 01

Agency/Division/Bureau:

Department of Family Services  
Administrative Support Division

### **NATURE OF SERVICES**<sup>3</sup>

The Managing Support program provides for the overall management and policy development of the department, as well as administrative, data processing, and fiscal support. It includes administration, an independent audit program, a training program, and the administratively attached aging services program.

(Mandate: Title 52, MCA)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>4</sup>

#### ***A. Workcenters within the Reservation***

The Administrative Support Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

The Administrative Support Division provides essential indirect services to the members of the Crow Tribe. By furnishing overall direction for policy development, coordinating various primary programs, and accomplishing fiscal and budgeting tasks, the program facilitates the delivery of all human services programs within DFS. Examples of participation by tribal members in the primary programs are described under the respective budget categories.

## PROGRAM FUNDING AND EXPENDITURE

### A. *Budget By Funding Source*<sup>5</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	2,017,137	1,907,084
- State Rev.	14,806	14,784
- Proprietary	0	0
State Aggregate	2,031,943 (74.29%)	1,921,868 (74.47%)
Federal Revenue Fund	703,087 (25.71%)	658,865 (25.53%)

#### Funding Comments:

Funding is primarily general fund. State special revenue comes from fees paid by prospective adoptive parents for adoption investigations and reports. The actual amount of federal funds received in indirect costs depends on a time study cost allocation system that assesses other programs in the department according to staff time involved in specific federally funded functions and the indirect cost rate negotiated with the federal government.

### B. *Program Expenditures Related to the Crow Tribe*

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Community Services

Budgetary Program(s): 6911 02

Agency/Division/Bureau:

Department of Family Services  
Regional Operations Division  
South Central Regional Office, Billings  
Family Services County Office (Big Horn), Hardin  
Crow Tribal Government (contract), Crow Agency

### NATURE OF SERVICES<sup>6</sup>

The Community Services program provides protective services to children, the developmentally disabled, and the elderly, as required in Section 52-1-103, MCA. Children's services include foster care, protective day-care, support for Big Brothers and Sisters programs, adoption referral and counseling, and coordination of youth court and school programs. Adult services include community case management for the developmentally disabled; spouse abuse counseling; services to unmarried parents; health and nutrition programs; and congregate meals, transportation, homemaker services, and legal advocacy for the elderly. The program also administers the state's supplement to the federal supplemental security income (SSI) payments to eligible disabled, aged, or blind recipients; provides community aftercare services for youths released from correctional facilities or committed by the courts; and provides evaluations of up to 45 days for youths aged 10-17.

(Mandate: Section 52-1-103, MCA)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS

#### *A. Workcenters within the Reservation*<sup>7</sup>

Since July 1, 1992, the Department of Family Services has provided child protective services to IV-E eligible abused or neglected children residing on the Crow Reservation through a contract with the Crow Tribal Government.

The contract authorizes the expenditure of \$144,000 per year for the following allowable costs:

1. Referral to services;
2. Preparation for and participation in judicial determinations;
3. Placement of the child;

4. Development of the case plan;
5. Case reviews;
6. Case management and supervision;
7. Recruitment and licensing of foster homes and institutions;
8. Rate setting; and
9. A proportionate share of related overhead.

To implement this contract the Tribe is authorized to hire one Community Social Worker II, Grade 14 and one Human Service Aide/Clerical, Grade 7 with a combined salary (including benefits and insurance) and travel/per diem budget of \$56,176. The Tribe may also hire more than two employees and may adjust the salaries commensurate with other comparable tribal positions.

Note: The child protective services program within the Crow Reservation employs a full-time social worker and a full-time aide through the tribal government.

B. *Off-Reservation Services*<sup>8</sup>

1. Family Services County Office (Hardin)

a. Foster care for eligible children residing in Big Horn County, but not on the Crow Reservation.

b. Coordination for youth court and school programs for eligible children residing in Big Horn County, but not on the Crow Reservation.

c. Protective day care for eligible children residing in Big Horn County, but not on the Crow Reservation.

d. Transportation and homemaker services for eligible adults residing in Big Horn County, but not on the Crow Reservation.

Note: According to the 1990 Census of Population and Housing, of the 5,271 persons who resided in Big Horn County, but not on the Crow Reservation, 591 persons or 11.21% identified themselves as being Crow. Of the 2,940 persons residing in Hardin, 494 persons or 16.8% identified themselves as being Crow.

2. South Central Regional Office (Billings)

a. Day-to-day contract supervision over child protective services delivered on the Crow Reservation.

b. Supervision of all programs provided by the Big Horn County Office.

c. Direct delivery of adoption referral and counseling services for the region, to include Big Horn County but excluding the Crow Reservation.

d. Direct delivery of community aftercare services for youths released from correctional facilities or committed by the courts in the region, to include Big Horn County but excluding the Crow Reservation.

### 3. Office on Aging (Helena)

The Office on Aging, under contract, provides statewide legal advocacy for the elderly.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>9</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	23,655,389	22,746,765
- State Rev.	2,672,405	2,701,636
- Proprietary	0	0
State Aggregate	26,327,794 (62.42%)	25,448,401 (60.79%)
Federal Revenue Fund	15,851,408 (37.58%)	16,415,333 (39.21%)

### Funding Comments:

Funding is general fund, state special revenue, and federal funds:

- General fund of over \$23.6 million in fiscal 1992 and approximately \$22.7 million in fiscal 1993 is the primary funding source for the Community Services programs.

- State special revenue is: 1) over \$898,000 for the county reimbursement for regional staff; 2) \$35,000 each year of fines for domestic violence; 3) over \$71,300 in donations, income tax check-off and marriage license fees for the Children's Trust; 4) interest income of \$2,773 each year for aftercare; 5)

approximately \$1.06 million each year for the county contributions to foster care; and 6) over \$540 each year of parental and other reimbursements for foster care. The increase of 33.2 percent from fiscal 1990 to fiscal 1992 is primarily the result of the accounting change to allow parental and other contributions to be recorded as revenue.

- Federal revenue increases funds for social services, aging services, day care, targeted case management for the developmentally disabled, IV-E funds for foster care, child abuse, domestic violence, refugee care, post adoption, subsidized adoption, and independent living.

#### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program, other than the protective services contract and supervisory expenses, cannot be accomplished.

### HISTORICAL PERSPECTIVE 10

Connie M. Harvey, Community Social Worker Supervisor (Billings), has been providing community services to the Crow Reservation since 1979. Prior to the creation of the Department of Family Services (DFS) in 1987, Ms. Harvey was employed by the Department of Social and Rehabilitation Services, and in that role, she provided comparable services to those presently being provided by DFS.

#### *A. Services in the Mid-to-Late 1970's*

Two governmental decisions have significantly affected the delivery of protective services by the state on Indian reservations. In 1978, the federal Indian Child Welfare Act limited state involvement in this process by giving the tribal government primary responsibility for protective services where custody of an on-reservation Indian child was affected. This restriction was discussed in a Montana Attorney General's Opinion (41 Op. Att'y Gen. No. 76 at 322 (1986)) which stated that the state was precluded from providing such services absent appropriate agreements with the resident tribe.

Prior to these two restrictions, the Department of Social and Rehabilitation Services provided services on the Crow Reservation in the same manner as throughout the state. Two social workers, one from child protective services and one dealing with aging and disabled issues, were assigned to the Reservation. Examples of services provided during this period include:

- Single parent families applying for Aid to Families with Dependent Children (AFDC) were seen by a state social worker who explained Medicaid benefits.

- Home visitations were conducted on the Reservation by an Eligibility Technician.

- Protective services were provided to AFDC families residing on the Reservation.

- Early Periodic Screening, Testing, and Diagnosis (EPSTAD) clinics (i.e., Well Baby Clinics) were conducted for participants in AFDC and Foster Care, including:

  - Transportation to these clinics.

  - Follow-up action (e.g., medical neglect investigation) if care recommended by these clinics was not provided.

- Rape Task Force Training.

- Crisis line.

#### B. *Services Provided Today*

##### 1. Primary Services

The key factor in determining the responsible protective services agency is the place of residence of the custodial parent, if the parent is an enrolled tribal member. If the parent resides on the Reservation, the Bureau of Indian Affairs (BIA) conducts the initial investigation. If the parent resides off of the Reservation, this service is performed by the DFS. Cases involving non-enrolled parents are investigated by the state regardless of place of residence. In the interest of safety, initial protective response precedes a decision of jurisdiction; thus, the state occasionally investigates cases over which it has no legal jurisdiction.

##### 2. Supporting Services

In Big Horn County there are two child protective teams: a county team and a Crow Tribal Team. State social service technicians also serve on the latter and serve as the trainer for that team.

If the Indian Child Welfare Committee reviews a parent's request to transfer a case from District Court to Tribal Court, the state:

- Provides counsel to tribal members.

- Monitors program progress for the tribal court if the parent resides off the reservation.

Prior to 1992, the Crow Tribe did not have procedures for licensing foster families on the Reservation. This service was provided to the Tribe by the state.

### 3. Supervisory Services

Ms. Harvey, a state grade 15 step 2, serves as the initial contact for DFS in matters dealing with the Crow Tribe. She provides consultation and technical assistance to Crow Social Services to include formal and on-the-job training. She estimates that prior to December 1992, she devoted approximately 10% of her time to the Crow Tribe, but that allocation has increased to approximately 25 percent. Bea Lunda, DFS Indian Child Welfare Specialist, also performs compliance audits on the current contract approximately every other month.



## **Mountain View**

Budgetary Program(s): 6911 03

Agency/Division/Bureau:

Department of Family Services  
Juvenile Corrections Division  
Mountain View School

### **NATURE OF SERVICES**<sup>11</sup>

Mountain View School in Helena, provides diagnosis, care, education, and rehabilitation for juvenile girls and boys between the ages of 10 and 19 years who have been committed by the courts. Each youth is provided with diagnostic and treatment services and an individualized education program. The school also provides ten day evaluations for girls and boys referred by the youth courts. The average daily population (ADP) of 52.31 in fiscal 1990 has been continued for the 1993 biennium.

(Mandate: Section 53-30-202, MCA)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>12</sup>

#### ***A. Workcenters within the Reservation***

The Mountain View School does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

The residential services of the Mountain View School might be provided to a juvenile girl residing on the Crow Reservation under two circumstances. In one instance, the juvenile girl would be referred to the department by a regional Youth Court (e.g., Yellowstone County Youth Court) for activities occurring off of the reservation. In the other instance, the Tribal Court would refer the juvenile to the department for activities occurring on the reservation. In the latter case, the Tribe presently pays the State \$80.00 per day for these services.

After care for former residents of the Mountain View program who reside in Big Horn County would be provided by the South Central Regional Office - Billings (Budget Program 6911 02).

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>13</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	2,088,655	2,158,864
- State Rev.	3,134	3.135
- Proprietary	0	0
State Aggregate	2,091,789 (95.12%)	2,161,999 (95.16%)
Federal Revenue Fund	107,294 (4.88%)	109,866 (4.84%)

Funding Comments (as updated by Bauch, March 16, 1993):

Funding is primarily from the general fund. State special revenue consists of canteen funds of \$3,000 and donations of \$134 for FY 92 and \$135 for fiscal year 1993. Federal revenue per year is school foods of \$42,705 from the Department of Education; Chapter I funds of \$47,868 in FY 92 and \$37,479 in FY 93; Chapter II funds of \$682.21 in FY 92 and \$546.17 in FY 93; and Special Education funds of \$3571 in FY 92 and \$5379 in FY 93; and federal boarder reimbursements of nearly \$15,000 (None received to date in FY93).

Note: The federal boarder source of income is a legislative authorization to provide the federal government services up to the specified amount. The Crow Tribe would be billed at a rate of \$80 per day per youth for these services.

### B. Program Expenditures Related to the Crow Tribe<sup>14</sup>

A review of the files of Mountain View School for the period January 1975 to December 1992 conducted by Jim Bauch, Assistant Superintendent, disclosed:

1976 - Two students committed for a 45 day evaluation from Big Horn County. Insufficient information exists to definitively determine if these girls were tribal members.

1977 - One student committed for a 45 day evaluation from Big Horn County. Insufficient information exists to definitively determine if this girl was a tribal member.

1978 - Three students were committed for a 45 day evaluation from Crow Agency. One student was committed from Big

Horn County for evaluation. Insufficient information exists to definitively determine if the girl solely identified as being from Big Horn County was a tribal member.

1980 - Two students from Crow Agency and three students from Big Horn County were committed for a 45 day evaluation. Insufficient information exists to definitively determine if the girls solely identified as being from Big Horn County were tribal members.

1982 - Two students committed for a 45 day evaluation from Big Horn County. Insufficient information exists to definitively determine if these girls were tribal members.

1983 - One student committed for a 45 day evaluation from Big Horn County. Insufficient information exists to definitively determine if this girl was a tribal member.

1984 - Four students committed for a 45 day evaluation from Big Horn County. Insufficient information exists to definitively determine if these girls were tribal members.

1985 - One student committed for a 45 day evaluation from Big Horn County. Insufficient information exists to definitively determine if this girl was a tribal member.

Summary: In the period 1975 to 1992, five residents of Crow Agency and fifteen residents only identified as being from Big Horn County were committed for 45 day evaluations at the Mountain View School.

#### HISTORICAL PERSPECTIVE

A historical perspective of Crow tribal member involvement with the juvenile justice system may be obtained from Gary Hickey, Juvenile Probation Officer, Big Horn County: "Although I have held the Juvenile Probation Officers position for only the last three years, the position has been in existence since 1981. All statistical data has been maintained from 1981 to date. Fourteen hundred and seventeen (1417) juvenile cases have been processed during the period 1981 to present, with seven hundred forty-six (746) of them involving Crow Tribal youth. This figure would make the percentage of involvement with Crow youths at fifty-three percent(53%)." (Source: Hickey letter to Christine Cook, Big Horn County Attorney, December 1, 1992.)

## **Pine Hills**

Budgetary Program(s): 6911 04

Agency/Division/Bureau:

Department of Family Services  
Juvenile Corrections Division  
Pine Hills School

### **NATURE OF SERVICES**<sup>15</sup>

Pine Hills School in Miles City provides diagnosis, care, education, and rehabilitation for juvenile boys between the ages of 10 and 21 years who have been committed by the courts. Each youth is provided with diagnostic and treatment services and an individualized education program. The school also provides evaluations for boys referred by the youth court. The average daily population of 121.49 in fiscal 1990 has been projected for the 1993 biennium.

(Mandate: Section 53-30-202, MCA)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>16</sup>

#### ***A. Workcenters within the Reservation***

The Pine Hills School does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

The residential services of the Pine Hills School might be provided to a juvenile boy residing on the Crow Reservation under two circumstances. In one instance, the juvenile boy would be referred to the department by a regional Youth Court (e.g., Yellowstone County Youth Court) for activities occurring off of the reservation. In the other instance, the Tribal Court or a federal court would refer the juvenile to the department for activities occurring on the reservation. In the latter case, the Tribe or federal government presently pays the State \$80.00 per day for these services.

After care for former residents of the Mountain View program who reside in Big Horn County would be provided by the South Central Regional Office - Billings (Budget Program 6911 02).

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>17</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	3,451,469	3,579,728
- State Rev.	320,045	326,180
- Proprietary	0	0
State Aggregate	3,771,514 (92.36%)	3,905,908 (92.49%)
Federal Revenue Fund	311,994 (7.64%)	317,368 (7.51%)

#### Funding Comments:

General fund is the primary funding source for Pine Hills School. State special revenues each year are alcohol tax of \$26,573 for a chemical dependency contract; canteen funds of over \$19,700; interest and income of \$267,758 in fiscal 1992 and \$273,891 in fiscal 1993; and industries revenue of \$6,000 each year. Federal revenues each year include school foods of over \$109,000 from the Department of Education; Chapter I funds of nearly \$108,000; and federal boarder reimbursements totalling \$86,267. Appropriations from the boarder reimbursements account have increased because funds received in fiscal 1990 were approximately \$20,000 higher than expenditures.

### B. Program Expenditures Related to the Crow Tribe<sup>18</sup>

A review of the files of Pine Hills School for the period July 1975 to June 1992, conducted by Elizabeth Young-Huff, Clinical Services Supervisor and Mickey Hanvold, Administrative Aid II, disclosed:

1975 - One student was committed for four months from Big Horn County. Insufficient information exists to definitively determine if this boy was a tribal member.

1976 - One student was committed for one month from Big Horn County. Insufficient information exists to definitively determine if this boy was a tribal member.

1977 - One student was committed for one month from Big Horn County. Insufficient information exists to definitively determine if this boy was a tribal member.

1979 - One student was committed for one month from Big Horn County. Insufficient information exists to definitively determine if this boy was a tribal member.

1980 - One student was committed for one month from Crow Agency. One student committed for one year and one month from Federal District Court, Billings. One student was committed for six months from Federal District Court, Billings. Insufficient information exists to definitively determine if these boys were tribal members.

1981 - One student was committed for eight months from Federal District Court, Billings. Insufficient information exists to definitively determine if this boy was a tribal member.

1982 - One student was committed for eight months from Federal District Court, Billings. One student was committed for one month from Big Horn County. Insufficient information exists to definitively determine if these boys were tribal members.

1983 - One student was committed for one month from Federal District Court, Billings. Insufficient information exists to definitively determine if this boy was a tribal member.

1985 - Three students were committed for one, five and nine months respectively from Big Horn County. Insufficient information exists to definitively determine if these boys were tribal members.

1986 - One student was committed for one month from Federal District Court, Billings. One student was committed for ten months from Big Horn County. Insufficient information exists to definitively determine if these boys were tribal members.

1987 - One student was committed for seven months from Federal District Court, Billings. One student was committed for one month from Big Horn County. Insufficient information exists to definitively determine if these boys were tribal members.

1988 - One student was committed for 11 months and two students were committed for one month each from Big Horn County. Insufficient information exists to definitively determine if these boys were tribal members.

1989 - One student was committed for six months from Big Horn County. Insufficient information exists to definitively determine if this boy was a tribal member.

Summary: In the period 1975 to 1992, one resident of Crow Agency and 14 residents only identified as being from Big Horn County were committed to Pine Hills School. An additional six boys were committed to Pine Hills School by the Federal

District Court in Billings.

#### HISTORICAL PERSPECTIVE

A historical perspective of Crow tribal member involvement with the juvenile justice system may be obtained from Gary Hickey, Juvenile Probation Officer, Big Horn County: "Although I have held the Juvenile Probation Officers position for only the last three years, the position has been in existence since 1981. All statistical data has been maintained from 1981 to date. Fourteen hundred and seventeen (1417) juvenile cases have been processed during the period 1981 to present, with seven hundred forty-six (746) of them involving Crow Tribal youth. This figure would make the percentage of involvement with Crow youths at fifty-three percent(53%)." (Source: Hickey letter to Christine Cook, Big Horn County Attorney, December 1, 1992.)

1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-139.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-147.
3. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-152.
4. Ann K. Gilkey, interview by author, January 29, 1993, notes, Department of Family Services, Helena, Montana; Betty Petek, interview by author, January 29, 1993, notes, Department of Family Services, Helena, Montana.
5. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-152.
6. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-154.
7. Department of Family Services, "Contract Number: 93-020-1003, Between the Montana State Department of Family Services and the Crow Nation for IV-E Indian Foster Care Services", Helena, Montana.
8. Ann K. Gilkey, interview by author, January 29, 1993, notes, Department of Family Services, Helena, Montana; Betty Petek, interview by author, notes, January 29, 1993, Department of Family Services, Helena, Montana.
9. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-154.
10. Connie M. Harvey, Community Social Work Supervisor (Billings), interview by author, March 10, 1993, notes, Department of Family Services, Hardin, Montana.
11. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-163.
12. James W. Bauch, interview by author, February 24, 1993, notes, Department of Family Services, Helena, Montana.



13. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-163.
14. James W. Bauch, letter to author, March 1, 1993.
15. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-165.
16. Elizabeth Young-Huff, letter to author, March 25, 1993.
17. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-165.
18. Elizabeth Young-Huff, letter to author, March 25, 1993.

# Department of Health and Environmental Sciences

## AGENCY DESCRIPTION<sup>1</sup>

The Department of Health and Environmental Services (DHES) was created to protect and promote the health of the people of Montana through the implementation of public health programs and the enforcement of public health laws and regulations. The department is also responsible for ensuring that a safe and healthful environment exists in Montana through the implementation of environmental protection programs and enforcement of environmental laws and regulations. The departmental staff is responsible for the assessment of health care and environmental needs and problems in connection with local and private sources; development and implementation of programs designed to meet health and environmental needs and alleviate problems; and continual evaluation of current public health and environmental problems. The department administers the maternal health and child health block grant, the preventative health block grant, and categorical grants from the federal government (e.g., solid and hazardous waste, air and water quality programs). The department is provided for in Section 2-15-2101, MCA, and its general powers and duties are specified in Section 50-1-202, MCA. The Department carries out this mandate through the Office of the Director and three Divisions: Centralized Services, Health Services, and Environmental Sciences.

## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	3,445,170	3,397,314
- State Rev.	13,132,729	8,162,764
- Proprietary	1,573,374	1,602,908
State Aggregate	18,151,273 (34.33%)	13,162,986 (27.04%)
Federal Revenue Fund	34,722,354 (65.67%)	35,509,974 (72.96%)

## FUNDING COMMENTS:

Maternal and child health block grant must be matched on a ratio of 3/7 state funds to 4/7 block grant. In the 1993 biennium, it is anticipated that this match will be met with general fund and state special revenues for current programs in DHES and the Office of Public Instruction and with services provided through the counties.

Certain functions in the Centralized Services Division and Director's Office funded with indirect charges because they provide services department-wide.

## PROGRAMS

- 5301 01 Director's Office \*
- 5301 02 Centralized Services Division \*
- 5301 03 Environmental Sciences \*
- 5301 04 Solid/Hazardous Waste \*
- 5301 05 Water Quality \*
- 5301 06 Health Services/Medical Facilities \*
- 5301 07 Family/Maternal and Child Health Bureau
- 5301 08 Preventative Health Bureau \*
- 5301 09 Licensing and Certification \*

\* - These programs are omitted from this study.

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### Director's Office (5301 01)<sup>2</sup>

The Director's Office provides the overall management and policy development of the department. Included in this program are: 1) the Director, which includes the deputy director and personnel unit; 2) the Board of Environmental Sciences, which is a quasi-judicial board appointed by the Governor to advise the department in public health matters; 3) Legal Unit, which provides legal representation for the department in addition to enforcing several federal statutes, such as the Federal Clean Air Act, the Resource and Recovery Act, the Clean Water Act, and respective implementing regulations; and 4) Medical/Dental Unit, which provides education and preventive services to improve the oral and physical health of Montanans.

### **Centralized Services Division (5301 02)<sup>3</sup>**

The Centralized Services Division provides support services for the department in the areas of financial reporting, budgeting, accounting, grants and contracts management, statistical services, record keeping, laboratory services, and other support activities as required to promote and protect the health and safety of Montana citizens. The Centralized Services Division consists of four bureaus: Support Services, Vital Records and Statistics, Chemical Laboratory, and the Public Health Laboratory.

### **Environmental Sciences (5301 03)<sup>4</sup>**

The Environmental Sciences Division includes the environmental programs in Division Administration, the Air Quality Bureau, the Food and Consumer Safety Bureau, and the Occupational Health Bureau. The Environmental Sciences Division Administration oversees various programs in the Environmental Sciences Division, the Solid and Hazardous Waste Bureau, and the Water Quality Bureau. The Air Quality Bureau is responsible for maintaining outdoor air quality levels considered safe to the public health and welfare through permit review, inspections, monitoring, and information dissemination. The Occupational Health Bureau is responsible for administering the Radiological Health Program, with primary emphasis on inspection of x-ray machines; the regulation of asbestos consultants, contractors, and workers; and provision of measurement and technical expertise to ensure safety in homes and work places. The Food and Consumer Safety Bureau is responsible for ensuring healthful conditions exist and are maintained in food serving and processing establishments, hotels, motels, and trailer parks and for providing training and support services to local health agencies and sanitarians.

### **Solid/Hazardous Waste (5301 04)<sup>5</sup>**

The Solid and Hazardous Waste Bureau administers six environmental health laws designed to protect public health and the environment: 1) the Solid Waste Management Act, which provides for licensing, technical assistance, inspection, and enforcement for municipal, county, and private solid waste management systems throughout the state; 2) the Motor Vehicle Recycling and Disposal Act, which is a regulatory program that controls the disposal of junk motor vehicles and shielding of disposal sites; 3) the Montana Hazardous Waste Act, which is a regulatory program that controls generation, transport, treatment, storage, and disposal of hazardous wastes; 4) the Underground Storage Tank Act, which allows the department to investigate potentially hazardous disposal sites to determine if past disposal practices are resulting in threats to public health or the environment; and 6) the Comprehensive Environmental

Clean-up and Responsibility Act (also known as the State Superfund Act) which allows the department to investigate and clean up all hazardous waste sites in Montana that are not on the federal Superfund National Priority List.

#### **Water Quality (5301 05)<sup>6</sup>**

The Water Quality Bureau is responsible for the protection of public health and the environment quality of Montana's water resources. The program administers the Montana Water Quality Act, Montana's laws regarding public water supply, the Sanitation in Subdivision Act, the Water/Wastewater Operator Certification law, and numerous rules promulgated to implement these laws. The bureau has seven activity units responsible for proper implementation of these statutes and rules: 1) Safe Drinking Water, which provides technical assistance and regulatory surveillance to ensure that water provided to the public meets minimum public health and engineering standards; 2) Water Quality Management, which monitors surface water to determine changes in quality or impacts from suspected pollution sources; 3) Nonpoint Source Pollution, which identifies streams and lakes whose quality is adversely impacted by nonpoint sources of pollution; 4) Water Pollution Control, which investigates alleged violations of Montana water quality laws and undertakes enforcement if appropriate; 5) Water Discharge Permits, which controls the quality of wastes discharged into state waters; 6) Groundwater, which investigates groundwater contamination problems and develops cleanup plans to protect groundwater resources; and 7) Municipal Wastewater Assistance, which provides technical and financial assistance to municipalities for design, construction, and operation of wastewater treatment systems.

#### **Health Services/Medical Facilities (5301 06)<sup>7</sup>**

The Health Services/Medical Facilities Division is responsible for improving and preserving the health and lives of Montana residents. This program consists of three functional units: 1) Division Administration, which is responsible for overall division operations, management of division resources, and assistance with formulation and development of department policy; 2) the Emergency Medical Services Bureau, which is responsible for planning and implementation of a statewide emergency medical services system and managing the Montana Poison Control System; and 3) the Health Planning Bureau, which produces the state health plans and planning research, administers the Certificate of Need Program, and collects, maintains, and distributes health facility data.

#### **Preventive Health Bureau (5301 08)<sup>8</sup>**

The Preventive Health Services Bureau, which detects and monitors a variety of health problems and risk factors in Montana, is comprised of the following programs: 1) Bureau Administration; 2) Chronic Disease Prevention and Health promotion, which lowers the risk of chronic disease morbidity, mortality, and disability through data collection, education, and training; 3) Communicable Diseases, which provides surveillance and outbreak control of reportable infectious diseases and includes the AIDS and Sexually Transmitted Diseases (STD) programs; 4) Immunization, which prevents the occurrence and transmission of vaccine-preventable diseases such as measles, mumps, and rubella; 5) Sexual Assault Services, which supports rape crisis intervention programs; 6) End Stage Renal Disease, which provides medical payments to persons suffering from chronic end stage kidney disease; and 7) Rabies, which provides consultation and vaccine to persons exposed to rabies.

### **Licensing and Certification (5301 09)<sup>9</sup>**

The Licensing, Certification, and Construction Bureau issues licenses, grants medicaid certification, recommends medicare certification, approves new and renovation construction projects for all health care providers, and enforces state and federal laws governing health care facilities.

## **Family/Maternal and Child Health Bureau**

Budgetary Program(s): 5301 07

Agency/Division/Bureau:

Department of Health and Environmental Sciences  
Family/Maternal and Child Health Bureau  
Montana Child Nutrition Program  
Supplemental Food Program for Women, Infants, and  
Children  
Family Planning Program  
Children's Special Health Services  
Perinatal Services

### **NATURE OF SERVICES**<sup>10</sup>

The Family/Maternal and Child Health Bureau consists of the following programs: 1) Nutritional Services, which provides nutritional foods, education, and assessment to low income pregnant women, infants, and children through the **Women, Infants, and Children (WIC) Program**, and nutritional meals to children enrolled in participating child care facilities through the **Child Nutrition Program**; **Family Planning**, which provides quality comprehensive family planning services to women ages 15 - 44 who are at risk of unwanted pregnancy; 3) **Children's Special Health Services**, which identifies children, age birth to 18, with special health care needs and provides for medical evaluation, treatment, and management of certain specified handicapping conditions; and 4) **Perinatal Services**, which includes the Montana Initiative for the Abatement of Mortality in Infants (MIAMI) Program and improves pregnancy outcome by offering community and hospital-based services to women prior to conception, throughout their pregnancy, and for their infants during the first year of life. The bureau also administers the Maternal and Child Health Block Grant and newborn metabolic screening.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**

#### **A. Montana Child Nutrition Program - Child and Adult Care Food Program**<sup>11</sup>

The Child Nutrition program - CACFP administers the program and reimburses for meals (breakfast, lunch, supper, snack) meeting specific nutritional requirements, which are served to children enrolled in non-profit, non-residential, licensed or approved child care centers, Head Start Programs, day care homes, outside-school-hours programs and adult day care centers that participate in the Child and Adult Care Food Program. The program plays an important role in providing appropriate foods for child growth and development and in providing basic nutrition education which

will enable children participating in the program to make wise choices throughout their lives.

#### 1. Workcenters Within the Reservation

Although, the Child Nutrition program does not have a facility located within the Crow Reservation, the program does actively interact with reservation agencies. In addition to providing reimbursement for meals consumed, the program provides training and technical assistance in the areas of program operations, menu planning, meal service, sanitation, and nutrition. Training and technical assistance are provided through on-site visits to new centers and new directors, menu evaluations, statewide training sessions, and on-site reviews of all participating programs on a regular basis.

Reservation Programs: Head Start (302 enrolled in Oct '92) and the child care center of Little Big Horn College (27 enrolled in Oct '92).

#### 2. Off-Reservation Services

Programs immediately adjacent to the Crow Reservation:

##### a. Yellowstone Head Start (Billings)

-- Oct '86 -- 28 of 186 participants were Native American

-- Nov '89 -- 37 of 159 participants were Native American

##### b. Hardin Day Care (Hardin)

-- Oct '90 -- 9 of 70 participants were Native American

-- Nov '91 -- 24 of 112 participants were Native American

#### 3. Sub-program Funding and Manpower

The Child Nutrition program is 100% federally funded by the US Department of Agriculture. The program budget for SFY '92 is \$5.7 million and the program employs 3.5 FTE.

#### 4. Historical Perspective

The Child Nutrition program started in the fall of 1978.



**B. Supplemental Food Program for Women, Infants, and Children (WIC)<sup>12</sup>**

WIC helps low-income pregnant and breastfeeding women, women who recently had a baby, and infants and children, up to age five, who are at health risk by providing these services:

- Nutrition assessment, education and counseling to improve eating behaviors;
- Supplemental, highly nutritious foods such as iron-fortified cereal, milk, eggs, peanut butter or dried beans, juice, and if a mother chooses not to breast feed, iron-fortified formula;
- Access to health care programs and referral to private and public prenatal and pediatric care providers.

(Mandate: WIC is managed by the US Department of Agriculture [USDA] under Public Law 95-627, Child Nutrition Act of 1966. In Montana, DHES administers the grant from USDA through state administrative rules [ARM 16.26.101 through 16.26.402]).

**1. Workcenters Within the Reservation**

An agreement to provide WIC services is signed annually between DHES and the Indian Health Service (IHS). In fulfilling this agreement, IHS employs 1.0 FTE for professional services and 1.8 FTE as an aide. In April 1992, WIC was providing these levels of service:

- a. Permanent: Public Health Service Indian Hospital  
Crow Agency, MT

Race of clients: white 14, Native American 359, black 1

- b. Temporary: WIC Clinics are also located at
  - (1) Lodge Grass, MT

Race of clients: white 12, Native American 187, other 1

- (2) Pryor, MT.

Race of clients: white 7, Native American 67

## 2. Off Reservation Services

WIC also contracts with county health departments and local hospitals to provide these services. In April 1992, WIC was providing these levels of service in the immediate vicinity of the Crow Reservation:

### a. Big Horn County (excluding the Reservation)

Race of clients: white 104, Native American 59

### b. Billings (Yellowstone County, excluding Laurel and the Crow Reservation)

Race of clients: white 1442, Native American 232, black 32, other 186

## 3. Sub-program Funding and Manpower

The WIC program is 100% funded by the USDA. The state portion of this program employs 10.0 FTE.

## 4. Historical Perspective

No significant program changes have occurred during the period 1978 to date.

## C. Family Planning Program<sup>13</sup>

The Family Planning Program (FPP) provides quality comprehensive family planning services through local agencies to accomplish the following major health goals:

- Improve and maintain the reproductive health of Montana people in their reproductive years, particularly through the detection and prevention of cancer and sexually transmitted diseases with women;

- Prevent unplanned pregnancies and reduce the incidence of abortion by offering comprehensive family planning services to women at risk, with priority on low income families; and

- Improve pregnancy outcomes by correcting health problems between pregnancies and by proper spacing and timing of pregnancies.

This preventative health program provides physical examinations, including breast exams and annual cervical cancer screenings; pregnancy and lab testing; blood pressure readings; contraceptive dispensing; sexually transmitted disease testing and treatment, as available; immunization for rubella or referral to available services; reproductive health education and counseling and

referral to public and private health care, medical, and social service providers. Through these mechanisms, family planning provides an essential health care intervention directly related to decreased high risk pregnancy and maternal and infant mortality and morbidity.

(Mandate: 42 USC 300 et seq. and MCA 50-1-202(9))

#### 1. Workcenters Within the Reservation

The FPP does not have an on-site delivery program within the Crow Reservation. Family planning on the reservation, by law, is the responsibility of the Indian Health Service (IHS). Contact between the FPP and the IHS is limited to the exchange of statistical data.

#### 2. Off-Reservation Services

In state fiscal years 91 and 92, FPP was providing these levels of service in the immediate vicinity of the Crow Reservation:

##### Billings Planned Parenthood (funded since 1972)

- In SFY 91, of the 4100 clients served, 53 were Native Americans (12 were from a reservation and 41 were non-reservation Native Americans).

- In SFY 92, of the 5916 clients served, 102 were Native Americans (41 were from a reservation and 61 were non-reservation Native Americans).

#### 3. Sub-program Funding and Manpower

At the state level, FPP receives funding from the federal special revenue fund (Title X - Preventative Health Block Grant and Title V - Maternal and Child Health Block Grant) and the state general fund. Local family planning programs receive funds from up to nine different sources. DHES employs 4.0 FTE in the Family Planning Program.

#### 4. Historical Perspective

Although the types of services have essentially remained unchanged since the program's statewide inception in 1972, there has been a marked increase in clientele. In SFY 91, the program served 25,180 clients; a 534% increase in caseload since the program's statewide inception.

#### D. Children's Special Health Services<sup>14</sup>

Children's Special Health Services (CSHS), formerly called Handicapped Children's Services, is concerned with the early

detection, diagnosis, treatment, rehabilitation, and prevention of physically handicapping conditions in children from birth to age eighteen. Services provided to eligible children include payment for evaluation and diagnosis, surgery and related hospitalizations, follow-up care and management, special medications and formulas, braces, ambulance transports, and occupational, physical, speech, and respiratory therapies, if needed. This program also funds specialty clinics for children with heart, cleft lip and cleft palate, neurological and juvenile rheumatoid arthritis conditions. (Mandate: 50-1-202, MCA)

#### 1. Workcenters Within the Reservation

The CSHS program does not have a facility or on-site delivery program located within the Crow Reservation.

#### 2. Off-Reservation Services

CSHS indirectly provides medical care to physically disabled children by funding clinics that diagnose and provide case management for these conditions and by paying for the treatment of correctable or manageable handicaps and chronic diseases. These services are available to all children who are residents of Montana regardless of county or reservation of residence. Income and medical condition criteria are applied uniformly across the state.

##### a. Clinics (conducted in Billings)

###### (1) Types

(a) Montana Center for Handicapped Children, Eastern Montana College.

This facility provides multi-disciplinary diagnosis and case management services on a recurring basis.

###### (b) Neurological clinic (FY90 and 91)

A pediatric neurologist travelled from Helena, at CSHS expense, to conduct this clinic.

###### (c) Juvenile rheumatoid arthritis

Four times per year since 1990, a specialist (physician) has travelled from Missoula, at CSHS expense, to conduct the clinic.

###### (d) Cardiac clinic, St. Vincent's Hospital

Once each month since the 1970's, physicians have travelled from Denver to conduct this clinic. Estimated cost of travel and fees is \$22,000/year.

## (2) Level of Activity

Since 1988, 96 Native Americans residing on the Crow Reservation or in Big Horn or Yellowstone Counties have received services from these clinics. Of the recipients, 41 attended the pediatric cardiology clinic, 17 were examined for cleft lips or palates, and 38 were referred to public health agencies for other services.

### b. Medical Reimbursement

Since 1988, the CSHS program has paid \$24,142 for treatment of Native American children residing on the Crow Reservation or in Big Horn or Yellowstone Counties.

### 3. Sub-program Funding and Manpower

CSHS receives 100% of its funding from Title V of the federal Maternal and Children Block Grant program. This program is not directly funded by the state general fund or by fees. It employs 5.0 FTE.

### 4. Historical Perspective

The provision of services to handicapped children has existed in various formats since 1935, with the scope of these services essentially remaining unchanged. Programmatic changes have been responsive to the types of conditions posing the greatest threat (e.g., 1950s - polio), but they have not altered the overall level of effort. However, in 1981, program funding did decrease and has remained at a stable level since that date.

## E. Perinatal Services<sup>15</sup>

Montana Initiative for Abatement of Mortality in Infants (MIAMI)

The Montana Perinatal Program's primary project is the Montana Initiative for Abatement of Mortality in Infants (MIAMI) which was created to

- Ensure that mothers and children receive access to quality maternal and child health services,

- Reduce infant mortality and the number of low birth weight babies, and

- Prevent the incidence of children born with chronic illnesses, birth defects, or severe disabilities as a result of Inadequate prenatal care.

#### PROGRAM FUNDING AND EXPENDITURE

The Family/Maternal and Child Health Bureau consists of a Bureau Chief with 2.0 FTE of administrative support and four programs: Nutritional Services (Child Nutrition and WIC), Family Planning, Children's Special Health Services, and Perinatal Services.

##### *A. Budget By Funding Source<sup>16</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	270,823	269,132
- State Rev.	0	0
- Proprietary	0	0
State Aggregate	270,823 (1.49%)	269,132 (1.42%)
Federal Revenue Fund	17,889,587 (98.51%)	18,704,966 (98.58%)

##### *B. Program Expenditures Related to the Crow Tribe*

Please see individual sub-programs.

#### HISTORICAL PERSPECTIVE

Please see individual sub-programs.

1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-1, 7, and 9.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-20.
3. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-23.
4. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-27.
5. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-32.
6. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-36.
7. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-40.
8. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-45.
9. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-49.
10. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-42.
11. Peggy Jo Baraby, interview by author, December 1, 1992, notes, Department of Health and Environmental Sciences, Helena, Montana.
12. Laura Hull, interview by author, December 3, 1992, notes, Department of Health and Environmental Sciences, Helena, Montana.
13. Suzanne M. Nybo, interview by author, December 9, 1992, notes, Department of Health and Environmental Sciences, Helena, Montana; Jacqueline Grelis Forba, interview by author, December 9, 1992, notes, Department of Health and Environmental Sciences, Helena, Montana.

14. Judy Wright, interview by author, December 1 and 4, 1992, notes, Department of Health and Environmental Sciences, Helena, Montana.

15. Joann Walsh Dotson, interview by author, December 2, 1992, notes, Department of Health and Environmental Sciences, Helena, Montana; Deborah Henderson, interview by author, December 2, 1992, notes, Department of Health and Environmental Sciences, Helena, Montana.

16. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-42.



# **Department of Corrections**

## **and**

### **Human Services**

#### **AGENCY DESCRIPTION<sup>1</sup>**

The Department of Corrections and Human Services (DCHS, formerly the Department of Institutions), authorized in Section 2-15-2301, MCA, is directed in Section 53-1-201, MCA, to "utilize at maximum efficiency the resources of state government in a coordinated effort to: 1) restore the physically or mentally disabled; 2) rehabilitate the violators of laws; 3) sustain the vigor and dignity of the aged; 4) train children of limited mental capacity to their best potential; 5) rededicate the resources of the state to the productive independence of its now dependent citizens; and 6) coordinate and apply the principles of modern institutional administration to the institutions of the state." The department staff seek to provide care and treatment services that will guarantee the rights of residents, comply with state and federal standards, and when possible, return residents of the institutions to a normal life in the community.

The departments's six divisions are 1) Central Operations, including the administratively attached Board of Pardons; 2) Corrections, which includes the Montana State Prison (MSP), Swan River Forest Camp (SRFC), the Women's Correctional Center (WCC), and community programs; 3) Mental Health, which includes Montana State Hospital (MSH), Center for the Aged (CFA), and community programs; 4) Chemical Dependency; 5) Developmental Disabilities, which includes the Montana Developmental Center (MDC) and Eastmont Human Services Center; and 6) Veteran's Nursing Home program, which includes the Montana Veterans' Home (MVH).

## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	74,351,199	74,348,825
- State Rev.	5,076,731	5,144,791
- Proprietary	3,124,105	3,144,975
State Aggregate	82,552,035 (94.2%)	82,638,591 (94.89%)
Federal Revenue Fund	5,079,144 (5.8%)	4,452,276 (5.11%)

### FUNDING COMMENTS:

*General fund* provides \$74.4 million in fiscal 1992 and \$74.3 million in fiscal 1993 in House Bill 2 and House Bill 509. Other revenue comes from state, federal, and proprietary sources.

*State special revenues* are primarily canteen funds, donations, third-party reimbursements at the Veterans' Home, and earmarked alcohol tax. The legislature appropriates a portion of the tax to the departments of Corrections and Human Services, Family Services, and Justice, and the remainder is statutorily appropriated to counties for chemical dependency programs.

### PROGRAMS

- 6401 10 Central Operations Division
- 6401 20 Corrections Division
- 6401 30 Mental Health Division
- 6401 40 Chemical Dependency Division
- 6401 50 Developmental Disability Division
- 6401 60 Veteran's Nursing Home Division

## Central Operations Division

Budgetary Program(s): 6401 10

Agency/Division/Bureau:

Department of Corrections and Human Services

### NATURE OF SERVICES<sup>2</sup>

Central Operations includes the Director's Office, Management Services, Special Services, and the administratively attached Board of Pardons. The Director's Office is responsible for effective management and planning for the department. It also provides legal, personnel, and labor relations support services for all programs, as well as administrative support for the Board of Pardons.

Management Services is responsible for 1) the department's budgeting and accounting, reimbursement, and data processing services; and 2) providing budgeting and management assistance to individual institutions. It bills and collects revenue generated by the department, including medicaid, insurance, private payments, and Veterans' Administration contributions.

The Special Services unit, a new administrative structure, oversees the developmental disability system and the veterans' homes.

The Board of Pardons, located in Deer Lodge, is responsible for the release of inmates on parole and furlough. It also reviews all requests for executive clemency and makes recommendations to the Governor. The board consists of three regular members and one auxiliary member, appointed by the Governor with advice and consent of the Senate. By statute, at least one member must have particular knowledge of Indian culture and problems.

(Mandate: Sections 2-15-2302 and 46-23-104, MCA)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS

#### *A. Workcenters within the Reservation*

The Centralized Operations Program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

The Centralized Operations Program provides an indirect service to the residents of the Crow Reservation by performing the technical, fiscal, and administrative support functions

which facilitate the delivery of the primary services described elsewhere in this report.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source*

	Revised Total SFY 92	Revised Total SFY 93
- General	1,889,634	1,836,497
- State Rev.	41,150	0
- Proprietary	6,838	0
State Aggregate	1,937,622 (99.56%)	1,836,497 (100%)
Federal Revenue Fund	8,512 ( 0.44%)	0 ( 0%)

Funding Comments: Funding for this program is primarily general fund. Other funds used for legislative audit costs in Chemical Dependency, Mental Health, and Corrections in fiscal 1992 only are 1) earmarked alcohol tax; 2) federal Alcohol, Drug, and Mental Health Services funds; and 3) proprietary funds.

##### *B. Program Expenditures Related to the Crow Tribe*

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Corrections Division

Budgetary Program(s): 6401 20

Agency/Division/Bureau:

Department of Corrections and Human Services  
Corrections Division

### NATURE OF SERVICES<sup>3</sup>

The Corrections Division develops and administers an integrated corrections program for adults. Specific programs within the Corrections Division include 1) Administration; 2) a Corrections Medical Program; 3) Community Corrections; 4) a young men's correctional program at Swan River Forest Camp; 5) the Women's Correctional Center at Warm Springs; and 6) Montana State Prison for men at Deer Lodge.

The Administration program of the Corrections Division coordinates and administers all corrections activities through the Helena office. The Correctional Medical Program pays medical, optometry, dental, and laboratory costs for all corrections programs. It also funds security officers for hospitalized inmates. This budget structure accommodates movement of individuals through the corrections system, providing a flexible method to fund health costs while avoiding unforeseen financial burdens on any one program.

Community Corrections includes a probation, parole, and intensive supervision program, as well as pre-release centers, house arrest, and local jurisdiction sentencing options which provide alternatives to prison. The pre-release centers provide educational and work opportunities while providing close supervision of the offenders. The department operates two pre-release centers: 1) the Billings Life Skills Center (BLS) which houses up to 12 female offenders; and 2) the Missoula pre-release center which can accommodate 25 male offenders. In addition, the department contracts with non-profit corporations in Great Falls, Butte, and Billings for men's pre-release services. Pre-release centers housed 133 ADP (average daily population) in fiscal 1990 and are budgeted for 188 inmates by year end in fiscal 1992 and 173 inmates by year end in fiscal 1993.

The Swan River Forest Camp (SRFC) at Swan Lake, authorized in Sections 53-30-205 and 53-30-212, MCA, is a minimum security work camp for inmates between the ages of 18 and 25 who are transferred from the state prison. The inmates work cooperatively with the Division of Forestry, Department of State Lands, in forestry programs such as thinning, seeding, and planting trees, as well as campground and recreation and

maintenance. The staff provides educational opportunities, psychological services, work programs, training in living skills, and planning for each inmate's return to the community. In fiscal 1990, the capacity was increased from 54 to 60 beds.

The Women's Correctional Center (WCC) in Warm Springs is a minimum to medium security facility for female offenders requiring incarceration. The program includes treatment, work, education, and recreation. This facility, opened in fiscal 1982, housed 53 ADP in fiscal 1990, and is expected to house approximately 60 ADP in the 1993 biennium.

The Montana State Prison (MSP) in Deer Lodge, authorized in Section 53-30-101, MCA, is a low, medium, and maximum security facility for the custody, treatment, training, and rehabilitation of adult male criminal offenders. The prison has six programs: 1) Care and Custody; 2) Canteen; 3) Ranch and Dairy; 4) Industries; 5) Industries Training; and 6) the License Plate Factory. Treatment programs to aid rehabilitation include 1) vocational education; 2) on-the-job training; 3) work experience; 4) sports and hobby programs; 5) music programs; 6) self-help programs; and 7) chemical dependency programs. In fiscal 1990, the prison had a design capacity of 744 inmates and an ADP of 1,097. The prison is budgeted for 1,180 inmates by year end in fiscal 1992 and 1,220 by year end in fiscal 1993.

(Mandate: Sections 53-30-101, 131-3, 205, 212, MCA)

#### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>4</sup>

##### *A. Workcenters within the Reservation*

The Corrections Division does not have a facility or on-site delivery program located within the Crow Reservation.

##### *B. Off-Reservation Services*

1. In order to determine the level and cost of services provided to the residents of the Crow Reservation at the facilities described in the "Nature of Services" paragraphs, Pam Joehler, Administrator, Management Services Division, directed a computerized search of the files of the Department of Corrections and Human Services. This search was based on these assumptions:

a. To be included in the results of this search, a client must have indicated an originating address upon admission that identified him/her as a resident of either the Crow Reservation or Hardin. Persons residing at the following ZIP codes are "residents" of the Crow Reservation: Crow Agency - 59022, Lodge Grass - 59050, Wyola - 59089, Garryowen - 59031, Pryor - 59066, and St. Xavier - 59075. Persons receiving mail in Hardin use ZIP code 59034; some of these people may be enrolled

tribal members.

b. Service data are not available prior to 1986, and service data for individuals are not available by year.

c. Cost data are not available prior to 1988.

d. The estimated number of individuals served/year is based on the number of selected ZIP code clients served, the average length of stay, and the number of months covered in the data base.

e. The average cost per average daily population (ADP) by institution for fiscal years 1988-1991 was used to derive the annual cost estimate.

## 2. Expenditure on Services by Unit

### *Swan River Forest Camp*

A review of the files failed to disclose any clients identifiable with either Hardin or the Crow Reservation. If a client had been identified, the average cost per ADP/year for 1988-1991 would have been \$16,507 (general fund).

### *Montana State Prison*

88-91 Avg. cost per ADP (all funding sources) = \$16,238

88-91 Avg. cost per ADP (general fund only) = \$13,262

Hardin or Crow Res.	Clients Served	Avg. Length of Stay in Months	Month Covered & Years Covered	Served per Year	88-91 Avg. \$/ADP/ year	88-91 Avg. Cost/ Year
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Hardin	6	32.13	91-7.58	2.12	13,262	28,098
Crow Res.	8	32.13	91-7.58	2.82	13,262	37,464

### ***Women's Correctional Center***

88-91 Avg. cost per ADP (all funding sources) = \$19,370

88-91 Avg. cost per ADP (general fund only) = \$19,250

Hardin or Crow Res.	Clients Served	Avg. Length of Stay in Months	Month Covered & Years Covered	Served per Year	88-91 Avg. \$/ADP/ year	88-91 Avg. Cost/ Year
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Hardin	0					0
Crow Res.	2	11.31	91-7.58	0.25	19,250	4,786

### ***Probation and Parole***

88-91 Avg. cost per ADP (all funding sources) = \$2,920

88-91 Avg. cost per ADP (general fund only) = \$2,920

Hardin or Crow Res.	Clients Served	Avg. Length of Stay in Months	Month Covered & Years Covered	Served per Year	88-91 Avg. \$/ADP/ year	88-91 Avg. Cost/ Year
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Hardin	22	12.0	91-7.58	2.90	2,920	8,471
Crow Res.	19	12.0	91-7.58	2.51	2,920	7,316

### ***Central Office Pre-Release***

88-91 Avg. cost per ADP (all funding sources) = \$10,950

88-91 Avg. cost per ADP (general fund only) = \$10,950

Hardin or Crow Res.	Clients Served	Avg. Length of Stay in Months	Month Covered & Years Covered	Served per Year	88-91 Avg. \$/ADP/ year	88-91 Avg. Cost/ Year
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Hardin	32	5.0	79-6.58	2.03	10,950	22,177
Crow Res.	51	5.0	79-6.58	3.23	10,950	35,345



## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>5</sup>

<u>Funding Source</u>	Revised Total SFY 92	Revised Total SFY 93
- General	25,590,878	24,714,450
- State Rev.	1,363,694	1,367,364
- Proprietary	3,117,267	3,144,975
State Aggregate	30,071,839 (99.48%)	29,226,789 (99.47%)
Federal Revenue Fund	155,734 ( 0.52%)	156,179 ( 0.53%)

Funding Comments: General fund, the primary source of funding for the Corrections Division, increases 22.7 percent from fiscal 1990 to fiscal 1992. State revenue funds increase over 93 percent from fiscal 1990 to fiscal 1992, primarily because canteen authority is approximately double the actual fiscal 1990 expenditures. State revenues each year include: 1) earmarked alcohol tax of over \$127,000; 2) canteen funds of \$1.2 million; 3) community matching funds of over \$17,200; and 4) donations of \$980. The major portion of the federal funding is boarder reimbursements of approximately \$90,000 each year, while the remainder is federal school foods and education funds. Proprietary funds each year are: 1) \$1.7 million for the prison ranch; 2) \$1.1 million for the prison industries program; and 3) approximately \$263,000 for the prison industries training program.

### B. Program Expenditures Related to the Crow Tribe

#### Summary of General Fund Expenditures (Average Cost per Year)

<u>Unit</u>	<u>Hardin</u>	<u>Reservation</u>	<u>Total</u>
Montana State Prison	28,098	37,464	65,562
Women's Correctional Center	0	4,786	4,786
Probation and Parole	8,471	7,316	15,787
Central Office Pre-Release	22,177	35,345	57,522
Division	58,746	84,911	143,657

During the period 1988 through 1991, it is estimated that the

Corrections Division spent \$339,644 from the general fund on clients who listed their originating address as being within the Crow Reservation. An additional \$234,984 from the general fund was spent on residents with Hardin as an originating address.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Mental Health Division**

Budgetary Program(s): 6401 30

Agency/Division/Bureau:

Department of Corrections and Human Services  
Mental Health Division

### **NATURE OF SERVICES**<sup>6</sup>

The Mental Health Division includes administrative operations, the Montana State Hospital (MSH) at Warm Springs and Galen, the Center for the Aged (CFA) in Lewistown, and community health centers with regional headquarters located in Miles City, Billings, Great Falls, Missoula, and Helena. The purpose of this division, as defined in Section 53-21-101, MCA, is to 1) secure care and treatment for the seriously mentally ill; 2) provide treatment in a community-based setting when possible; 3) provide treatment in an institution when necessary; and 4) assure that due process of law is accorded any person who is seriously mentally ill.

The Montana State Hospital, authorized in Section 53-6-301, MCA, performs three treatment functions: 1) psychiatric care and treatment on the Warm Springs campus; 2) medical care on the Galen campus; and 3) chemical dependency rehabilitative care on the Galen campus. The psychiatric program at Warm Springs serves mentally ill persons who cannot be appropriately treated in community programs. The medical care unit at Galen provides acute hospital and intermediate nursing care for Montana State Hospital patients who have serious medical conditions and also provides detoxification for chemically dependent admissions. The chemical dependency unit at Galen provides a 28-day alcoholism rehabilitation program and a long-term program for individuals with other drug dependencies. In fiscal 1990, the Warm Springs campus had a licensed capacity of 404 beds and ADP of 293, while the Galen campus had a licensed capacity of 305 beds and served 162 ADP.

The Center for the Aged in Lewistown, authorized in Section 53-21-411, MCA, is a residential facility for long-term care and treatment of persons who: 1) are 55 years of age or older; 2) are transferred from Montana State Hospital or referred from Montana mental health centers; 3) have chronic mental disorders related to the aging process; 4) require a level of care not otherwise available in the community; and 5) are not so severe or acute as to require an active treatment program such as is available at Montana State Hospital. In fiscal 1990, the facility had an ADP of 152 and a capacity of 191 beds.

(Mandate: Sections 53-21-101, 53-6-301, 53-21-411, MCA)

PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>7</sup>

A. *Workcenters within the Reservation*

The Mental Health Division does not have a facility or on-site delivery program located within the Crow Reservation.

B. *Off-Reservation Services*

1. In order to determine to level and cost of services provided to the residents of the Crow Reservation at the facilities described in the "Nature of Services" paragraphs, Pam Joehler, Administrator, Management Services Division, directed a computerized search of the files of the Department of Corrections and Human Services. This search was based on these assumptions:

a. To be included in the results of this search, a client must have indicated an originating address upon admission that identified him/her as a resident of either the Crow Reservation or Hardin. Persons residing at the following ZIP codes are "residents" of the Crow Reservation: Crow Agency - 59022, Lodge Grass - 59050, Wyola - 59089, Garryowen - 59031, Pryor - 59066, and St. Xavier - 59075. Persons receiving mail in Hardin use ZIP code 59034; some of these people may be enrolled tribal members.

b. Service data are not available prior to 1986, and service data for individuals are not available by year.

c. Cost data are not available prior to 1988.

d. The estimated number of individuals served/year is based on the number of selected ZIP code clients served, the average length of stay, and the number of months covered in the data base.

e. The average cost per average daily population (ADP) by institution for fiscal years 1988-1991 was used to derive the annual cost estimate.

## 2. Expenditure on Services by Unit

### *Center for the Aged*

A review of the files failed to disclose any clients identifiable with either Hardin or the Crow Reservation. If a client had been identified, the average cost per ADP/year for 1988-1991 would have been \$17,788 (general fund).

### *Montana State Hospital Warm Springs*

Hardin or Crow Res.	Clients Served	Avg. Length of Stay in Months	Month Covered & Years Covered	Served per Year	88-91 Avg. \$/ADP/ year	88-91 Avg. Cost/ Year
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Hardin	5	35.16	85-7.08	2.07	43,627	90,231
Crow Res.	3	35.16	85-7.08	1.24	43,627	54,138

### *Montana State Hospital Galen*

Hardin or Crow Res.	Clients Served	Avg. Length of Stay in Months	Month Covered & Years Covered	Served per Year	88-91 Avg. \$/ADP/ year	88-91 Avg. Cost/ Year
---------------------------	-------------------	---	--	-----------------------	----------------------------------	--------------------------------

Hardin	39	1.00	85-7.08	0.46	43,627	20,017
Crow Res.	76	1.00	85-7.08	0.89	43,627	39,008

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>8</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	31,020,209	32,437,570
- State Rev.	766,472	791,637
- Proprietary	0	0
State Aggregate	31,786,681 (95.73%)	33,229,207 (96.17%)
Federal Revenue Fund	1,417,993 ( 4.27%)	1,323,722 ( 3.83%)

Funding Comments: General fund is the primary source for the Mental Health Division. State revenues are earmarked alcohol tax of approximately \$573,000 in fiscal 1992 and \$594,000 in fiscal 1993, canteen funds of approximately \$176,000 per year, and interest income and donations. Annual ADMS grants of \$1.02 million, Homeless Block Grants of \$275,000, and the MH Data Collection grant in fiscal 1992 are the primary sources of federal funds. State and hospital revenues decrease because the department reorganization transferred some earmarked alcohol tax and federal ADMS funds to the Chemical Dependency Division.

### *B. Program Expenditures Related to the Crow Tribe*

#### Summary of General Fund Expenditures (Average Cost per Year)

Unit	<u>Hardin</u>	<u>Reservation</u>	<u>Total</u>
Montana State Hospital WS	90,231	54,138	144,369
Montana State Hospital G	20,017	39,008	59,025
Division	110,248	93,146	203,394

During the period 1988 through 1991, it is estimated that the Mental Health Division spent \$372,584 from the general fund on clients who listed their originating address as being within the Crow Reservation. An additional \$440,992 from the general fund was spent on residents with Hardin as an originating address.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Chemical Dependency Division

Budgetary Program(s): 6401 40

Agency/Division/Bureau:

Department of Corrections and Human Services  
Chemical Dependency Division

### NATURE OF SERVICES<sup>9</sup>

The Chemical Dependency Division includes chemical dependency administration, alcohol and chemical dependency programs at Montana State Hospital in Galen, and community services. As established in Section 53-24-207, MCA, the department is responsible for establishing comprehensive and coordinated programs for the treatment of chemically dependent persons, intoxicated persons, and their families. Those programs include 1) emergency treatment; 2) inpatient treatment; 3) intermediate treatment; 4) outpatient treatment; and 5) follow-up services.

(Mandate: Section 53-24-207, MCA)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>10</sup>

#### *A. Workcenters within the Reservation*

In July 1990, the Alcohol and Drug Abuse Division inaugurated a four year Community Youth Activity Prevention Grant demonstration project with the community of Lodge Grass. The competitively awarded program, which was totally financed by the Office of Substance Abuse Prevention of the Department of Health and Human Services, was designed to create an awareness among participants of the consequences of drug use and to acquaint them with available community resources for prevention and treatment. Through summer encampments and school presentations, the program emphasized traditional Crow culture and values as support systems for preventing drug abuse.

The town of Lodge Grass received \$98,173 in fiscal years 91 and 92 for the demonstration project; however, the project was terminated for contract non-compliance before the remaining \$55,280 was committed (i.e., years 3 and 4 of the program). The project also funded one full-time employee (grade 14) and staff travel for the Department. The program did not fund agency administrative support and supplies used for the program.

#### *B. Off-Reservation Services*

1. Montana State Hospital - Galen: please see Program



6401 30.

2. Community services are an essential element in the battle against chemical dependency. The chemical dependency planning process, as set forth in the Montana Comprehensive Chemical Dependency Plan<sup>11</sup>, is designed in part to assure "outpatient (which includes outreach and aftercare) services are available to all Montana Counties; all publicly funded service providers operate at an optimal level; and special populations (minorities, youth, women, aged) receive adequate and appropriate services." As part of this process, counties are required to develop plans every four years with an annual action strategy update that "provide(s) the Department with uniform planning information, local needs and priorities and solutions to local services delivery problems. County alcohol tax monies are allocated as part of each year's county plan update subject to approval by the Department of Corrections and Human Services."

PROGRAM FUNDING AND EXPENDITURE

A. Budget By Funding Source<sup>12</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	258,944	284,761
- State Rev.	1,651,582	1,696,372
- Proprietary	0	0
State Aggregate	1,910,526 (42.06%)	1,981,133 (48.37%)
Federal Revenue Fund	2,631,521 (57.94%)	2,114,826 (51.63%)

Funding Comments: None

B. Program Expenditures Related to the Crow Tribe

1. Galen - Please see Program 6410 30.

2. Community services - Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Developmental Disability Division

Budgetary Program(s): 6401 50

Agency/Division/Bureau:

Department of Corrections and Human Services  
Developmental Disability Division

### NATURE OF SERVICES<sup>13</sup>

The Developmental Disabilities Division includes Montana Developmental Center and Eastmont Human Services Center. Administration for this division is budgeted in the Special Services Program of the Central Operations Division.

The Montana Developmental Center in Boulder provides treatment and habilitation for profoundly mentally retarded individuals. Admission procedures and basic guidelines for care, treatment, and training are found in Title 53, Chapter 20, MCA. The fiscal 1990 ADP was 181, compared with 195 in fiscal 1988. The average daily population (ADP) at the end of the 1993 biennium is estimated at 100 to 110 patients.

The Eastmont Human Services Center at Glendive is a state facility for mentally retarded individuals. This facility, authorized in Section 53-20-502, MCA, as an extension of the Montana Developmental Center, provides intermediate nursing care, treatment, and education. The center's goal is to maintain and improve individual skills so that residents can function in the community. The staff at Eastmont emphasize cooperation with community groups and agencies and the education of the public regarding developmental disabilities and mental retardation. Fiscal 1990 capacity was 55 beds and actual ADP was 54.

(Mandate: 53-20, 53-20-502)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>14</sup>

#### *A. Workcenters within the Reservation*

The Developmental Disability Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

1. In order to determine to level and cost of services provided to the residents of the Crow Reservation at the facilities described in the "Nature of Services" paragraphs, Pam Joehler, Administrator, Management Services Division, directed a computerized search of the files of the Department of Corrections

and Human Services. This search was based on these assumptions:

a. To be included in the results of this search, a client must have indicated an originating address upon admission that identified him/her as a resident of either the Crow Reservation or Hardin. Persons residing at the following ZIP codes are "residents" of the Crow Reservation: Crow Agency - 59022, Lodge Grass - 59050, Wyola - 59089, Garryowen - 59031, Pryor - 59066, and St. Xavier - 59075. Persons receiving mail in Hardin use ZIP code 59034; some of these people may be enrolled tribal members.

b. Service data are not available prior to 1986, and service data for individuals are not available by year.

c. Cost data are not available prior to 1988.

d. The estimated number of individuals served/year is based on the number of selected ZIP code clients served, the average length of stay, and the number of months covered in the data base.

e. The average cost per average daily population (ADP) by institution for fiscal years 1988-1991 was used to derive the annual cost estimate.

## 2. Expenditure on Services by Unit

### *Eastmont Human Services Center*

A review of the files failed to disclose any clients identifiable with either Hardin or the Crow Reservation. If a client had been identified, the average cost per ADP/year for 1988-1991 would have been \$43,406 (general fund).

Montana Development Center

Hardin or Crow Res.	Clients Served	Avg. Length of Stay in Months	Month Covered & Years Covered	Served per Year	88-91 Avg. \$/ADP/ year	88-91 Avg. Cost/ Year
---------------------------	-------------------	---	--	-----------------------	----------------------------------	--------------------------------

Hardin	1	240.0	91-7.58	1.00	68,742	68,742
Crow Res.	0					0

PROGRAM FUNDING AND EXPENDITURE

A. Budget By Funding Source<sup>15</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	14,819,695	14,191,313
- State Rev.	30,227	30,251
- Proprietary	0	0
State Aggregate	14,849,922 (99.91%)	14,221,564 (99.98%)
Federal Revenue Fund	13,976 ( 0.09%)	2,440 ( 0.02%)

Funding Comments: Funding for MDC and Eastmont is primarily general fund. State special revenue consists of approximately \$10,535 in donations and \$19,700 in income from sale of resident-produced products each year. Federal revenues are 1) Chapter I and II funds of \$10,919 in fiscal 1992 only; and 2) school foods funds of over \$2,400 each year from the Department of Education. It is anticipated that, because of downsizing, most school aged clients will move into the community and that Chapter I and II funds will not continue in fiscal 1993.

B. Program Expenditures Related to the Crow Tribe

Please see "Expenditure on Services By Unit".

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Veteran's Nursing Home Division**

Budgetary Program(s): 6401 60

Agency/Division/Bureau:

Department of Corrections and Human Services  
Veteran's Home Division

### **NATURE OF SERVICES**<sup>16</sup>

The Veteran's Home Division includes the Montana Veteran's Home in Columbia Falls and a potential new home in Glendive. These facilities, as authorized in Sections 10-2-401 through 10-2-404, MCA, provide nursing and/or domiciliary care for qualified veterans. Spouses of eligible veterans are also admitted when space is available. Administration for this division is budgeted in the special services program of the Central Operations Division.

The Columbia Falls facility contains 61 domiciliary and 90 nursing care beds. Fiscal 1990 ADP of 124 included 38 ADP in domiciliary and 86 ADP in nursing care. The 100-bed Eastern Montana Veteran's Home is to be constructed during the 1993 biennium.

(Mandate: Sections 10-2-401 through 10-2-404, MCA)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>17</sup>

#### ***A. Workcenters within the Reservation***

The Veteran's Nursing Home Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

1. In order to determine the level and cost of services provided to the residents of the Crow Reservation at the facilities described in the "Nature of Services" paragraphs, Pam Joehler, Administrator, Management Services Division, directed a computerized search of the files of the Department of Corrections and Human Services. This search was based on these assumptions:

a. To be included in the results of this search, a client must have indicated an originating address upon admission that identified him/her as a resident of either the Crow Reservation or Hardin. Persons residing at the following ZIP codes are "residents" of the Crow Reservation: Crow Agency - 59022, Lodge Grass - 59050, Wyola - 59089, Garryowen - 59031, Pryor - 59066, and St. Xavier - 59075. Persons receiving mail in

Hardin use ZIP code 59034; some of these people may be enrolled tribal members.

b. Service data are not available prior to 1986, and service data for individuals are not available by year.

c. Cost data are not available prior to 1988.

d. The estimated number of individuals served/year is based on the number of selected ZIP code clients served, the average length of stay, and the number of months covered in the data base.

e. The average cost per average daily population (ADP) by institution for fiscal years 1988-1991 was used to derive the annual cost estimate.

## 2. Expenditure on Services by Unit

### *Veteran's Nursing Home*

A review of the files failed to disclose any clients identifiable with either Hardin or the Crow Reservation. If a client had been identified, the average cost per ADP/year for 1988-1991 would have been \$3,799 (general fund).



## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>18</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	771,839	884,234
- State Rev.	1,223,606	1,259,167
- Proprietary	0	0
State Aggregate	1,995,445 (70.09%)	2,143,401 (71.48%)
Federal Revenue Fund	851,408 (29.91%)	855,109 (28.52%)

Funding Comments: General Fund increases over 50 percent from fiscal 1990 to fiscal 1992, primarily because private reimbursements and federal funds have not increased as much as expenses. State revenue includes 1) lease revenue of \$3,835 in fiscal 1992 and \$5,387 in fiscal 1993; and 2) third party and private reimbursements. Federal Veterans' Administration reimbursements are \$851,408 in fiscal 1992 and \$855,109 in fiscal 1993. If Veterans' Administration reimbursement exceeds the appropriated amount, the general fund appropriation will be reduced administratively so that federal funds are spent in lieu of general fund. If, however, reimbursements remain as budgeted, the general fund share of the budget will increase from 21.5 percent in fiscal 1990 to 27.1 percent in fiscal 1992.

### B. Program Expenditures Related to the Crow Tribe

Although Crow Tribal members who are veterans are eligible for this service, existing records do not indicate that they have availed themselves of this benefit.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-30.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-48.
3. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-52.
4. Pamela Joehler, Administrator, Department of Corrections and Human Services, Helena, memorandum "Information Request", March 25, 1993, and associated computer printout, 1 April 1993.
5. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-52.
6. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-58.
7. Pamela Joehler, Administrator, Department of Corrections and Human Services, Helena, memorandum "Information Request", March 25, 1993, and associated computer printout, 1 April 1993.
8. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-58.
9. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-62.
10. Kenneth C. Taylor, interview by author, March 15, 1993, notes, Department of Corrections and Human Services, Helena, Montana.
11. Montana Department of Corrections and Human Services, Alcohol and Drug Abuse Division, Comprehensive Chemical Dependency Plan: Fiscal Years 1992-1995 (Helena, MT).
12. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-62.
13. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-65.

14. Pamela Joehler, Administrator, Department of Corrections and Human Services, Helena, memorandum "Information Request", March 25, 1993, and associated computer printout, 1 April 1993.

15. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-65.

16. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-69.

17. Pamela Joehler, Administrator, Department of Corrections and Human Services, Helena, memorandum "Information Request", March 25, 1993, and associated computer printout, 1 April 1993.

18. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), D-69.

# Department of Natural Resources and Conservation

## AGENCY DESCRIPTION<sup>1</sup>

The Department of Natural Resources and Conservation (DNRC) is responsible for ensuring the wise management, development, conservation, and use of some of Montana's natural resources in a manner consistent with environmental quality. It works to sustain and improve the benefits derived from our water, soil, and rangeland; to encourage energy conservation and the use of renewable energy resources; and make certain that the energy facilities and water projects under its jurisdiction are developed with minimum adverse environmental effects. The department directs a wide variety of programs in meeting these and related goals and objectives. The department is provided for in Section 2-15-3301, MCA.

## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	4,347,724	4,596,354
- State Rev.	9,319,518	6,958,292
- Proprietary	0	0
State Aggregate	13,667,242 (61.6%)	11,554,646 (87.62%)
Federal Revenue Fund	8,521,314 (38.4%)	1,633,233 (12.38%)

**FUNDING COMMENTS:** The 1991 legislature approved general fund increases of 18.2 percent, primarily due to: 1) increases in current level program costs; and 2) budget modifications, which added \$176,818 over the biennium (\$20,000 in fiscal 1993 was added during the special session to implement the Treasure State Endowment program). During the 1992 special session, the legislature reduces general fund appropriations by \$528,751 in fiscal 1992 and \$329,343 in fiscal 1993.

*State special revenue* increases due to the addition of major facility siting and Broadwater Dam spending authority, budget

modifications, and current level cost increases in the Reserved Water Rights Compact Commission and Energy Division. During the 1992 special session, the legislature added state special revenue of \$116,523 in fiscal 1992 and \$186,527 in fiscal 1993.

*Federal funds* increase primarily because of: 1) biennial appropriations for dam construction; 2) budget modifications; 3) current level increases in rural economic development, floodplain management and builders training programs; 4) increased grant funds; and 5) the addition of funds for administration of state revolving fund loans. These increases are partially offset by elimination of federal oil overcharge indirect funds.

## **PROGRAMS**

5706 21 Centralized Services

5706 22 Oil & Gas Regulation

5706 23 Conservation/Resource Development Division

5706 24 Water Resources and Planning

5706 25 Reserved Water Rights Compact Commission \*

5706 26 Energy Planning

\* - These programs are omitted from this study.

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## **Reserved Water Rights Compact Commission (5706 25)<sup>2</sup>**

The Reserved Water Rights Compact Commission, which was created by the legislature in 1979 as part of the water rights adjudication effort, is provided for in Section 2-15-212, MCA. The purpose of the commission is to negotiate water rights with Indian tribes and federal agencies, with the intent to establish a formal agreement (compact) on the amount of water allocated to each interest. To date, the commission has concluded one compact with the Fort Peck tribe in 1985. The commission is statutorily attached to the Governor's Office but is served by a staff attached to DNRC. Three programs are administered by the commission staff: 1) Information Services; 2) Commission Negotiations; and 3) Administrative Support.

## Centralized Services

Budgetary Program(s): 5706 21

Agency/Division/Bureau:

Department of Natural Resources and Conservation  
Centralized Services Division

### NATURE OF SERVICES<sup>3</sup>

Centralized Services Division provides managerial and administrative support services essential to the effective operation of the department. The program has three components: 1) the Director's Office, which has responsibility for overall management and major decisions and recommendations within the jurisdiction of the department, includes the deputy director, legal, public information, and personnel support functions; 2) the Centralized Services program, which manages all financial activities, coordinates information systems, produces and coordinates publications and graphic materials, and performs general administrative support services; and 3) the Board of Natural Resources and Conservation (BNRC), which has statutorily assigned quasi-judicial functions, adopts department administrative rules if board approval is required. The BNRC is also responsible for approving reservations of water under the Montana Floodplain and Floodway Management Act. The BNRC, whose seven members are appointed by the Governor, also acts in an advisory capacity to the department in all other matters.

The Centralized Services Division also houses the department's Digital Equipment Corporation (DEC) computer system, which is used for: 1) DNRC word processing and applications that do not require the mainframe; and 2) transmittal of all necessary DNRC data to the mainframe. The system was purchased in 1989 on a lease/purchase agreement. The final payment will be made fiscal 1993. Centralized Services charges all agency programs for a portion of the lease/purchase debt service based upon the total number of pieces of equipment each department has accessing the system.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>4</sup>

#### *A. Workcenters within the Reservation*

The Centralized Services Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

Centralized Services Division provides managerial and

administrative support services essential to the effective operation of all DNRC Divisions. These services include, but are not limited to:

- Director/Deputy Director
- Legal Services
- Data Entry
- Payroll/Personnel
- Loan and Grant Review and Management
- Payments/Receivables
- Purchasing
- Federal Grants Management
- Bond Accounting
- Cartography and Publications

An indirect rate is applied to each Division's costs related to Crow Reservation expenditures to arrive at the approximate costs of services from 1975 to 1992.

#### Oil & Gas Division

Oil & Gas Division indicated that 1.5% of their permits issued were within Big Horn County. Centralized Services indirect costs are estimated to be \$18,856 for this process. Data Entry key punches monthly oil and gas production information for an estimated cost of \$255,000.

Note: The Crow Reservation occupies 3,164 square miles or 56.4% of the total land and water area within Big Horn County.<sup>5</sup>

#### Conservation & Resource Development Division

Indirect costs on Loan and Grant administration are estimated to be \$269,826 for this Division.

#### Water Resources Division

Indirect costs are estimated as follows :

Water Rights	\$72,256
Yellowstone River Compact	1,500
Little Bighorn Basin Devel.	<u>4,288</u>
	\$78,044

#### Energy Division

Services are provided specifically in the area of Federal Grants Management within this division. Indirect costs associated with grants are included in the Energy Division section of this study.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>6</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	1,315,250	1,306,279
- State Rev.	409,052	419,928
- Proprietary	0	0
Aggregate State	1,724,302 (99.75%)	1,726,207 (99.75%)
Federal Revenue Fund	4,391 (00.25%)	4,364 (00.25%)

Funding Comments: The centralized services function is funded with general fund, federal Army Corps of Engineers funds, and assessments against state special revenue funds. Assessments ranging from 6.0 to 11.0 percent are levied against all state special revenue accounts used to fund agency activities. The balance remaining after these assessments and available federal funds is funded with general fund.

General fund increases over the previous biennium primarily because assessments against the state special revenues remain constant from the current 1990 level, except for the pay plan and the 1992 special session funding switch circumstances. Consequently, increases in total program costs are funded with general fund. Federal funds consisted of assessments against oil overcharge funds in fiscal 1990. As these funds were spent, the department levied an indirect assessment to help fund the Centralized Services Division. Because of uncertainty over the level of funds available, no assessments on oil overcharge funds are included in the centralized services budget in the 1993 biennium. The legislature has approved language appropriating all indirect charges collected on oil overcharge funds for transfer to general fund.

### *B. Program Expenditures Related to the Crow Tribe*

Please see "Off-Reservation Services."

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have



significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Oil and Gas Regulation

Budgetary Program(s): 5706 22

Agency/Division/Bureau:

Department of Natural Resources and Conservation  
Oil and Gas Conservation Division

### NATURE OF SERVICES<sup>7</sup>

The Oil and Gas Conservation Division administers the Montana oil and gas conservation laws to promote conservation and prevent waste in the recovery of these resources through regulation of exploration and production of oil and gas. To meet this goal, the division: 1) issues drilling permits; 2) classifies wells; 3) establishes well spacing units and pooling orders; 4) inspects drilling, production, and seismic operations; 5) investigates complaints; 6) does engineering studies; and 7) collects and maintains complete well data and production information.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>8</sup>

#### A. *Workcenters within the Reservation*

The Oil and Gas Conservation Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

The Board of Oil and Gas Conservation (BOGC) has no jurisdiction over Indian trust lands. However, in 1987, the Bureau of Land Management (BLM) negotiated a Memorandum of Understanding implementing BOGC oil and gas well spacing and location standards on tribal and federal lands throughout the state. Under this agreement intended to provide consistency of administration, BOGC conducts hearings pertaining to Indian lands and the BLM issues their own orders in these matters. The BOGC does have jurisdiction for well spacing/well location on fee lands.

There are two gas fields (Hardin and Toluca) and six oil fields (Ash Creek, Gray Blanket, Lodge Grass, Snyder, Soap Creek, and Soap Creek East) in Big Horn County, all of which appear to lie within the Crow Reservation. The BOGC accepts reports such as copies of drilling permits, sundry notices concerning oil and gas wells, completion reports, and production reports for its files.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>9</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	1,247,662	1,259.992
- Proprietary	0	0
Aggregate State	1,247,662 (100%)	1,259,992 (100%)
Federal Revenue Fund	0 ( 0%)	0 ( 0%)

Funding Comments: The oil and gas conservation account funds this division. Revenue for this account is derived from drilling permits, a conservation tax on oil and gas production, interest earnings, and miscellaneous fees for photocopy and other services.

### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Conservation/Resource Development Division

Budgetary Program(s): 5706 23

Agency/Division/Bureau:

Department of Natural Resources and Conservation  
Conservation and Resource Development Division  
Conservation Districts Bureau  
Resource Development Bureau

### NATURE OF SERVICES<sup>10</sup>

The Conservation and Resource Development Division (CARDD) is made up of the Conservation Districts Bureau and the Resource Development Bureau.

The Conservation Districts Bureau coordinates, supervises, and provides financial and technical assistance to Montana's 59 conservation districts. It serves as coordination and liaison between conservation districts and federal, state, and local governments. The bureau is also responsible for statewide coordination of rangeland management and administration of the state's 30 grazing districts. The Resource Development Bureau provides technical, financial, and administrative assistance to public and private entities to complete projects that put renewable resources to work, increase the efficiency with which natural resources are used, or solve recognized environmental problems. In fulfilling these duties, the bureau administers four loan and grant programs.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>11</sup>

#### *A. Workcenters within the Reservation*

The Conservation and Resources Development Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

Projects that conserve the state's natural resources can be funded with both loans and grants. Water, sewer, or irrigation programs are projects which typically meet program criteria.

The competitive selection process is open to all qualified applicants and several hundred applications must be reviewed each cycle. The CARDD staff conducts this process for public loans and grants every two years. Private loans may be applied for at any time. Of the CARDD staff of 20 FTE, approximately eleven people are involved with the loan and grant program.

A review of the files of CARDD created the attached list of grants and loans to Big Horn County and several counties in the surrounding area. Of special interest are these actions which are the only loans/grants within Big Horn County:

#### Grants

WDG-87-5063 Two Leggins Water Users Assoc. (5/29/87)  
 Authorized: \$20,000 Disbursed: \$20,000

#### Loans

87-3081 Two Leggins Water Users Assoc. (10/27/88)  
 Authorized: \$120,000 Disbursed: \$84,447.08

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>12</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	38,280	22,452
- State Rev.	1,119,802	1,125,399
- Proprietary	0	0
Aggregate State	1,158,082 (92.68%)	1,147,851 (94.03%)
Federal Revenue Fund	91,404 ( 7.32%)	72,938 ( 5.97%)

Funding Comments: The Conservation and Resource Development Division is funded with: 1) general fund; 2) state special revenue funds, which include rangeland improvement loan administration fees, grazing district fees, conservation district coal severance tax income, local impact funds, and RIT interest through the renewable resource development account (RRD), reclamation and development account (R and D), and water development account; and 3) federal funds, which include a grant for Rural Economic Development and state revolving fund loan administration fees.

During the 1992 special session, the legislature de-authorized (in House Bill 12) five previously awarded RIT interest grants totalling \$133,050: 1) \$97,500 from the water development

account; 2) \$11,711 from the renewable resource development account; and 3) \$23,839 from the reclamation and development account. A listing of the de-authorized grants is found in the Special Session Action section at the agency level. The grants funds were then used to replace the same amount of general fund in the Conservation Districts Bureau: 1) \$66,523 in fiscal 1992; and 2) \$66,527 in fiscal 1993.

#### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

ID Number	Applicant Name	Date	Authorized	Disbursed
=====				
County: Big Horn				
WDG-87-5063	TWO LEGGINS WATER USERS ASSOC.	05/29/87	20,000.00	20,000.00
Total for county:			20,000.00	20,000.00
County: Carbon				
RRD-86-5512	CARBON CO. C.D.	07/01/85	68,000.00	54,101.44
WD-CCCD-007	CARBON CO. C.D.	00/00/00	121,000.00	121,000.00
WDG-86-5051	CARBON CO. C.D.	00/00/00	19,000.00	19,000.00
WDG-90-5085	CARBON CO. C.D.	03/12/90	30,000.00	4,433.64
RIT-92-8563	CARBON/STILLWATER CO/BIGTIMBER	08/16/91	45,437.00	24,632.00
WDG-88-5073	EDGAR CANAL CO.	06/30/88	10,000.00	10,000.00
RIT-87-8518	RED LODGE, CITY OF	06/19/89	100,000.00	100,000.00
WD-TCWD-020	TRI-COUNTY WATER DIST.	00/00/00	150,000.00	150,000.00
Total for county:			543,437.00	483,167.08
County: Rosebud				
WDG-85-5032	INGOMAR WATER DIST.	00/00/00	22,000.00	22,000.00
WDG-89-5077	INGOMAR WATER DIST.	09/20/88	8,894.00	6,860.85
WDG-84-5009	ROSEBUD C.D.	00/00/00	16,000.00	16,000.00
WDG-85-5029	ROSEBUD C.D.	00/00/00	5,500.00	5,500.00
Total for county:			52,394.00	50,360.85
County: Yellowstone				
WDG-87-5062	BILLINGS BENCH WATER ASSOC.	00/00/00	33,000.00	9,896.00
RIT-91-8554	DNRC/OIL & GAS CD	09/12/90	65,600.00	65,600.00
WDG-84-5021	LAUREL, CITY OF	00/00/00	100,000.00	100,000.00
WDG-88-5072	MONTANA STATE UNIVERSITY	06/21/88	37,500.00	32,203.34
RRD-92-5548	YELLOWSTONE CO. C.D.	08/01/91	100,000.00	95,466.39
Total for county:			336,100.00	303,165.73

ID Number	Applicant Name	Date	Authorized	Disbursed
=====				
County: Big Horn				
87-3081	TWO LEGGINS WATER USERS ASSOC.	10/27/88	120,000.00	84,447.08
Total for county:			120,000.00	84,447.08
County: Carbon				
82-3003	BUSBY, DEXTER & COLLEEN	00/00/00	35,000.00	35,000.00
85-3027	CARLSON, PATRICIA	06/01/90	47,500.00	47,500.00
85-3026	MARTINSEN, LINDA (MADSEN)	02/08/85	16,159.80	16,159.80
85-3022	STOVALL, WILLIAM & SHANNON	00/00/00	70,000.00	70,000.00
Total for county:			168,659.80	168,659.80
County: Yellowstone				
85-3012	BIG DITCH CO.	00/00/00	80,000.00	80,000.00
87-3087	LOCKWOOD IRRIGATION DISTRICT	00/00/00	247,000.00	247,000.00
CCL-92-9501	MHD Development Corporation	00/00/00	250,000.00	250,000.00
86-3060	YELLOWSTONE CO.	00/00/00	482,500.00	482,500.00
86-3066	YELLOWSTONE CO.	00/00/00	758,000.00	758,000.00
Total for county:			1,817,500.00	1,817,500.00



## Water Resources and Planning

Budgetary Program(s): 5706 24

Agency/Division/Bureau:

Department of Natural Resources and Conservation  
Water Resources Division

### NATURE OF SERVICES<sup>13</sup>

The Water Resources Division is responsible for many programs associated with the uses, development, and protection of Montana's water. The division also develops and recommends water policy to the director, Governor, and legislature. The division consists of an administration unit with an attached dam safety compliance staff and three separate bureaus: Water Management Bureau, Water Rights Bureau, and Engineering Bureau.

(Mandate: Title 85, MCA )

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>14</sup>

#### A. *Workcenters within the Reservation*

The Water Resources Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

The Water Resources Division maintains a Regional Office in Billings that provides a variety of services to the area surrounding the Crow Reservation. Divisional programs in Helena also provide services to the region that includes the Reservation.

1. Tongue River Dam: The DNRC operates and maintains this state-owned facility in Big Horn County which may provide recreational benefits to the Crow Tribe.

2. Water Rights: The DNRC provides assistance to the Water Court on water right adjudication for the area surrounding, but not including the Crow Reservation. Additionally, the Department administers the new water right appropriation program for the Crow Reservation region. The billings Regional Office has assisted some tribal members with water right applications and questions. Water Rights Bureau Chief Larry Holman has assembled the following information about processing activities and estimated costs associated with the Crow Tribe since 1975:

<u>Activity</u>	<u>Number</u>	<u>Unit Cost</u>	<u>Total Cost</u>
Permit Applications	89	\$ 500	\$ 44,500
Certificates	280	50	14,000
Changes	14	500	7,000
Detailed Development Plan	1	2,000	2,000
Exempt Water Right Filing	7	50	350
Transfer of Ownership	1,204	50	60,200
Est. Adjudication Filings	4,500	100	<u>450,000</u>
			\$578,050

3. Yellowstone River Compact: The Yellowstone River Compact is an interstate agreement between Montana and Wyoming. The Little Bighorn portion of the compact directly impacts the Crow Reservation. The compact was developed through negotiations between the two states in the early 1980's. The Little Bighorn negotiations required significant preparation - approximately two months of a hydrologist's time and two months of Department official's time. Four negotiation meetings were held, two in Billings and two in Sheridan, Wyoming. The estimated costs of the Little Bighorn portion of the compact: personal services - \$10,000, operating expenses - \$2,000.

4. Little Big Horn Basin Development: Between 1981 and 1984, Montana was compelled to respond to Wyoming Development proposals in the Little Bighorn River Basin. Hydrologic modeling of the basin was done, meetings were held, negotiations were conducted, and Governor Schwinden testified before the Wyoming Legislature regarding the proposed development. The estimated cost of personal services and operating expenses to Montana over the three year period is \$34,300.

The Water Resources Division employs 124.2 full-time employees.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>15</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	2,374,240	2,597,756
- State Rev.	4,516,537	2,521,973
- Proprietary	0	0
Aggregate State	6,890,777 (48.97%)	5,119,729 (98.94%)
Federal Revenue Fund	7,180,638 (51.03%)	54,842 ( 1.06%)

Funding Comments: The special session legislature approved several funding switches that reduced the general fund expenditures in this division by \$247,000 in fiscal 1992 and \$80,000 in fiscal 1993. The switches are: 1) \$100,000 from the state owned water projects budget modification; 2) \$87,000 from the Missouri River Reservation budget modification; 3) using \$30,000 of new federal funds in fiscal 1992; 4) increase water rights filing fees to generate an additional \$80,000 in fiscal 1993; and 5) using \$30,000 of water development funds previously appropriated to the Water Courts (Judiciary) in fiscal 1992.

Note: The second legislative special session reduced the general fund appropriation by an additional \$102,711 in fiscal 1993 without funding switches. (Source: Harper)

### *B. Program Expenditures Related to the Crow Tribe*

Please see "Off-Reservation Services."

## HISTORICAL PERSPECTIVE

The Water Resources Division historically included the Water Development Bureau which administered loan and grant programs for water development, reclamation and development, and renewable resource development. These programs were transferred to the Conservation and Resource Development Division approximately four years ago.

## Energy Planning

Budgetary Program(s): 5706 26

Agency/Division/Bureau:

Department of Natural Resources and Conservation  
Energy Division

### NATURE OF SERVICES<sup>16</sup>

The Energy Division consists of three bureaus: 1) the Facility Siting Bureau, which designs and conducts environmental impact monitoring studies and performs analyses of energy projects under either the Major Facility Siting Act (MFSA) or the Montana Environmental Policy Act (MEPA). The bureau also conducts impact assessment and research studies when its environmental expertise is requested by BNRC, other bureaus, divisions, or state or federal agencies; 2) the Planning and Analysis Bureau, which identifies and evaluates energy issues that could significantly affect Montana and formulates recommendations for Montana officials. The bureau also represents the state on various technical and policy groups; and 3) the Conservation and Renewable Energy Bureau, which works to encourage energy conservation and reduce state dependence on fossil fuels through promotion of competitively priced renewable resources.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>17</sup>

#### *A. Workcenters within the Reservation*

The Energy Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

##### 1. INSTITUTIONAL CONSERVATION PROGRAM

Since 1979, the Institutional Conservation Program has provided matching funds for energy conservation activities in schools and hospitals in Montana. Institutions participating in the program receive grants for Technical Assistance studies and help to pay for installation of energy saving measures. A full listing of the programs affecting the residents of the Crow Reservation is attached; however, some of the more significant efforts include:

- a. Wyola Elementary School (#3611).
- b. St. Labre Mission School (#3613), to include the Pretty Eagle School in St. Xavier.

c. St. Labre Indian Mission and Education Association (#3640).

d. Hardin City Hall/Water Treatment Plant.

## 2. ALTERNATIVE RENEWABLE ENERGY SOURCES PROGRAM

The Alternative Renewable Energy Sources Program (authorized by the Legislature in 1975) provided funding derived from the coal severance tax to various projects which demonstrated, developed, or researched some form of non-fossil energy. Grant projects covered solar, wind, geothermal, biomass, wood, and small scale hydro projects. A full listing of the programs affecting the residents of the Crow Reservation is attached; however, some of the more significant efforts include:

a. Big Horn County Hospital, RAE-83-1027.

b. New Western Energy Show

The Energy Demonstration Center in Helena organized the Indian School Tour Project, which included stops at Wyola and Lodge Grass.

c. Wind Monitoring Study

It is believed that there was a monitoring site at Lodge Grass, but because the relevant files have not been reviewed, these costs are not included in the sub- and total expenditures.

## 3. RESIDENTIAL SECTOR BUILDER TRAINING ACTIVITIES

Residential Sector Builder Training Activities are designed to increase the efficiency of new electrically heated homes to the level of model conservation standards and to increase the efficient use of electricity in existing homes. Builder training workshops are held around the state for builders, suppliers, code officials, and utility representatives.

During the period 1988 through 1991, a regional workshop was conducted each year in Billings in conjunction with Montana Power Company.

## 4. BIOMASS UTILIZATION AND COGENERATION PROGRAM

The Regional Bioenergy Program provides technical assistance to develop biomass resources as an energy option. The program funds a state technical assistance project to identify and develop biomass energy applications and to provide technical input, program direction, and to promote private sector participation. The program in Montana focuses on technical assistance and liquid biofuels. The BUC program has been active in Montana since the

early 1908's. A full listing of the programs affecting the residents of the Crow Reservation is attached; however, some of the more significant efforts include:

- a. St. Labre Indian Mission School.
- b. Bureau of Indian Affairs, Billings Area Office.

#### 5. STATE ENERGY CONSERVATION PROGRAM

The State Energy Conservation Program was created pursuant to the federal Energy Policy and Conservation Act of 1975. In accordance with the act, the State of Montana has developed and implemented a wide variety of programs and services designed to reduce energy consumption in the state. Workshops on boiler efficiency, lighting efficiency, building codes, window treatments, and insulation have been conducted throughout Montana. A full listing of the programs affecting the residents of the Crow Reservation is attached; however, some of the more significant efforts include:

- a. Intertribal Policy Board booklet "Energy Savings You Can Start Using Now" (1979).
- b. Regional workshops in Billings for boilers, lighting, and tractors.
- c. In-Service Training for Teachers (conducted in Billings).

#### 6. IRRIGATION ENERGY EFFICIENCY

In 1989, a regional workshop was conducted in Billings.

#### 7. WESTERN SOLAR UTILIZATION NETWORK

The Billings Field Office conducted several workshops on the Crow Reservation.

#### 8. ENERGY EXTENSION SERVICE

The Energy Extension Services is a DOE-funded information and outreach program designed to encourage energy conservation and the use of renewable energy by consumers. The Montana EES program began in June 1980 and continues to the present time. A full listing of the programs affecting the residents of the Crow Reservation is attached; however, some of the more significant efforts include:

- a. Energy Consumption Profile for Hardin.
- b. Energy Information Center - Hardin.

c. On-site Technical Assistance - Big Horn and Yellowstone Counties.

Montana Local Government Energy Office

In 1990, MLGEO staff performed an on-site energy audit of the Lodge Grass Town Hall.

PROGRAM FUNDING AND EXPENDITURE

A. Budget By Funding Source<sup>18</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	482,251	499,731
- State Rev.	1,708,364	1,303,763
- Proprietary	0	0
Aggregate State	2,190,615 (63.76%)	1,803,494 (54.58%)
Federal Revenue Fund	1,244,881 (36.24%)	1,501,089 (45.42%)

Funding Comments: The Energy Division is funded with a mixture of general fund, state special revenue, and federal funds from the Department of Energy, Bonneville Power Administration, and oil overcharge funds.

Additional oil overcharge funds that may be received in the 1993 biennium are appropriated in HB 10. The oil overcharge funds included the appropriation are the unspent balance of prior oil overcharge allocations.

The alternative energy development funds are used as match for administrative expenses of the ICP and Bioenergy program and also to fund the pay plan. The alternative energy account used to receive coal severance tax revenue, but that allocation was eliminated by House Bill 526 in the 1989 session. The remaining revenue to this account is interest and loan paybacks.

B. Program Expenditures Related to the Crow Tribe<sup>19</sup>

"The Energy Division provides services statewide and many of these services cannot be quantified. For the services that can be quantified, we only included expenditures for information that we could verify. The total expenditures reported are \$478,421."

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.



**ENERGY DIVISION, DNRC**  
**PROGRAM ACTIVITIES AND SERVICES**  
**CROW RESERVATION AND VICINITY**  
**1975-1993**

**INSTITUTIONAL CONSERVATION PROGRAM (ICP) (Attachments A)**

Previously called the Institutional Buildings Grants Program (IBGP)

Since 1979, the Institutional Conservation Program has provided matching funds for energy conservation activities in schools and hospitals in Montana. Institutions participating in the program receive grants for Technical Assistance studies and help to pay for installation of energy saving measures.

**EXPENDITURE: \$233,900**

**Wyola Elementary School #3611.** Wyola School District #29 received a grant in July 1987 to complete three energy conservation projects at the Wyola Elementary School. The projects included retrofitting exit lights, providing night setback controls in the lobby, and replacing incandescent lights with fluorescent fixtures and lamps. The school also received credit for a Technical Assistance Study completed on the building. The grant was closed out June 1988.

**St. Labre Mission School #3613.** The St. Labre Indian Mission School received a grant in July 1987 to complete two Technical Assistance studies at the St. Labre High School/Elementary Building in Ashland and at the Pretty Eagle School in St. Xavier. The St. Labre Mission School is attended by students from both the Crow and Northern Cheyenne Indian reservations. The grant was closed out March 1988.

**St. Labre Indian Mission and Education Association, Inc. #3640.** The St. Labre Indian Mission received a grant in November 1988 to complete energy conservation projects at four buildings on the St. Labre campus and at the Pretty Eagle School in St. Xavier. The school also received credit on Technical Assistance studies completed at the Cafeteria/Home Economics/Office/Day Care Complex, the Fine Arts/Dormitory Complex, and the Gymnasium. The school also received credit for a project completed before the grant was awarded. The grant was closed out August 1990.

**Deaconess Hospital, Billings #7034.** Deaconess Hospital received a grant to complete a Technical Assistance Study on the building. The grant was closed out November 1980.

**Deaconess Hospital, Billings #3439.** Deaconess Hospital received a grant to complete energy conservation projects. The projects included installing heat

recovery on the incinerator, weatherstripping the windows, and insulating the roof. No projects were done. The grant closed out.

**St. Vincent Hospital, Billings #7118.** St. Vincent Hospital received a grant to complete a Technical Assistance Study on the building. The grant closed out March 1983.

**St. Vincent Hospital, Billings #3432.** The St. Vincent Hospital received a grant in September 1980 to complete energy conservation projects. The projects included adding chiller controls, installing an incinerator/waste heat boiler, and thermostat controls. No projects were done. The grant was unilaterally closed out June 1983.

**St. Vincent Hospital, Billings #3029.** The St. Vincent Hospital received a grant in September 1981 to complete energy conservation projects. The project included a central control system. The project was not done. The grant was unilaterally closed out June 1983.

**Hardin City Hall/Water Treatment Plant.** In October 1981, the City of Hardin received an energy audit through IBGP (now ICP) at the Hardin City Hall/Water Treatment Plant.

**ALTERNATIVE RENEWABLE ENERGY SOURCES PROGRAM (Attachments B)**

Subsequently called the Renewable Energy and Conservation Program (RECP)

The Alternative Renewable Energy Sources Program (authorized by the Legislature in 1975) provided funding derived from the coal severance tax to various projects which demonstrated, developed, or researched some form of non-fossil energy. Grant projects covered solar, wind, geothermal, biomass, wood, and small scale hydro projects.

**EXPENDITURE:** \$18,478

**Big Horn County Hospital, RAE-83-1027.** In May 1983, Big Horn County Hospital in Hardin was awarded a Renewable Energy Program grant to help fund a new energy system based on solar, conventional fuel and waste heat, and reclamation. The system was not installed, and in August 1984, Big Horn County formally withdrew the project.

**New Western Energy Show.** Several RECP grants and loans were made in the proximity of the Crow Reservation, most notably in Billings. Three grants in the area of education and technical assistance are the most likely to have spillover effect to the Crow tribal members. These grants were made between 1976-78 to the New Western Energy Show. The Energy Show was a travelling theatrical troupe that offered hands-on workshops and demonstrations of renewable energy systems. It was associated with the Alternative Energy Resources Organization (AERO) located in Billings.

AERO used the first two grants for the summer travelling show which travelled all over the state to large and small communities, including Billings. The third grant paid for a Energy Demonstration Center in Helena which organized

the Indian School Tour Project. The project staff visited several Indian reservations. It stopped at Wyola and Lodge Grass on the Crow Reservation.

**Wind Monitoring Study.** A wind monitoring study of eastern Montana was funded under the Renewable Energy Program in 1982. The study included sites from Billings to Glendive. We believe that there was a monitoring site at Lodge Grass, but have not included the expenditures for this project in this report because the relevant files have not been reviewed.

#### RESIDENTIAL SECTOR BUILDER TRAINING ACTIVITIES (Attachments C)

Residential Sector builder training activities are designed to increase the efficiency of new electrically heated homes to the level of model conservation standards and to increase the efficient use of electricity in existing homes. Builder training workshops are held around the state for builders, suppliers, code officials, and utility representatives.

EXPENDITURE: \$105,940

**Builder Training Workshops.** Builder training workshops were conducted in Billings during the period 1988 through 1991 as part of the builder training portion of a technical assistance contract agreement with Montana Power Company. One workshop in each of the four years was conducted in Billings.

#### BIOMASS UTILIZATION AND COGENERATION PROGRAM (BUC) (see Attachments A) (Regional Bioenergy Program)

The Regional Bioenergy Program provides technical assistance and technology transfer to develop biomass resources as an energy option. The program funds a state technical assistance project to identify and develop biomass energy applications and to provide technical input, program direction, and to promote private sector participation. The program in Montana focuses on technical assistance and liquid biofuels. The BUC program has been active in Montana since the early 80s.

EXPENDITURE: \$2,253

**St. Labre Indian Mission School.** This boarding school for Crow and Northern Cheyenne students was visited by BUC program staff in October/November 1988 to determine if wood conversion was practical, and to find out if the Regional Bioenergy Program would be able to fund some of the conversion to waste wood. Another purpose of the site inspection was to collect information for a case study on the school. An article was written, edited, printed, but not distributed.

**Bureau of Indian Affairs, Billings Area Office.** Technical assistance was provided by the BUC program staff in the fall of 1990 and spring of 1991 to the BIA district forester in Billings relating to wood fuel processing.

STATE ENERGY CONSERVATION PROGRAM (SECP) (Attachments D)

The State Energy Conservation Program was created pursuant to the federal Energy Policy and Conservation Act of 1975. In accordance with the act, the state of Montana has developed and implemented a wide variety of programs and services designed to reduce energy consumption in the state. Workshops on boiler efficiency, lighting efficiency, building codes, window treatments, and insulation have been conducted throughout Montana.

EXPENDITURE: \$24,246

**Intertribal Policy Board.** Copies of a booklet "Energy Savings You Can Start Using Now" were provided to the Intertribal Policy Board in 1979.

**Boiler Workshops.** During 1987-88, two series of boiler workshops were held. One workshop from each of the two series was conducted in Billings.

**Lighting Workshops.** A series of lighting workshops were held in 1987 and 1988 around the state. Two of these workshops were held in Billings.

**Tractor Clinics.** In 1987, DNRC contracted with Northern Montana College to do tractor clinics. One was held in Billings.

**In-Service Training for Teachers.** In 1989, DNRC contracted with the Montana Energy Education Council (MEEC) to develop and present nine in-service training sessions for elementary and middle school teachers. One took place in Billings. The contract with MEEC went over a period of at least four years (1985-89); other in-service trainings may have been held in Billings prior to 1989. (The locations have not been verified and expenditures are not included in this report.)

IRRIGATION ENERGY EFFICIENCY (WESTERN AREA POWER ADMINISTRATION)  
(Attachments E)

**Irrigation Workshop.** In 1989, the Western Area Power Administration contracted with DNRC to conduct a free one-day training session for utility personnel on irrigation energy efficiency. The workshop was designed to help utility representatives assist irrigators with decisions on improving the efficiency of their irrigation systems. The workshop was held in Billings.

EXPENDITURE: \$2,007

WESTERN SOLAR UTILIZATION NETWORK (WESTERN SUN) (Attachments F)

The Western SUN State Solar Office was created as part of the 13-state Western Solar Utilization Network in the late 70s to promote commercialization of renewable energy in Montana.

EXPENDITURE: \$47,092

**Montana Western Sun.** The Montana Western SUN program was housed in DNRC's Energy Division starting in 1979, and expanded in June 1980 to include outreach offices in Billings and Missoula. The Billings Field Office held several solar workshops on the Crow Reservation. Western SUN staff also provided some lectures there as well. The Crow Agency is listed as a site for a teleconference proposal, but we have been unable to confirm whether the teleconference took place (expenditure not included in this report).

#### ENERGY EXTENSION SERVICE (EES) (Attachments G)

The Energy Extension Service is a DOE-funded information and outreach program designed to encourage energy conservation and the use of renewable energy by consumers. The Montana EES program began in June 1980 and continues to the present day.

**EXPENDITURE:** \$44,505

**Large Cities Grants.** Four grants referred to as the Large Cities Grants were made in 1981. The point of these grants was to get city governments operating in an energy efficient manner. Billings received two grants over a two year period. These grants covered some work to promote the Billings bus system and the conversion of three trucks to compressed natural gas. Billings also organized an "Energy Futures" conference in cooperation with several community organizations under the grants.

**Energy Consumption Profiles.** EES prepared profiles of municipal energy consumption for 16 mid-sized Montana cities, including a profile of Hardin in 1981. These profiles included estimates of future energy use and costs.

**Energy Information Centers.** In 1983, a contract was signed with the Montana Cooperative Extension Service (MCES) for the development and operation of local energy information centers throughout the state, including Billings and Hardin. The contract with MCES has been renewed each year to the present time. The information centers provide free publications on the conservation and use of energy.

**On-Site Technical Assistance.** EES helps local governments through direct grants and technical assistance. In 1984, on-site technical assistance was provided to Yellowstone and Big Horn counties. The assistance took the form of walk-through audits and infrared scans of buildings.

**Montana Local Government Energy Office (MLGEO).** The Montana Local Government Energy Office has been assisting local governments in eastern Montana since 1988 under a contract with DNRC.

MLGEO staff performed an on-site energy audit of the Lodge Grass Town Hall in 1990. Recommendations from the audit resulted in a MLGEO demonstration grant to retrofit the heating system.

A preliminary energy audit was performed on the Billings City Museum (Moss Mansion) in 1988. Energy efficiency improvements were recommended as a result of the audit.

In 1989, a grant was awarded to the City of Billings for the creation of an Operation and Maintenance Manual for the City Shop facility. This manual resulted in the implementation of various operations efficiency improvements at the City Shop.

MLGEO staff performed a preliminary energy audit of the Metra Park in Billings in 1989. Numerous recommendations were made concerning the HVAC systems, concession appliances, and building envelope.

The Yellowstone County Courthouse received a MLGEO demonstration grant in 1991 in combination with MPC contributions for an energy efficient window renovation.

**TOTAL EXPENDITURES: \$478,421**

1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-70.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-96.
3. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-81.
4. Ann Bauchman, Helena, letter to author, March 31, 1993.
5. The Montana Almanac, 1959-60 edition, Montana State University, Missoula (renamed the University of Montana), p.3 and p.5; Map of Big Horn County, 1984, compiled from official records and prepared by William D. Ausmus, Big Horn County Surveyor.
6. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-81.
7. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-85.
8. Dee Rickman, Helena, letter to author, March 15, 1993.
9. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-85.
10. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-87.
11. Anna M. Miller, Helena, letter to author, March 24, 1993.
12. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-87.
13. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-91.
14. Robin Harper, Assistant Administrator, Department of Natural Resources and Conservation, Helena, undated memorandum annotating "Questionnaire Response" for Program 5706 24, received March 27, 1993.

15. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-91.

16. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-98.

17. Ann Danzer, Helena, letter to author, March 28, 1993.

18. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-98.

19. Ann Danzer, Helena, letter to author, March 28, 1993.



# Department of Fish, Wildlife and Parks

## AGENCY DESCRIPTION<sup>1</sup>

The Montana Department of Fish, Wildlife and Parks, under direction of the Fish, Wildlife and Parks Commission, is responsible for managing Montana's fish, wildlife, and recreational resources and with providing optimum outdoor recreational opportunities for Montanans and their guests. The department is responsible for a state park system that includes scenic, historical, cultural, and recreational resources. Implementation of the department's programs occur in seven department divisions in addition to the director's office and within eight regional offices throughout the state. The five-member Fish, Wildlife and Parks Commission provides policy to the department on resource management, seasons, and use of lands owned or controlled by the department.

## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	396,278	400,623
- State Rev.	23,847,114	21,369,350
- Proprietary	2,407,350	2,426,782
State Aggregate	26,623,742 (70.63%)	24,196,755 (70.08%)
Federal Revenue Fund	11,041,917 (29.27%)	10,329,211 (29.92%)

NOTE 1: Capital Projects Fund is not included in SFY 92 figures.

FUNDING COMMENTS: The department's primary state special revenue funding source is hunting and fishing license revenue. Based on legislative action and estimated revenues from Senate Bill 171, increased selected hunting and fishing license fees will shift the balance of revenues.

Earmarked license fees fund specific projects such as wildlife habitat and fishing access sites acquisition, upland game bird habitat improvement, and river restoration. Federal Funds consist primarily of Pittman-Robertson and Dingell-Johnson grants, Land and Water Conservation revenues, and federal overhead.

General fund finances the Park Futures Committee budget modification and a portion of the Montana Conservation Corps. Increased state special revenue funding mainly reflects budget modifications funded with hunting and fishing license revenue and the biennial appropriation for the Upland Game Bird program. The increase in federal funding is due to legislative contract authority which is financed with federal revenue, the Land and Water Conservation Fund biennial appropriation, and those budget modifications which are 75 percent federally funded.

RESEARCH NOTE: the State of Montana does not require members of the Tribe to purchase hunting or fishing licenses for these activities pursued on the Crow Reservation. Hunting and fishing activities by tribal members on the Reservation thus do not contribute to the State Special Revenue Fund, the primary funding mechanism for the Department of Fish, Wildlife and Parks.

## PROGRAMS

5201 01	Administration and Finance Division *
5210 02	Field Services and R-8 Division *
5201 03	Fisheries Division
5201 04	Law Enforcement Division
5201 05	Wildlife Division *
5201 06	Parks Division
5201 08	Conservation Education Division *
5201 09	Department Management *

\* - These programs are omitted from this study.

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### Administration and Finance Division (5201 01) <sup>2</sup>

The Administration and Finance Division is an administrative and support unit. It provides department-wide support for accounting, fiscal management, purchasing and property management, personnel, federal aid administration, and word processing functions. In addition, the program administers a planning system to formulate and evaluate department-wide work efforts. The Legal Unit was transferred from this program to the Administrative program.

## **Field Services and R-8 Division (5201 02)<sup>3</sup>**

The Field Services and Region 8 Division provides services in six broad area responsibilities. The Game Damage program provides informational and material assistance to landowners for minimizing impacts of game animal to their property and crops. The Design and Construction Bureau provides architectural and engineering services to all department divisions for construction and maintenance of projects at state parks, state fishing access sites, and wildlife management areas. The Aircraft Unit provides aerial mountain lake surveys and fish planting, wildlife surveys, wildlife capture and marking, and transportation flights for the department. The Landowner/Sportsmen Relation and Block Management programs establish and maintain communication with user and resource-based organizations and individuals. They also administer the Livestock Loss Reimbursement program and the Block Management program, which provides habitat and recreational access on private property. The Land Unit is responsible for the technical real estate functions of the department, including acquisition and disposal of real estate and real property and management of all permanent land records and cabin leases. The Licensing and Data Processing function of the program provides support for the department's automated functions and administers the license drawings, maintains all associated records, distributes all licenses to licensing agents, and keeps the necessary records.

## **Wildlife Division (5201 05)<sup>4</sup>**

The Wildlife Division is responsible for the department's statewide Wildlife Management program to enhance the use of Montana's renewable wildlife resources for public benefit. It protects, regulates, and perpetuates wildlife populations and habitat management and regulated harvest. Through the promotion of land management practices, wildlife habitat areas are maintained and enhanced. In addition, the program provides wildlife recreational opportunities to the public and provides public information regarding conservation of wildlife populations and wildlife habitats. The program manages nearly 502 species of animals legislatively categorized as big game, small game, furbearers, nongame, and threatened and endangered species. The department will request that, beginning in fiscal 1992, nongame promotion be transferred from this division to the Conservation Education Division.

## **Conservation Education Division (5201 08)<sup>5</sup>**

The Conservation Education Division, through its Helena office and seven regional information officers, is the department's primary information and education program. Its responsibilities include: 1) distributing public information through news

releases, audio-visual materials, brochures, and public service announcements; 2) coordinating youth education programs; 3) printing hunting, fishing, and trapping regulations; 4) coordinating the hunter, bowhunter, snowmobile, boat, and off-highway vehicle education and safety programs; and 5) providing reception services for the department's Helena headquarters. The program publishes Montana Outdoors magazine, produces 16mm color films, radio and television public service announcements and video documentaries, and maintains a film lending library. The department will request that, beginning in fiscal 1992, nongame promotion be transferred to this division from the Wildlife Division.

#### **Department Management (5201 09)<sup>6</sup>**

The Department Management Division is responsible for: 1) overall department direction regarding policy, planning, program development, guidelines and budgets; 2) liaison with the Governor's Office and the legislature; 3) direct interaction with the Fish and Game Commission; 4) decision making for key resource activities affecting the department; 5) administration of seven major divisions that provide program development and staff support; 6) supervision of eight regional offices that are responsible for program implementation; 7) legal services for the department (transferred from the Administration and Finance program); and 8) liaison with Montana's Indian tribes and with other state and federal agencies.

## **Fisheries Division**

Budgetary Program(s): 5201 03

Agency/Division/Bureau:

Fish, Wildlife and Parks  
Fisheries Division  
Region 5

### **NATURE OF SERVICES**<sup>7</sup>

The Fisheries Division is responsible for preserving and perpetuating aquatic species and their ecosystems and for meeting public demand for fishing opportunities. The division formulates and implements policies and programs that emphasize management for wild fish populations and protection of habitat necessary to maintain these populations. The program operates a hatchery program to stock lakes and reservoirs where natural reproduction is limited, regulate angler harvests, monitors fish populations, and provides and maintains adequate public access.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>8</sup>

#### **A. Workcenters within the Reservation**

##### **1. Bighorn Lake**

The Department of Fish, Wildlife, and Parks (DFWP) currently spends one to two weeks each spring collecting walleye eggs on Big Horn Lake. This usually involves two to three full-time employees, for to five seasonal and temporary employees, plus numerous volunteers. Other fisheries field work on Bighorn Lake takes 10 to 15 days each year for two permanent and one or two seasonal employees. During 1991, the DFWP conducted a year long creel census and recreational use study on Bighorn Lake in cooperation with the Wyoming Game and Fish Department and the National Park Service.

##### **2. Arapooish Pond**

The DFWP has spent considerable time and effort since 1985 developing and maintaining a fishery in Arapooish Pond just out of Hardin. In 1990, the DFWP contributed \$100 towards a joint project with Big Horn County to install an aeration system in the pond.

##### **3. Soap Creek**

In 1991, the DFWP contributed approximately \$5000 to a project to improve fish passage at an irrigation diversion on Soap Creek.

#### **4. Bighorn River**

##### **a. Fishing Access Sites (FAS)**

The DFWP spends approximately \$7,500 per year on FAS's along the Bighorn. This includes \$4,000 for one seasonal and two one month positions, at least \$2,000 worth of time from permanent employees (i.e., regional fisheries and park managers), plus mileage.

##### **b. Gas Supersaturation Project**

The DFWP and the Cooperative Fisheries Research Unit at Montana State University worked together on a major study during the mid-1980's to study the effects of gas supersaturation on the fisheries in the Bighorn River.

##### **c. Fish Population Estimates (conducted since 1980)**

##### **d. Upper Bighorn Project**

A complete discussion of the Upper Bighorn Project, Project 3511, is contained in the attached January 13, 1993, memorandum from Ken Frazer to Wayne Phillips.

##### **e. River Ranger Project**

A complete discussion of the River Ranger Project, Project 3513, is contained in the attached January 13, 1993, memorandum from Ken Frazer to Wayne Phillips.

#### **5. Fisheries Management**

Agency records indicate that the DFWP has been involved in fisheries management on the Crow Reservation since at least 1928. The following is a partial summary of the major fish plants on the Crow Reservation:

Pryor Creek - stocked off-and-on from 1928 until 1949.

Sage Creek - stocked most years from 1928 until 1983.

Lodge Grass Creek - stocked most years from 1944 through 1986.

Little Bighorn River - stocked off-and-on from 1933 through 1977.

Bighorn Lake - stocked most years from 1965 through 1978, intermittently during the early 80's and annually since 1988.

Afterbay Reservoir - stocked annually since 1966.

Bighorn River - stocked most years from 1966 through 1985.

small ponds - various ponds have been stocked as needed since the early 1980's.

#### B. Off-Reservation Services

The DFWP had a full-time fisheries biologist residing and working on the Crow Reservation from 1976 through 1977. Although the position was relocated to Columbus, Montana in 1977, the biologist, Steve Swedburg, continued to spend a significant amount of time working on the Reservation. During this period, Swedburg employed several seasonal employees. Since 1986, work on reservation waters has been accomplished by an agency biologist in Billings.

### PROGRAM FUNDING AND EXPENDITURE

#### A. Budget By Funding Source<sup>9</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	2,794,544	2,666,224
- Proprietary	0	0
State Aggregate	2,794,544 (40.99%)	2,666,224 (39.56%)
Federal Revenue Fund	4,022,668 (59.01%)	4,073,426 (60.44%)

Note: Capital Project Funds are not considered in the SFY 92 calculations.

Funding Comments: The division's state special funding is from the general license account. Federal funds consist of Pittman-Robertson and Dingell-Johnson grants and grants from the Coast Guard and Corps of Engineers. The 80.6 percent increase in federal funds reflects the Legislative Contract Authority which is federally funded and the budget modifications which are funded with 75 percent federal funds. The 13.9 percent increase in state special revenue is due to the remaining 25 percent of the modifications which are funded with hunting and fishing license funds.

B. *Program Expenditures Related to the Crow Tribe*

In addition to the expenditures detailed in "Provision of Services to the Crow Tribe or Tribal Members," the following are budgeted expenditures for Projects 3511 and 3513:

<u>FY</u>	<u>Upper Bighorn (3511)</u>	<u>River Ranger (3513)</u>
92	\$ 47,547.80	\$11,075.64
91	58,281.37	(included in 3511)
90	59,729.13	(included in 3511)
Total	\$165,558.30	\$11,075.64

Grand Total = \$176,633.94

HISTORICAL PERSPECTIVE

Other than those comments made in "Provision of Services to the Crow Tribe or Tribal Members," agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.



**Montana Department  
of  
Fish, Wildlife & Parks**



**MEMORANDUM**

TO: Wayne Phillips                      DATE: January 13, 1993  
FROM: Ken Frazer *Ken*  
RE: Department commitment to upper Bighorn River

Budgeted Expenditures

<u>FY</u>	<u>Proj. 3511 (Upper Bighorn)</u>	<u>Proj. 3513 (River Ranger)</u>
1992	47,547.80	11,075.64
1991	58,281.37	(includes River Ranger)
1990	59,729.13	(includes River Ranger)

UPPER BIGHORN RIVER PROJECT

The upper Bighorn River project involves time from one full time biologist, one full time fisheries tech, at least one seasonal fisheries fieldman and the Region 5 fisheries manager.

Normal fieldwork commitments to project 3511 include:

1. Annual fish population estimates on the river. This involves about 13 days of electrofishing over a four week period each year with a three man crew working 9-10 hour days. (Population estimates have been conducted on the upper Bighorn River at some level since 1980).
2. Maintaining three car counters at fishing access sites on the upper river on a Monthly basis.
3. Maintaining a thermograph in the river below the afterbay dam on a monthly basis.
4. Working with the river ranger. Helping develop and test sampling programs and survey forms, assisting with data collection and filling in on scheduled surveys as needed.

5. Monitoring flow-discharge relationships on the river to determine flow levels needed to maintain the fishery.
6. Assisting the Bureau of Reclamation in evaluating and monitoring impacts of different operations designed to reduce gas supersaturation in the river.
7. Monitoring rainbow spawning on the river in the spring and brown trout spawning in the fall.

Normal office commitments to project 3511 include:

1. Reading 500 - 600 trout scales and analyzing mark-recapture data.
2. Hiring and supervising seasonal employees.
3. Coordinating river ranger program each year. Developing and testing surveys, setting up sampling schedules, and summarizing and analyzing collected data.
4. Maintaining and analyzing data collected from car counters and thermographs on a monthly basis.
5. Summarizing all collected data, developing tables and figures and combining all information into an annual report.
6. Coordinating maintenance and development at fishing access sites on the upper Bighorn River. Evaluating new sites for possible acquisition and development.
7. Meetings:
  - Meet 2 to 3 days per year in joint meetings with the Bureau of Reclamation, the National Park Service, and Wyoming Game and Fish to coordinate management efforts on Bighorn River and Bighorn Lake.
  - Annual meetings with the Bureau of reclamation to discuss flows and gas supersaturation projects.
  - Meeting with guides and outfitters about the river.
  - Presenting programs on the Bighorn River to interested parties such as sportsman groups.
  - Assisting with extra projects such as the fish passage project completed on Soap Creek this past year.

Major equipment committed predominately to the Bighorn River:

<u>Equipment</u>	<u>Approximate cost</u>
Electrofishing boat, motor & trailer	\$20,000
Shocking boxes	7,000
Generator	1,300

Car counters and associated equip 2,500  
3/4 ton 4X4 pickup - approx. 25% of time

### BIGHORN RIVER RANGER PROJECT

For the past three years a full time seasonal fisheries fieldworker has been hired to fill this position. the river ranger works 7 to 9 months per year, and has typically spent 3 to 4 days per week on the river talking to anglers, collecting data and handing out surveys.

In 1990 the river ranger contacted over 4,500 anglers on the Bighorn River and collected extensive creel census and angler opinion data from each person.

In 1991 the river ranger continued to conduct some angler surveys. He also collected car counter data to try and recalibrate the car counters, and helped develop and conduct pre-test studies for a hand-out mail-back survey.

In 1992 the river ranger handed out an extensive mail-back survey to anglers on the upper Bighorn River, maintained complete files on all surveys handed out, and sent out follow-up surveys as needed. As of November 30, 1992 over 2,500 surveys had been handed out. this survey will be continued through April 1993.

The river ranger project has also required considerable time commitment from regional fisheries personnel and FWP personnel from Bozeman and Helena who helped develop and pretest the surveys.

#### Other expenses associated with the river ranger project:

In addition to budgeted expenses, almost \$5,000 was spent from the fisheries budget on contracted services to develop the mail-back survey used in 1992, and another \$4,500 was spent on printing and postage. Another ~~\$4,500~~ will probably be spent to have all these data entered and analyzed. <sup>\$7,500</sup>

Rent - house in Ft. Smith \$319/month in 1992, \$159/month in 1990 and 1991

Utilities - approx. \$100/month in 1992, approx. \$80/month in 1990 and 1991

Shuttle service - Approximately \$100/month

Canoe and Electric motor - \$600

Full time use of 4X4 pickup

#### Other Department commitments to the Bighorn River include:

Entering and editing all mark recapture data on an annual basis.

Mounting 500 to 600 trout scales per year.

Enforcement on the river.

### FISHING PRESSURE ESTIMATES

Wayne, due to a variety of factors, I can't give you a real accurate estimate of angler use on the Bighorn River. Rather than try and explain in a memo, I have enclosed the sections out of my last two DJ reports that deal with angler use. This will give you some numbers to work with, but also explains the problems we are dealing with. We installed two new programmable car counters at fishing access sites on the upper Bighorn last spring, but have not had a chance to look at any of the data yet. Talking to people working on the river, it sounds like fishing pressure was down some this past year.

Your best bet may be to use Bob McFarland's figures from the statewide angler surveys. We work with Bob each year as he develops his figures, and feel they probably provide as good an estimate as anything we have.

Once you have looked over this information, let me know if you have any questions or need anything explained in more detail.

has shown that there is a major loss of side-channel Bighorn as flows drop below 2,000 cfs, and that side-channels are virtually eliminated (Fredenberg 1988). Flows dropped below the minimum target flow of 2,000 cfs on June 17, 1988, and only rose above this level on 9 days through September 1989, when fall population estimates were conducted. The effects of these low flows on the brown trout population were evident during fall estimates.

#### Water Temperatures

Water temperatures in the Bighorn River were very low in 1988 and 1989 (Table 1). Past reports have discussed the relationship between stream flow and water temperature in the river. A significant positive linear correlation ( $p < 0.01$ ) has been found between these two factors (Fredenberg 1986). The third and fourth coldest mean summer temperatures recorded since 1966 occurred during these two years. A mean summer temperature of 47.9° F, recorded in 1988, was only one degree warmer than the mean summer temperature recorded in 1985. Maximum water temperatures only reached 56° F and 59° F in 1988 and 1989, respectively.

The impacts of these cold water temperatures on the growth rates of trout have been discussed in past reports (Fredenberg 1987). Trout growth rates in 1988 and 1989 showed some effects from these cold water temperatures, but the impacts were not as obvious as after the cold water temperatures recorded in 1985 for reasons discussed under Brown Trout, Standard Section.

#### Gas Supersaturation

Gas supersaturation levels in 1988 and 1987 were similar. The incidence of gas bubble trauma was less evident in 1988. Gas supersaturation levels were very low in 1989, and visible symptoms of gas bubble trauma were rare.

The Bureau of Reclamation conducted several tests using different combinations of sluiceway and radial gate releases to reduce gas supersaturation. Based on the results of these tests, the Afterbay Dam was managed with a combination of sluiceway and radial gates in 1989. The reduced levels of supersaturation observed in 1989 were probably due to a combination of improved afterbay operation and lower than normal discharges.

#### Fishing Pressure

1990 DJ

Fishing pressure continued to increase on the Bighorn River through 1988 and 1989, probably reaching a new high in 1989. In the past a car counter maintained at the Bighorn Access has been used to project annual fishing pressure on the Bighorn. These projections were based on a formula developed using data collected during a creel census conducted during 1982 and 1983 (Fredenberg

car counter was maintained during 1988 and 1989. Using data from this counter and the formula developed in 1985, there was an estimated 15,548 angler-days of use on the upper 12 miles of river in 1988 and 16,604 in 1989. These numbers were both substantially below the record use level of 21,724 angler-days recorded in 1986.

Observation of use on the river plus conversations with guides and outfitters working the river indicated that angler use in 1989 exceeded the 1986 level. A couple of changes in recent years have made the use of the Bighorn car counter data and the formula developed in 1985 obsolete. The most significant change has been the development of several private accesses along the river between Lind Access and Bighorn Access. The low flows of 1988 and 1989 made for a long day floating and fishing the full 12 miles down to Bighorn Access. Also the fishing was usually better near the upper end of the section. With other options available, many of the guides started taking out at the private accesses upstream of Bighorn Access, allowing them to spend more time fishing the upper section of river, and less time floating. As a result, a large percentage of the anglers fishing the upper river were not counted by the Bighorn Access car counter. Because of this change, inaccurate pressure estimates were obtained for 1988 and 1989. Data collected by the river ranger and boater registration stations in 1990 should provide enough information to allow recalibration of this car counter and development of a new formula for estimating fishing pressure.

Total fishing pressure declined 18% in 1987 after reaching peak levels in 1986, indicating this pressure may be somewhat self limiting. Based on 1987 data, a threshold level around 2,700 angler-days of use per month triggered many complaints about overcrowded fishing conditions (Fredenberg 1988). Levels of almost 3,000 angler-days per month were recorded in August 1988, and 3,200 and 3,100 in August and September of 1989, respectively at the Bighorn car counter and these figures do not include a large part of the use on the river.

There was a significant increase in angler use in the fall of 1989 with the river remaining crowded during most of October. Monthly car counter estimates at Bighorn Access in September and October of 1989 were higher than levels recorded in 1986, despite many anglers taking out upstream at private accesses not being counted.

The Bighorn River continues to receive regular worldwide publicity, and the number of visiting nonresident anglers continues to grow. Overcrowding has become the major management problem on the upper 12 mi of Bighorn.

A second car counter has been maintained at Mallards Landing since 1987. This counter has never been calibrated to allow its use in making pressure estimates, but there have been no obvious trends in increasing or decreasing use since it was installed. It

was hoped that the addition of this access would shift some angling pressure downstream of Bighorn Access. This shift did not appear to be happening through 1989.

#### Creel Census

A partial creel census of the upper 12 mi of the Bighorn River was conducted on 18 days from May through October in 1988. A total of 1,144 anglers fishing 9,313 hours was surveyed.

The trend continued towards increasing number of nonresident anglers on the Bighorn. The percent of Billings residents in the anglers surveyed dropped from 29% in 1987 to 24% in 1988, while the number of nonresidents increased from 54% to 64%.

Twenty-five percent of the parties interviewed in 1988 were fishing with a guide compared to 16% of the parties interviewed in 1987 and 19% in 1983 (Fredenberg 1988). Over 93% of these guided anglers were nonresidents, and over 98% were exclusively fly-fishermen.

All data summarized for this creel census were collected at a check station set up at Bighorn Fishing Access. As discussed previously, many of the guides were taking out at private accesses upstream of Bighorn Access and were not interviewed by the creel clerk. As a result, the number of guided parties on the river, as well as the percent of nonresident anglers in the fishing population, were underestimated by this creel census.

Catch rates for 1988 were the highest yet recorded for the Bighorn River. Anglers caught an average of 1.02 fish per hour. The lowest monthly catch rate recorded in 1988 was 0.85 fish per hour in May. By comparison, the best monthly catch rate recorded in 1983 was 0.49 fish per hour in September (Fredenberg 1985b).

Overall, 71% of the anglers used flies in 1987, 12% used lures, and 17% used a combination. The shift towards more fly fishermen is a continuation of a trend seen in the past (Fredenberg 1988). Anglers using flies caught an average of 1.14 trout per hour versus 0.75 fish per hour for lures and 0.50 per hour for combinations.

The catch was composed of 77% brown trout and 23% rainbow, a reversal of the trend towards fewer rainbow seen in 1987 (Fredenberg 1988). Catch rates for rainbow also continued to increase to an average of 0.19 rainbow per hour compared to catch rates of 0.16 per hour in 1987 and 0.11 per hour in 1983.

The average angler caught 8.1 fish in 1988 and kept 0.54 fish, representing an increase in the average catch rate, but a decrease

of fish kept over past years (Fredenberg 1988). The number of catch-and-release anglers is increasing on the upper 12 mi of the Bighorn River.

A total of 406 harvested brown trout were measured by the creel clerk. They averaged 15.2 in long and ranged from 10.2 to 22.5 in. Only 7 rainbow were measured. They averaged 17.6 in long and ranged from 13.8 to 28.0 in.

### Brown Trout

#### Standard Section

Based on management recommendations from the 1987 study year (Fredenberg 1988), spring electrofishing was discontinued in 1988 and the standard shocking section was shortened by 3.0 miles. This section now extends from RM 3.8 to RM 8.0. Fall population estimates were conducted in September of 1988 and 1989.

The cumulative impacts of low flows and colder water temperatures took their toll on the brown trout population in the standard section during 1988 and 1989. After reaching a peak fall population of 8,458 age 1 and older brown trout per mile in 1987, the brown trout population in the standard section experienced a major decline during 1988 and 1989 (Figure 2). Populations of 5,228 and 4,601 age 1 and older brown trout were recorded in 1988 and 1989, respectively.

Since 1981, the trend has been towards increasing dominance of age 2 and 3 fish in the population (Table 2). The record population recorded in 1987 was composed of 42% age 2 and 38% age 3 brown trout (Fredenberg 1988). During 1988 and 1989 dominance of age 3 fish increased in the population, with these fish comprising 49.5% and 55.4% of the 1988 and 1989 populations, respectively.

Table 2. Estimated number of brown trout per mile in the standard electrofishing section (RM 3.8-8.0)\* of the Bighorn River during fall 1981-1989.

Age	12/81	12/82	9/83	9/84	9/85	9/86	9/87	9/88	9/89	90
0	7,198	4,952	7,312	--	--	--	--	--	--	--
1	922	1,957	2,526	4,468	2,294	2,787	1,537	685	873	3905
2	870	954	1,024	2,103	1,615	2,948	3,518	1,861	1,002	808
3	183	267	519	871	909	1,036	3,219	2,585	2,550	1004
4+	243	190	117	203	428	260	184	97	156	15
Total (1+)	2,218	3,368	4,186	7,645	5,246	7,031	8,458	5,228	4,601	

\*RM 2.4-9.6 for 1981-1987.



**RESULTS AND DISCUSSION**  
The Bighorn River is a coldwater stream and the flow levels recorded in the past (Table 1) were considerably better than those seen in 1988 or 1989, but were still near the lower end of the flow levels recorded in the past (Table 1). Mean daily flows fluctuated between 1,950 cfs and 2,000 cfs during most of June and the first half of July. Mean daily flows dropped below 1,600 cfs for about 10 days in late September. Otherwise flows remained above the minimum target flow of 2,000 cfs. The highest flows occurred in January with a mean monthly flow of 3,135 cfs.

#### Water temperatures

Average summer water temperatures in the Bighorn River remained slightly colder than normal in 1990, but improved considerably from the low levels recorded in 1988 and 1989 (Table 1). Water temperatures reached 57°F the last three days of August and remained at or above this temperature through most of October. The maximum temperature of 60°F was only reached for three days during the first week of October.

#### Gas Supersaturation

Gas supersaturation levels remained low during 1990 and visible symptoms of gas bubble trauma were rare. The Bureau of Reclamation continued to use the radial gates in the afterbay dam as much as possible to keep supersaturation levels down.

#### Fishing Pressure

1991 DJ

Fishing pressure continued to be very heavy on the Bighorn in 1990; however, no good estimates of total pressure were obtained. According to data collected at the Bighorn Access car counter and the formula developed from the 1982-1983 creel census data (Fredenberg 1985b), there were 16,549 angler-days of use on the upper 12 miles in 1990. This estimate was very close to the use levels calculated from this car counter in both 1988 and 1989 (Frazer 1990). Although these estimates are no longer accurate, they do provide trend data that can be compared to previous years.

90) discussed in detail the problems associated with counter data, especially the establishment of access since the formula was calculated. Many anglers continued to use private accesses in 1990. They were not counted in the car-counter estimates. Over 49% of the guided anglers and almost 23% of the non-guided anglers interviewed by the river ranger during the spring, summer and fall indicated they were pulling out at one of the three private accesses upstream of Bighorn Access. Overall, 34.9% of the boat fishing anglers that were interviewed by the river ranger and 34.6% of the anglers that filled out boater registration forms indicated they were pulling out at one of these three accesses.

If the angler use value calculated from the car counter data was expanded by 35% it would give an estimated use of 22,341 angler-days for 1990. Although still unreliable, this estimate is closer to the true use value than the estimate calculated from the Bighorn car counter data.

Overall use in 1990 appeared to be comparable to levels seen in 1989. August and September were again peak use months with 3,176 angler-days calculated from the Bighorn car counter in September. This compares to 3,205 angler-days in August and 3,098 angler-days for September calculated in 1989. October use appeared to be down from 1988 and 1989. A peak of 1,771 angler-days was calculated for October 1989 using the Bighorn car counter. In 1990 this level dropped to 1,310 angler-days.

1989.1	3.0	60	1989.1
1989.2	1.0	20	1989.2
1989.3	2.12	42	1989.3
1989.4	3.01	60	1989.4
1989.5	1.0	20	1989.5
1989.6	0.55	11	1989.6
1989.7	1.15	23	1989.7
1989.8	2.07	41	1989.8
1989.9	1.0	20	1989.9
1989.10	2.03	41	1989.10
1989.11	1.0	20	1989.11
1989.12	0.03	1	1989.12
1989.13	1.07	21	1989.13
1989.14	1.0	20	1989.14
1989.15	1.0	20	1989.15
1989.16	1.0	20	1989.16
1989.17	1.0	20	1989.17
1989.18	1.0	20	1989.18
1989.19	1.0	20	1989.19
1989.20	1.0	20	1989.20
1989.21	1.0	20	1989.21
1989.22	1.0	20	1989.22
1989.23	1.0	20	1989.23
1989.24	1.0	20	1989.24
1989.25	1.0	20	1989.25
1989.26	1.0	20	1989.26
1989.27	1.0	20	1989.27
1989.28	1.0	20	1989.28
1989.29	1.0	20	1989.29
1989.30	1.0	20	1989.30
1989.31	1.0	20	1989.31
1989.32	1.0	20	1989.32
1989.33	1.0	20	1989.33
1989.34	1.0	20	1989.34
1989.35	1.0	20	1989.35
1989.36	1.0	20	1989.36
1989.37	1.0	20	1989.37
1989.38	1.0	20	1989.38
1989.39	1.0	20	1989.39
1989.40	1.0	20	1989.40
1989.41	1.0	20	1989.41
1989.42	1.0	20	1989.42
1989.43	1.0	20	1989.43
1989.44	1.0	20	1989.44
1989.45	1.0	20	1989.45
1989.46	1.0	20	1989.46
1989.47	1.0	20	1989.47
1989.48	1.0	20	1989.48
1989.49	1.0	20	1989.49
1989.50	1.0	20	1989.50
1989.51	1.0	20	1989.51
1989.52	1.0	20	1989.52
1989.53	1.0	20	1989.53
1989.54	1.0	20	1989.54
1989.55	1.0	20	1989.55
1989.56	1.0	20	1989.56
1989.57	1.0	20	1989.57
1989.58	1.0	20	1989.58
1989.59	1.0	20	1989.59
1989.60	1.0	20	1989.60
1989.61	1.0	20	1989.61
1989.62	1.0	20	1989.62
1989.63	1.0	20	1989.63
1989.64	1.0	20	1989.64
1989.65	1.0	20	1989.65
1989.66	1.0	20	1989.66
1989.67	1.0	20	1989.67
1989.68	1.0	20	1989.68
1989.69	1.0	20	1989.69
1989.70	1.0	20	1989.70
1989.71	1.0	20	1989.71
1989.72	1.0	20	1989.72
1989.73	1.0	20	1989.73
1989.74	1.0	20	1989.74
1989.75	1.0	20	1989.75
1989.76	1.0	20	1989.76
1989.77	1.0	20	1989.77
1989.78	1.0	20	1989.78
1989.79	1.0	20	1989.79
1989.80	1.0	20	1989.80
1989.81	1.0	20	1989.81
1989.82	1.0	20	1989.82
1989.83	1.0	20	1989.83
1989.84	1.0	20	1989.84
1989.85	1.0	20	1989.85
1989.86	1.0	20	1989.86
1989.87	1.0	20	1989.87
1989.88	1.0	20	1989.88
1989.89	1.0	20	1989.89
1989.90	1.0	20	1989.90
1989.91	1.0	20	1989.91
1989.92	1.0	20	1989.92
1989.93	1.0	20	1989.93
1989.94	1.0	20	1989.94
1989.95	1.0	20	1989.95
1989.96	1.0	20	1989.96
1989.97	1.0	20	1989.97
1989.98	1.0	20	1989.98
1989.99	1.0	20	1989.99
1989.100	1.0	20	1989.100

## Ranger Survey and Creel Census

During 1990 the river ranger interviewed 4,598 anglers from 2,250 parties during 68 days between May 8 and October 25. These anglers fished 19,357.5 total hours for an average of 4.2 hours per angler. Since most of these interviews were conducted while floating the river, very few were completed trips.

Interviewed anglers caught 11,329 brown trout and 3,234 rainbow trout for an overall catch rate of 0.75 fish per hour. This rate was down over 25% from the maximum average catch rate of 1.02 fish per hour recorded in 1988. Guided anglers caught an average of 0.88 fish per hour compared to 0.69 fish per hour for non-guided anglers.

The trend continued towards an increasing percentage of nonresident, catch-and-release fly fisherman. Of 14,563 trout reported caught, only 309 or 2.2% were kept. The average angler kept less than 0.07 fish. This compared to an average harvest rate of 0.54 fish per angler reported in 1988 (Frazer 1990). In 1990, 1,011 resident anglers kept 8.3% of the fish they caught compared to 0.89% kept by 3,587 nonresident anglers.

Nonresident anglers accounted for 78% of the anglers surveyed in 1990 (Table 2), as compared to 64% nonresidents recorded in 1988. Figure (2) shows the distribution of angler residence by month for 1990. Nonresident anglers comprised 73.7% of the anglers in June and 81.3 % of the anglers in August. Sixty-seven percent of the nonresident anglers came from 12 states. These states in order of most participation were: CO, CA, PA, WY, MN, WI, NY, NJ, ID, SD, AZ, and NM.

Table 2. Residency of anglers interviewed on the Bighorn River between May 8, 1990 and October 25, 1990.

<u>Angler Residence</u>	<u>Number Of Anglers</u>	<u>Percent of total</u>	<u>Percent Resident vs Non-Resident</u>
Local (Ft Smith-Hardin area)	139	3.0	
Billings (area)	539	11.7	22
Resident (rest of state)	333	7.2	
Non-resident (From U.S.)	3,538	76.9	78
Non-resident (Outside U.S.)	49	1.1	
Total	4,598		

Percent of all interviewed anglers were fishing with a guide. In 1988, 25% of the parties interviewed were fishing with a guide (Frazer 1990). The number of anglers using a guide during part of their trip was undoubtedly higher than this, because many anglers hired a guide for a day or two then fished several more days without a guide. If these anglers were interviewed during the later part of their trip they were counted as non-guided.

Almost 92% of all interviewed anglers were strictly fly fishermen, with over 98% of guided anglers being fly fishermen.

The open question "If you could change one thing about fishing on the Bighorn River, what would you change?" was asked to each angler the first time they were contacted by the river ranger. This question was designed to give each angler a chance to comment on anything he wanted concerning fishing on the Bighorn. Of the 3,577 anglers asked this question, 1,572 (44.1%) had no comment. The most common response from the 1,995 anglers who did answer the question (762 anglers or 38%) was that they wouldn't change a thing. For the second most common answer, 459 anglers (23%) said they would like to see fewer people on the river. Another 7.4% (149 anglers) said we should limit the number of guides and outfitters on the river or limit the number of boats on the river. The other common response was a request for stricter regulations. Two hundred and nineteen anglers (10.9%) said they would like to see catch-and-release only or reduced limits or slot limits on brown trout.

Slightly different results were obtained during the winter interviews. The river ranger interviewed 497 anglers during 17 days between November 12, 1990 and April 27, 1991. Most of these interviews were conducted at the boat ramp at the end of completed trips. These anglers fished a total of 2,308 hours. They caught 1,205 brown trout and 386 rainbow. The overall catch rate was 0.69 fish per hour, the same as was calculated for non-guided anglers during the summer. Anglers interviewed during the winter kept a total of 241 fish or 15% of the fish caught.

A majority of the anglers interviewed during the winter were Montana residents. Forty-two percent were from the Billings, Hardin, Fort Smith area. Another 27% were from other parts of Montana. Only 31% were non-resident anglers, yet anglers from 20 different states, besides Montana, were interviewed during the 17 days. Only 21 anglers (4.2%) were using guides the day they were interviewed.

Of the 377 anglers who were asked the open question concerning fishing the Bighorn, 63% had no comment and another 13% said they wouldn't change a thing. Just over 14% responded they wanted to see fewer people, or that the number of guides and outfitters or boats should be limited.

MONTANA DEPARTMENT OF  
FISH WILDLIFE AND PARKS

DATE: 9/11/92

TO: Thurston Dotson  
FROM: Gary K. Shaver  
SUBJECT: Steve Swedberg draft of 30 years service

Steve started work September 1962. Region 4 fisheries Greatfalls, fisheries manager Nels Thorson.

Project: 1962 thru 1967 : 5 years

Little Prickly Pear creek, evaluation of impact on fish populations due to freeway construction thru Wolf Creek Canyon.

Project: 1967 thru 1977 : 10 years

Region 5, stationed at Fort Smith, fisheries manager Clint Bishop.

Big Horn Lake studies. Dam Completed in 1965 and filled in 1967 due to 100 year flood. Collected Base line information and lake profile of fish populations.

Bighorn River study, involved with documentation of Nitrogen gas supersaturation created by dam discharge and effects on fish populations. Involved with sportsmen groups etc.

Project : 1977 thru 1985 : 8 years

Region 5, Stationed at Columbus

Yellowstone river study, marking and tagging of salmonids to trace fish movements in river and various tributaries.

Project : 1986 thru 1992. : 7 years

Region 5, Stationed at Blue Water Spring Hatchery, Bridger. Hatchery Manager Gary Shaver.

Fish Culturist for the last 7 years. Steve's knowledge of fish in the wild has made positive contributions toward improvements of fish cultural technics and practices now used at the hatchery.

Steve's positive professional attitude, knowledge and dedication to the fisheries of Montana are greatly respected by the hatchery manager and professional personnel he works with in the field.

## Law Enforcement Division

Budgetary Program(s): 5201 04

Agency/Division/Bureau:

Department of Fish, Wildlife and Parks  
Law Enforcement Division  
Region 5

### NATURE OF SERVICES<sup>10</sup>

The Law Enforcement Division is responsible for ensuring compliance with department's laws and regulations for the protection and preservation of big game animals, fish, game birds, and other wildlife species. It also enforces laws and regulations relative to department-owned lands or waters and those pertaining to boating, hunting, snowmobile, and all-terrain vehicle safety. Other duties include administration of special purpose licenses, overseeing the department's licensing agents, and investigating wildlife damage complaints.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>11</sup>

#### A. *Workcenters within the Reservation*

The Law Enforcement Division does not have a facility located within the Crow Reservation. All on-reservation services are provided by wardens assigned to Hardin, Billings, and Laurel.

#### B. *Off-Reservation Services*

Game wardens of the Department of Fish, Wildlife, & Parks (DFWP) enforce all related state laws and regulations for non-Indians on the Crow Reservation. They also work with the Bureau of Indian Affairs, the US Fish and Wildlife Service, and Crow Tribal Wardens to enforce provisions of the Lacey Act or to pass information to these agencies when fish and game violations by Crow tribal members occur. Specific services include:

##### 1. Law Enforcement

a. The entire reservation is closed for big game hunting by non-Indians, which directly benefits Crow tribal members in that no one other than Indians may harvest deer, elk, antelope, bear, or mountain lion. All land held by non-Indians in fee title is open to trapping and hunting of upland birds and waterfowl. State warden enforce the limit requirements on these species for all non-Indians hunting on fee lands.

b. Indian anglers benefit from the protection given to the fisheries by limits imposed on non-Indians fishing the waters of the Big Horn River, Yellowtail Reservoir, Little Big Horn River, Lodge Grass Reservoir, and other streams and ponds on the Reservation.

c. Bobcats trapped by Indians are tagged by FWP, but these cats do not count against regional quotas.

d. Department wardens also enforce the following laws and regulations on the Reservation: littering, boating, and park regulations on FWP owned Fishing Access Sites.

## 2. Public Information

Considerable time is spent answering questions from the public regarding Crow Tribal Fish and Game Codes. Hunter safety and school programs concerning fish and wildlife conservation are conducted in Hardin and Lodge Grass.

## 3. Administrative Duties

a. Agency personnel attend meetings to coordinate fish and game activities with the Crow Tribe and to provide informal training on proper management and enforcement procedures.

b. Wardens oversee FWP licensing agents (four in Ft. Smith and one in Hardin) and license and monitor taxidermists (one in Hardin).

c. Wardens monitor four bird shooting preserves located on the Reservation.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>12</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	4,286,580	4,432,805
- Proprietary	0	0
State Aggregate	4,286,580 (94.89%)	4,432,805 (95.05%)
Federal Revenue Fund	230,882 ( 5.11%)	230,713 ( 4.95%)

Funding Comments: The division is funded primarily with state special revenue consisting of general license funds, motorboat certification and fuel taxes, state park funds, income from the coal tax trust, and snowmobile registration funds. Federal funding consists of grant funds from the Coast Guard and the Corps of Engineers. The increase in state special revenue funding is from the modifications which are entirely funded with hunting and fishing license revenue. Federal funding increases primarily from the Legislative Contract Authority which is federally funded.

### B. Program Expenditures Related to the Crow Tribe<sup>13</sup>

1. The Law Enforcement Division has one game warden stationed in Hardin, whose District includes most of the Crow Indian Reservation located within Big Horn County. Game wardens in Billings and Laurel work the portion of the Crow Reservation within Yellowstone County.

a. The warden in Hardin, Kevin Nichols, estimates that he spends two-thirds of his time working on the Crow Reservation.

b. Game wardens in Billings (i.e., Warden Captain, Sergeant, two full-time wardens, one trainee), plus two wardens in adjoining districts, all patrol the same area as Nichols on occasion, and all enforce the same laws and regulations, as necessary.

2. The following is an estimate by Dennis Hagenston of the personal service time and operations resources expended



annually on law enforcement activities concerning the Crow Reservation:

<u>Location</u>	<u>FTE</u>	<u>Salary</u>	<u>Operations</u>	<u>Equipment*</u>	<u>Total</u>
Hardin	.66	\$25,271	\$5,940	\$22,440	\$53,651
Billings	.10	3,880	900	3,500	8,280
Laurel	.05	1,652	450	1,750	3,852
Total	.81	\$30,803	\$7,290	\$27,690	\$65,783

\* Equipment includes 4-wheel drive vehicles, boats, and motorcycles.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Parks Division**

Budgetary Program(s): 5201 06

Agency/Division/Bureau:

Department of Fish, Wildlife and Parks  
Parks Division  
Region 5

### **NATURE OF SERVICES**<sup>14</sup>

The Parks Division is responsible for conserving scenic, historic, archaeological, scientific, and recreational resources of the state and providing for their use and enjoyment. The program manages 60 parks and eight affiliated lands including natural, recreational, and cultural sites. It also maintains 300 fishing access sites. Programs administered by this program include snowmobile, off-highway, Land and Water Conservation, capitol grounds maintenance, and the Montana Conservation Corps. The State Park Futures Committee was appointed by the Governor during the 1991 biennium to seek public comment and to develop solutions on solving funds needs for this program.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>15</sup>

#### ***A. Workcenters within the Reservation***

Chief Plenty Coups State Park has been operated by the Department of Fish, Wildlife and Parks (formerly Department of Fish and Game) since 1969. The land area of the park, 195 acres, was given to the people of Montana by the Chief in 1928 as a park for all people. Chief Plenty Coups was the last Chief of the Crow tribe, and is known for encouraging his people to improve their education, and to co-exist with non-Indian people.

The park Day Use area has irrigated lawns, drinking water, approximately 25 picnic tables and grills, and vault-type restrooms. The park also contains a 2000 square foot museum, two historic structures (the Chief's log home and a store), a medicine spring sacred to the Crow people, the graves of the Chief and two wives, and several unmarked grave sites.

Annual visitation is estimated at 20,000 people per year, of which we estimate that 75% is visitation by Crow people. The entry fee, charged May through September, is \$3.00 per car, or \$0.50 per person walk-in. Admission fees have never been charged for Native American people.

## B. Off-Reservation Services

Information provided by the Department of Fish, Wildlife and Parks did not detail the regional and state-level services required to support their efforts within the Crow Reservation.

### PROGRAM FUNDING AND EXPENDITURE

#### A. Budget By Funding Source<sup>16</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	396,278	400,623
- State Rev.	3,691,263	3,814,088
- Proprietary	289,327	307,055
Aggregate State	4,376,868 (81.19%)	4,521,766 (93.5%)
Federal Revenue Fund	1,014,215 (18.81%)	314,122 ( 6.5%)

Funding Comments: General Fund is used for the first time since fiscal 1987 to finance a portion of the Parks Division. General fund appropriations consist of \$676,176 for the Parks Future Committee modification and \$100,647 in the Montana Conservation Corps program for the biennium. State special revenue increases primarily to higher personal services, greater equipment expenditures and the fishing access maintenance modification. The largest state special revenue funding source for the Parks Division is from the Park Acquisition coal tax trust earnings, followed by fuel taxes on motorboats and snowmobiles. Earmarked fishing license fee revenue is used to purchase and maintain fishing access sites. Other state special revenue include off-highway road vehicle funds and snowmobile registrations. Federal funding consists of grants for parks and overhead funds. Land and Water Conservation grants fund the division's grants to counties for public outdoor recreation areas and facilities. The increase in federal funding is due to the \$700,000 biennial Land and Water Conservation Fund appropriation in fiscal 1992 and \$246,266 of federal funds in the Montana Conservation Corps program. The department funds two activities through proprietary accounts. The Capitol Grounds Maintenance program provides ground maintenance and snow removal for all state agencies within the capitol complex. These agencies pay proportionally based upon their square footage of office space. The snowgroomer

replacement account finances the replacement of machinery used to groom over 3,200 miles of trails for snowmobile use.

*B. Program Expenditures Related to the Crow Tribe<sup>17</sup>*

The park has been staffed by a full time professional Park Operations Specialist since 1972. In addition to this position, there is one part-time seasonal museum clerk position funded at 0.30 FTE, and one part-time seasonal laborer position, funded at 0.38 FTE that is shared between Chief Plenty Coups and Pictograph Cave State Parks. Since 1990, the Park Operations Specialist stationed at Chief Plenty Coups has also managed Pictograph Cave State Park. Since April 1991, the Crow Tribe has donated the services of tribal employee Lawrence Flat Lip as a full time employee at Chief Plenty Coups State Park.

(See attached pages concerning operating budgets, capital improvement expenditures, and Crow people hired as employees at Chief Plenty Coups Park.)

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

Chief Plenty Coups Operating Budgets  
1985-1993

FISCAL YEAR	PERSONNEL	MATERIALS & SUPPLIES
1993	\$42,742	\$13,128
1992	38,159	13,578
1991	32,660	7,578
1990	27,931	8,888
1989	24,218	7,388
1988	21,408	7,078
1987	21,976	7,450
1986	27,087	6,650
1985	26,316	6,300

Capital Improvement Expenditures  
1969-1993

CAPITAL PROJECT(S)	CONSTRUCTION DATE	AMOUNT
Drainfield Well	September, 1969 1969	\$ 5,072.00 842.50
Riprap, excavation and gravel bedding	1970	\$ 1,875.00
Museum	1972	\$104,039.00*
Maintenance Garage	March, 1975	\$ 9,670.00
Pruning	1976	\$ 1,050.00
Reroof Museum	July, 1978	\$ 15,131.00
Historic Arch.	Feb, 1979	\$ 1,134.00
Eng. Walks & Day Use	July, 1985	\$ 37,113.00
Project	1992-1993	\$ ?

- \* Of this, \$25,000 was appropriated by the Crow Tribe to match \$25,000 promised by Mr. Ed Kapoc, and the balance came from the State of Montana.

## Members of the Crow Tribe Hired as Employees

1972-74	Rudolph Comes Up
1973	Berylene Crane
1974	Larry Plainbull
1975	Clement Janis
1976	Joyce Crane
1977	Ron Beaumont
1978	Miriam Smith
1978-79	Doug Smith
1980	Jayne Stovall
1981	Shelley Big Lake
1982	Nathan Old Dwarf
1983	Kim Spotted Bear
1984	Cheryl Cloud
1991-92	Jennifer White

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### Casual Labor

Fred Gone

Fred Smart Enemy

Harvey Big Lake

Heywood Big Pay

Bonita Comes Up

} 1970's - early development

1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-4.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-15.
3. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-17.
4. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-25.
5. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-30.
6. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-32.
7. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-20.
8. Ken Frazer, Department of Fish, Wildlife, and Parks, Billings, memorandum "Crow Tribe Contested Case - Region 5 Fisheries Information", March 16, 1993.
9. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-20.
10. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-23.
11. Dennis Hagenston, Department of Fish, Wildlife, and Parks, Billings, memorandum "Information on Activities Affecting Crow Tribe", March 18, 1993.
12. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-23.
13. Dennis Hagenston, Department of Fish, Wildlife, and Parks, Billings, memorandum "Information on Activities Affecting Crow Tribe", March 18, 1993.

14. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session  
(Helena, MT, March 1992), C-27.

15. Ken Oravsky, Park Operations Supervisor, Billings, letter to author, March 15, 1993.

16. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session  
(Helena, MT, March 1992), C-27.

17. Ken Oravsky, Park Operations Supervisor, Billings, letter to author, March 15, 1993.



# Department of State Lands

## AGENCY DESCRIPTION<sup>1</sup>

The Department of State Lands (DSL) has four basic functions: 1) management of the lands held in trust by the state for the support of the common schools and other institutions; 2) regulation of mining conducted on private, state, and federal lands; 3) fire prevention and suppression on certain private, state, and federal lands; and 4) regulation of and assistance to private forest land owners. The State Board of Land Commissioners, comprised of the Governor, State Auditor, Attorney General, Superintendent of Public Instruction, and the Secretary of State, is the head of the department and exercises general authority, direction, and control over the care, management, and disposition of state lands under its administration. Section 2-15-3201, MCA, provides statutory authority for the department. The Commissioner of State Lands is the chief administrative officer of the board.

## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	14,344,947	8,700,477
- State Rev.	8,201,764	4,990,084
- Proprietary	189,955	188,732
State Aggregate	22,736,666 (69.8%)	13,879,293 (58.56%)
Federal Revenue Fund	9,837,067 (30.2%)	9,823,635 (41.44%)

**FUNDING COMMENTS:** In the 1991 session, the Executive Budget proposed that \$7.5 million of revenue earned from state school trust lands fund the agency's budget. Since questions were raised about the constitutionality of this funding method, the department did not submit the necessary legislation and the executive proposal was revised to request general fund support for these costs.

The 78.7 percent increase in general fund from fiscal 1990 actual expenditures to fiscal 1992 is the result of actual fire suppression costs appropriated by the 1992 special session, budget modifications and higher personal services costs. The 103.0 percent increase in state special revenue is due to

biennial appropriations which are budgeted in fiscal 1992, budget modifications, higher personal services costs, and general program increases as a result of using fiscal 1991 appropriations as the budget base instead of fiscal 1990 actual expenditures (which are lower). Proprietary funds reflect the increased appropriation level in the Aviation program within Central Management.

#### **PROGRAMS**

- 5501 01 Central Management Program
- 5501 03 Reclamation Program
- 5510 04 Land Administration Program
- 5501 25 Forestry Division

## Central Management Program

Budgetary Program(s): 5501 01

Agency/Division/Bureau:

Department of State Lands  
Central Management Division

### NATURE OF SERVICES<sup>2</sup>

The Central Management program provides administrative and operational support services to all programs within the department. Support services include fiscal affairs, data processing, personnel, legal, reception, mail, and aviation. Responsibilities include trust revenue collection and distribution; oil, gas, and coal royalty audits, and maintenance of ownership records for trust and non-trust state-owned land.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>3</sup>

#### A. *Workcenters within the Reservation*

The Central Management program does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

The Centralized Management Division provides an indirect service to the residents of the Crow Reservation by performing the technical, fiscal, and administrative support functions which facilitates the delivery of primary natural resource management services described elsewhere in this report.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>4</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	1,857,569	1,568,614
- State Rev.	139,892	137,302
- Proprietary	189,955	188,732
Aggregate State	2,187,569 (94.91%)	1,894,648 (94.04%)
Federal Revenue Fund	117,421 ( 5.09%)	120,163 ( 5.96%)

Funding Comments: The program is funded with general fund, resource development funds, reclamation and development funds, a proprietary fund, and federal indirect grant reimbursements. The resource development fund, which receives up to 2.5 percent of the income generated by state trust lands, finances \$213,601 for the biennium program expenses including the trust land management system, the \$10,500 yearly travel cost of the oil and gas royalty auditor, and other program costs. The reclamation and development account funds are used to finance \$31,796 per year of the Helena Office Support Staff modification. The Aviation program's costs (such as fuel and maintenance) are financed from the proprietary fund while its fixed costs are paid with general fund. the net 27.6 percent increase in general fund from fiscal 1990 actual expenditures to fiscal 1992 is due to: 1) higher personal services costs, which are funded primarily with general fund; 2) budget modifications which add \$399,443 in fiscal 1993 and \$99,342 in fiscal 1993; and 3) reductions by the 1992 special session of \$111,700 in fiscal 1992 and \$57,200 in fiscal 1993.

### *B. Program Expenditures Related to the Crow Tribe*

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes

(e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Reclamation Program**

Budgetary Program(s): 5501 03

Agency/Division/Bureau:

Department of State Lands  
Reclamation Division  
Hard Rock Bureau  
Coal and Uranium Bureau  
Open Cut Mining Bureau

### **NATURE OF SERVICES**<sup>5</sup>

The Reclamation program is responsible for the administration and enforcement of all Montana's mined land reclamation statutes and administrative rules. This involves the regulation of mining on all lands within the state, regardless of ownership, and the reclamation of active and abandoned mine sites. Specifically, the division and its four bureaus administer: the Montana Strip and Underground Mine Reclamation Act; the Montana Open-Cut Mining Act; the Montana Strip and Underground Mine Siting Act; statutes regulating hard-rock mining (Montana Metal Mine Reclamation Act); and the regulatory program of the Federal Surface Mining Control and Reclamation Act.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**

#### **A. Hard Rock Bureau**<sup>6</sup>

##### *1. Workcenters within the Reservation*

The Hard Rock program does not have a facility or on-site delivery program located within the Crow Reservation.

##### *2. Off-Reservation Services*

Although two regional quarries and one soil excavation site will be reclaimed or reduced in size in the near future (Colstrip, Forsyth, Warren), this program does not provide any services to the residents of the Crow Reservation at this time.

#### **B. Coal and Uranium Bureau**<sup>7</sup>

##### *1. Workcenters within the Reservation*

The Coal and Uranium program does not have a facility or on-site delivery program located within the Crow Reservation.

## *2. Off-Reservation Services*

The 3.5 full-time employees of the Coal and Uranium Bureau provide mine permitting services to the general public. They have also participated joint mine inspections conducted on the Westmoreland Absaloka Mine in which Crow tribal members accompanied state and federal inspectors as a form of training and keeping abreast of mining progress.

Public meetings for various actions have included tribal members giving testimony. Environmental Impact Statements have considered Native American issues and special consultations have been conducted with Native Americans concerning the spiritual value of lands to be mined. Pursuant to the coal statute's requirements for cultural resource data collection, the store of information about Native American resources has grown.

### **C. Open Cut Mining Bureau<sup>8</sup>**

#### *1. Workcenters within the Reservation*

The Open Cut Mining program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *2. Off-Reservation Services*

The Open Cut Mining Bureau is responsible for the reclamation of all land mined for sand and gravel in Montana. While the agency does not exercise regulatory authority over tribal lands, it does regulate all operations on deeded lands within the Reservation boundaries. The attached list describes all operations for which the Bureau has had or currently has reclamation contracts within Big Horn County. If all sites with reclamation contracts supplied the Reservation or tribal projects, a minimum regulatory cost would be approximately \$16,380 (three site evaluations, application review, wages, and mileage). However, it is unknown how much of the mined materials were used on the Reservation.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>9</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	284,902	295,120
- State Rev.	4,392,512	1,104,350
- Proprietary	0	0
Aggregate State	4,677,414 (34.8%)	1,399,470 (13.71%)
Federal Revenue Fund	8,764,883 (65.2%)	8,805,150 (86.29%)

Funding Comments: The Reclamation program contains six programs which are financed with general fund, state special revenue, and federal funds detailed in Table 1, page C-48. General fund finances approximately one-fourth of the Hard Rock Bureau (if reductions by the 1992 special session are all taken in the Hard Rock Bureau) and 29 percent of the Open Cut Bureau. State special revenue includes mining fees, fines, penalties, bond forfeitures, reclamation and development account funds, and environmental impact statement (EIS) fees. As required by the Montana Environmental Policy Act, environmental impact statement fees are collected from industries who propose major mining activities. The statements are prepared by independent contractors retained by the department. The reclamation and development account funds are used to finance \$808,073 in fiscal 1992 and \$803,875 in fiscal 1993 of the program's expenditures. Federal funds are received from the U.S. Department of the Interior primarily for abandoned mine reclamation and regulation of coal mines. The ratio of state funding to federal funding in the Coal Uranium Bureau is based on the type of ownership on permitted acreage. In the 1993 biennium, 70 percent of the permitted acres are expected to be federal and 30 percent state. The Abandoned Mines Bureau is entirely federally funded through a federal tax on Montana's coal production of which up to 50 percent is returned to the state through a grant application process.

### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.



## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

BIG HORN COUNTY

<u>ACRES</u>	<u>NAME</u>	<u>LOCATION</u>
5.00	Big Horn County	NW¼,NW¼, Sec.5, T4S, R33E
2.21	Big Horn County	NW¼,NW¼, Sec.5, T4S, R33E
9.13	Big Horn County	SW¼, Sec.29, T1S, R33E
50.83	Big Horn County	Lot 7&8, Sec.10, T1S, R33E
20.00	Big Horn County	N½NW¼SE¼, Sec.21, T2N, R33E
20.00	Big Horn County	S½, Sec.1, T1N, R33E
11.92	Big Horn County	S½, Sec.5, T4S, R35E
5.00	Big Horn County	NE¼NW¼, Sec.30, T1S, R34E
22.00	Big Horn County	SE¼, Sec.23, & SW¼, Sec.24, T8S,R40E
5.00	Big Horn County	NW¼NW¼, Sec. 15 & SW¼SW¼, Sec. 10, T8S, R43E
5.00	Big Horn County	NW¼, Sec. 22, T1N, R38E
5.50	Big Horn County	SW¼, Sec. 24 & NW¼, Sec.25, T8S, R40E
10.00	Big Horn County	NE¼, Sec. 31, T9S, R40E
37.50	Decker Coal Company	NE¼SW¼, SE¼NW¼, Sec.27, T9S, R40E
17.10	Decker Coal Company	Sec. 4, T9S, R40E, & Sec.33, T8S, R40E
5.00	E.H. Oftedal & Sons	NW¼NW¼, Sec. 34, T4S, R38E
10.00	E.H. Oftedal & Sons	NE¼NW¼, Sec. 4, T4S, R38E
37.00	Empire Sand & Gravel	SW¼NE¼, Sec. 8, T1S, R33E
2.50	Fisher Sand & Gravel	S½, Sec. 8, T1S, R33E
23.00	Fisher Sand & Gravel	W½SE¼, NE¼SE¼, Sec. 5, T4S, R35E
4.00	Hardin, City of	Sec. 30, T1S, R34E
1.00	Kenney, Stephen	SE¼NW¼, Sec.21, T1S, R33E
3.00	Konitz Contracting	NW¼SW¼, Sec.13, T3S, R34E
2.00	Konitz Contracting	SW¼NW¼SW¼, Sec. 33, T2N, R33E

**BIG HORN COUNTY** (continued)

<b><u>ACRES</u></b>	<b><u>NAME</u></b>	<b><u>LOCATION</u></b>
4.00	Melville Ready Mix	NW¼SW¼, Sec.29, T1S, R33E
13.00	Salveson Construction	Sec.19, T1S, R34E
1.00	Salveson Construction	SE¼SE¼, Sec. 5, T1N, R33E
3.00	Washington Construction	SW¼NE¼, Sec. 27, T7S, R39E
12.50	Washington Construction	S½SE¼, Sec. 20 & N½NE¼, Sec. 29, T6S, R39E
16.00	Washington Construction	E½SW¼SW¼ & W½SE¼SW¼, Sec. 24, T8S, R40E

**BIG HORN COUNTY**

**DEPARTMENT OF HIGHWAYS**

**ACREAGE**    **LOCATION**

**N½NE¼, Sec. 16, T1S, R33E**

OPENCUT ACTIVE SITES--BIG HORN COUNTY

OPERATOR	CONT/AMEND #	SITE NAME	LEGAL(S)
?	?	CASS	8WSW26, 2N, 37E
BIG HORN COUNTY	00104	MOORE	8W29, 18, 33E
	00385-1	COUNTY	
	00385-11	RIDER	
	00385-12	BASTROM	81, 1N, 33E
	00385-13	GARRYOMEN	89, 48, 35E
	00385-14	SPRING CREEK	8E23, 8W24, 8S, 40E
	00385-15	STATE/BLM	8W10, NW15, 88, 43E
	00385-16	GAMBILL	
	00385-17	MONTAYLOR	8W24, NW25, 8S, 40E
	00385-18	POSS	
	00385-489	UFFLEMANS	
	00385-7	WARREN	
CITY OF HARDIN	00548	WARREN	
DECKER COAL CO	00299	MUNSON	
	00299-1	WEST SCORIA	
DEPARTMENT OF HIGHWAYS	00149	NNE16, 18, 33E	
EN OPTEDAL	ENQ-001	EAST BORROW	NWNW34, 38, 38E
	ENQ-002	WEST BORROW	NENW4, 48, 38E
EMPIRE	00361-56, 56A, 256B	MELVILLE	
FISHER	00416-35E	PITSCH	
	00416-6	MELVILLE	
KOEBBE	?	?	
KONITZ	00395-83-3	ZIER	
	KCI-007	BENZEL	
MELVILLE READY MIX	00313	MOORE	
SALVESON	00404-1&1A	WARREN	
	00404-4	BUNN	
SJ KENNEY	00401-2	MAIN	
WASHINGTON CONSTRUCTION	00349-12	JONES	
	00349-13&13A	MONTAYLOR CORPORATION	
	00349-14	BIG BEND	

legals  
available -  
not all  
entered yet

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OPENCUT RELEASED SITES--BIG HORN COUNTY

LEGAL	CONTRACT/AMEND #	OPERATOR	ACREAGE
7	00385-6	BIG HORN COUNTY	10
1&2E NW 6, 48, 35E	7	DEPT. OF HIGHWAYS	7
13&14, 98, 40E	N/A	DECKER COAL	N/A
15, 48, 35E	00325-80-1	HILDE	20
19, 1N, 34E	7	DEPT. OF HIGHWAYS	7
19, 18, 34E	00083	SALVESON	2
19, 24, 30; 35, 35E	N-12	DEPT. OF HIGHWAYS	7
22, 1N, 36E	00433	SWAN & SONS	5
26, 78, 35E	#23	DEPT. OF HIGHWAYS	1.75
3&4, 5, 48, 35E	N-14	DEPT. OF HIGHWAYS	7
30, 18, 33E	N/A	KOEBBE	N/A
35, 2N, 37E	00126	MORRISON-KNUDSEN	5
35, 28, 40E	7	DEPT. OF HIGHWAYS	7
8 AND 9, 48, 35E	00325-80-2&2A	HILDE	5
E & NE 22, 58, 35E	00384-3	PETER KIEWIT	10
E&NE 36, 88, 35E	00325-121-2	HILDE	2
ENW3, 48, 35E	00395-83-4	KONITZ	3
LOT 3, 31, 98, 40E	00254	REEVES	20
N&SE 18, 98, 36E	00325-119-2	HILDE	6
NE & NW 18, 68, 36E	00384-5	PETER KIEWIT	3
NE 22, 58, 35E	00325-132-1	HILDE	3
NE SE SE 5, 1N, 33E	0229-74	DEPT. OF HIGHWAYS	7
NE&NW21, 18, 33E	00149	DEPARTMENT OF HIGHWAYS	7
NE14, 98, 35E	00149-3	DEPT. OF HIGHWAYS	38
NE17, 68, 39E	00385-5	BIG HORN COUNTY	0.5
NE&NW 15, 68, 31E	00372	KRAUS	2
NESE35, 78, 39E	00385-8	BIG HORN COUNTY	2
NNW 30, 18, 33E	7	DEPT. OF HIGHWAYS	7
NSE 5, 18, 31E	7	DEPT. OF HIGHWAYS	7
NSW3, 48, 35E	00537	BORDER STATES PAVING	20
	00578	KIEWIT WESTERN	15
NW 10, 28, 34E	7	DEPT. OF HIGHWAYS	7
NW 16, NE 17, 1N, 37E	00333-3	MCINTYRE	N/A
NW 21, 2N, 37E	00333-2	MCINTYRE	6
NW 6, 98, 36E	00325-121-1	HILDE	4
NW SE 34, 1N, 30E	00361-48	EMPIRE	10
NW SW 26, 78, 35E	00401-1	SJ KENNEY	0.5
NW23, 58, 35E	00537-1	BORDER STATES PAVING	10
NWNE 21, 18, 33E	00217	KOEBBE	1
NWNE10, 98, 34E	00385-10	BIG HORN COUNTY	4.0
NWSE 19, 88, 43E; SESE 9 & SWSW 10, 98, 41E	00404-1&2	SALVESON	2
NWSE 26, 28, 34E	H-8	DEPT. OF HIGHWAYS	7
NWSE26, 28, 34E	00361-13	EMPIRE S & G	25.0
NWSW NWSW 18, 38, 35E	H-13	DEPT. OF HIGHWAYS	7
S2 N2, 18, 33E	00361-10	EMPIRE	7
SE NW 27, 98, 40E	7	DEPT. OF HIGHWAYS	7
SE NW NWNE SW NW 5, 48, 39E	09975	DEPT. OF HIGHWAYS	7
SENE 16, 2N, 33E	00367-12	ZION	0.5
SESW 21, 2N, 33E	00385-3	BIG HORN COUNTY	2
SESW 32, 1N, 30E	H-2	DEPT. OF HIGHWAYS	7
SESW, SWSW 32, 38, 35E	7	DEPT. OF HIGHWAYS	7

OPENCUT RELEASED SITES--BIG HORN COUNTY

<u>LEGAL</u>	<u>CONTRACT/AMEND #</u>	<u>OPERATOR</u>	<u>ACREAGE</u>
SEW 5, 18, 31E	?	DEPT. OF HIGHWAYS	?
SW & SE 19, 18, 34E	00384-4	PETER KIEWIT	10
SW 17, 1N, 37E	00333-5	MCINTYRE	60
SW 19, 18, 34E	00333-17	MCINTYRE	2
SW NE 8, 18, 33E	?	DEPT. OF HIGHWAYS	?
SW19, 18, 34E	00310	MEYER CONST.	8.0
SW25, 6S, 34E	00385-2	BIG HORN CO.	1.5
SW26, SE27, 7S, 35E	00343-582	GENERAL(MEYER)CONST	5
SWNW, NWSW 1, 38, 34E	1499-74	DEPT. OF HIGHWAYS	?

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## Land Administration Program

Budgetary Program(s): 5501 04

Agency/Division/Bureau:

Department of State Lands

### NATURE OF SERVICES<sup>10</sup>

The Land Administration program is responsible for leasing surface and mineral resources for the benefit of Montana's public schools and other endowed institutions. This program oversees the appraisal and reclassification of all state lands to obtain the greatest revenue for the trust funds commensurate with the preservation of the resource. This program includes the Surface Management Bureau, the Minerals Management Bureau, and the Resource Development Bureau. Beginning in the 1993 biennium, the Resource Development Program's duties and responsibilities will be in this program.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>11</sup>

#### *A. Workcenters within the Reservation*

The Land Administration program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

The Department does have a field office in Billings which provides forestry, lands and reclamation program services within the Crow Reservation.

Currently, 1 FTE located in the Billings office is funded from the Lands Division budget. That person's duties include field administration of the school trust lands within the reservation. At this time, there are 34,079.79 acres of state land within those boundaries. They are leased primarily for grazing purposes, with some lands in crop production. The state does not have mineral rights to these lands.

Revenues generated from school trust lands are distributed statewide to school districts, including those within the reservation boundary. These lands currently generate approximately \$40,000 a year.



## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>12</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	796,373	883,184
- State Rev.	340,331	279,566
- Proprietary	0	0
Aggregate State	1,136,704 (100%)	1,162,750 (100%)
Federal Revenue Fund	0 ( 0%)	0 ( 0%)

Funding Comments: The administration part of this program is funded entirely with general fund, while the resource development portion is funded from the resource development account. By statute, the State Land Board can allocate up to 2.5 percent of income generated by state trust lands to this account. The net 20.9 percent increase in general fund from actual fiscal 1990 expenditures to fiscal 1992 is due to the budget modifications, increased personal services costs which are primarily funded with general fund, and reductions by the 1992 special session of \$42,000.

### *B. Program Expenditures Related to the Crow Tribe<sup>13</sup>*

The Lands Division has not kept specific financial records regarding manhours, services or monies spent within the Crow Reservation.

The Department is required to field review leased lands at least once during each lease term (typically 10 years). For the period 1975 through 1992, this would have required approximately 33 mandays at a cost estimate of \$2640. Additionally, staff in Helena provided an estimated five mandays in support functions for these leases at a cost estimate of \$500.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.



## Forestry Division

Budgetary Program(s): 5501 25

Agency/Division/Bureau:

Department of State Lands  
Forestry Division

### NATURE OF SERVICES<sup>14</sup>

The Forestry Program manages state-owned forest lands held in trust for the support of education, protects the state's forest and non-forest watershed lands from wildfire, and provides technical forestry assistance to private land owners, businesses, and communities. The program is administered by the Forestry Division in Missoula which provides six main services: Fire Management of state and privately owned forest and watershed lands. Management of state forest land. Brush Disposal on forest land following Forest Management activities. Timber Stand Improvement of the composition, condition, or growth of trees on state forest lands. Tree Nursery for conservation plantings on state and private lands for shelterbelts, windbreaks, wildlife habitat improvement, reclamation, and reforestation. Administration of the Fire Hazard Reduction and Management (Slash) Law to assure that fire hazard created by logging and other forest management operations on private land is adequately reduced, or that additional protection is provided until the fire hazard is reduced to an acceptable level.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>15</sup>

#### A. *Workcenters within the Reservation*

The Forestry Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

The Department does have a field office in Billings which provides forestry, lands and reclamation program services within the Crow Reservation.

The Department has not kept project or financial records detailing mandays or dollars spent within the Crow Reservation. Forestry Program services are provided mainly to private landowners and county government. The following services are provided out of the Department's Billings office and costs are estimated:

The Private Forestry Program provides technical assistance to private forest landowners. Technical assistance is provided to landowners within the reservation boundary approximately five days per year. This could be valued at \$500 per year.

Fire Protection services are provided mainly to county government and volunteer fire departments in the form of fire fighting equipment, training, and assistance. Equipment provided, while not necessarily located within the reservation, is used to fight wildfires within the reservation boundary. This equipment and assistance could be valued at \$20,000. The BIA periodically requests equipment from the Department's Billings office to support their fire suppression efforts during the firefighting season.

Hazard Reduction Program services include enforcement of existing laws and regulations pertaining to logging on private forest lands. Since 1975, there has been 62 Hazard Reduction Agreements within the Crow Reservation. Servicing each agreement requires about two mandays and total costs would approximately be \$12,000.

Community Program services have been provided in the past year to the BIA and Crow Agency for planting of seedlings in parks and on school grounds. Equipment, materials and technical services amounting to about \$1500 has so far been provided.

Nursery Program services have been provided this year to supply tree seedlings for Crow Agency abandoned mine lands. They have paid the Department \$300 for these seedlings.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>16</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	11,406,103	5,953,559
- State Rev.	3,329,029	3,468,866
- Proprietary	0	0
Aggregate State	14,735,132 (93.91%)	9,422,425 (91.3%)
Federal Revenue Fund	954,763 ( 6.09%)	898,322 ( 8.7%)

Funding Comments: Net 1993 biennium funding increases in this program are due to budget modifications, the use of fiscal 1991 appropriations as the budget base (which is higher than fiscal 1990 actual funding levels), funding of fire suppression costs by the 1992 special session, and general fund reductions by the 1992 special session. The forestry program contains seven programs which are funded with general fund, state special revenue, and federal funds. Table 2 on pages C-54, 55 details the funding for each of the programs in House Bill 2.

State special revenues, generated from the sale of timber on state land, are used to entirely finance brush removal program and most of the timber stands improvements program. The price at which the state sells timber includes \$11 per thousand board feet for each of these programs. Landowner assessments are taxes paid by private forest landowners for forest fire protection. With the enactment of Senate Bill 165, this landowner assessment is a minimum of not more than \$30 for each landowner and not more than an additional \$0.20 per acre in excess of 20 acres. The department is required by statute to collect up to one-third of the fire protection costs from private landowners. Other state special revenues include sale of nursery stock and slash removal assessments on private landowners who cut timber. General fund reductions by the 1992 special session in the slash and nursery programs were offset by excess funds in the slash account and by a nursery fee increase of \$0.03 per tree. State special revenue authority was not increased because the department had excess authority. Federal funds finance portions of the Timber Stands Improvement, Forest Management, and Fire programs. Included in

federal funds is \$44,000 authority per year to spend on federal fire reimbursements.

*B. Program Expenditures Related to the Crow Tribe*

Please see "Off-Reservation Services."

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-35.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-43.
3. Robert C. Kuchenbrod, Helena, letter to author, April 2, 1993.
4. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-43.
5. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-46.
6. Gary Amestoy, Department of State Lands, Helena, undated memorandum annotating March 11, 1993 "Questionnaire Response" for Program 5501 03.
7. Bonnie Lovelace, Department of State Lands, Helena, April 5, 1993 memorandum annotating March 11, 1993 "Questionnaire Response" for Program 5501 03.
8. Steve Welch, Helena, letter to author, April 6, 1993.
9. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-46.
10. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-50.
11. Kevin Chappell, Department of State Lands, Helena, memorandum to author, April 6, 1993.
12. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-50.
13. Kevin Chappell, Department of State Lands, Helena, memorandum to author, April 6, 1993.
14. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-52.

15. Randy Mosley, Department of State Lands, Helena, memorandum to author (signed by Kevin Chappell), April 6, 1993.
16. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-52.



# Department of Agriculture

## AGENCY DESCRIPTION<sup>1</sup>

Article XII, Section 1 of the Montana Constitution requires the legislature to establish the Department of Agriculture. The department is organized into four divisions: Centralized Services, Agriculture and Biological Sciences, Plant Industry, and Agricultural Development. The department was established to encourage and promote the interests of agricultural and allied industries in Montana. It collects and publishes agricultural production and marketing statistics relating to agricultural products; assists, encourages, and promotes the organization of farmers' institutes, agricultural societies, fairs, and other exhibitions of agriculture; adopts standards for grade and other classifications of farm products; coordinates in devising and maintaining economical and efficient marketing distributions systems; gathers and distributes marketing information concerning supply, demand, price, and movement of farm products; and administers regulations pertaining to production and marketing of food and fiber products.

## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	1,149,187	1,030,785
- State Rev.	4,849,181	5,024,417
- Proprietary	11,198	11,251
* - Expendable Trust Fund	300,940	311,172
State Aggregate	6,310,506 (93.25%)	6,377,625 (93.19%)
Federal Revenue Fund	456,519 (6.75%)	466,165 (4.55%)

\* Fund Agricultural Finance and Hail Insurance Programs.

FUNDING COMMENTS: None

## PROGRAMS

6201 15	Centralized Services Division
6201 25	State Grain Laboratory
6201 30	Agricultural and Biological Sciences Division
6201 40	Plant Industry Division
6201 50	Agricultural Development

## Centralized Services Division

Budgetary Program(s): 6201 15

Agency/Division/Bureau:

Department of Agriculture  
Centralized Services Division

### NATURE OF SERVICES<sup>2</sup>

The Centralized Services Division performs technical, fiscal, and administrative support functions of the department's internal operations and related programs. Responsibilities include accounting, budgeting, payroll, personnel, purchasing, property control, data processing, systems analysis and computer programming, equal opportunity administration, and legal support to all programs within the department. Included in this division is the director's office, which provides overall policy development for the department. Attached as a unit to the director's office is the State Grain Laboratory, which was recently transferred from the Plant Industry Division.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>3</sup>

#### *A. Workcenters within the Reservation*

The Centralized Services Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

The Centralized Services Division provides an indirect service to the residents of the Crow Reservation by performing the technical, fiscal, and administrative support functions which facilitates the delivery of primary agricultural services described elsewhere in this report.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>4</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	210,770	190,456
- State Rev.	196,563	201,702
- Expendable Trust Fund	35,059	35,935
State Aggregate	442,392 (94.52%)	428,093 (94.22%)
Federal Revenue Fund	25,638 (5.48%)	26,270 (5.78%)

### **Funding Comments:**

This program is funded by assessments on revenue sources which support the department's programs.

### *B. Program Expenditures Related to the Crow Tribe*

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## State Grain Laboratory

Budgetary Program(s): 6201 25

Agency/Division/Bureau:

Department of Agriculture  
State Grain Laboratory Division

### NATURE OF SERVICES<sup>5</sup>

The State Grain Laboratory program, a program transferred from the Plant Industry Division, provides grades, protein determinations, malting barley germinations, and falling number tests for contract settlement prices between buyers and sellers of grain crops in Montana.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>6</sup>

#### *A. Workcenters within the Reservation*

The State Grain Lab does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

The State Grain Lab, located in Great Falls, provides a service to the Crow Nation by providing grades, protein determinations, malting barley germinations, and falling number tests for contract settlement prices between buyers and sellers of grain crops grown on the Crow Reservation. Without this state provided service, which is funded by the entire industry, Crow farmers would have to procure an alternative means of testing at commercial rates in order to market their crops.

### PROGRAM FUNDING AND EXPENDITURE

#### *A. Budget By Funding Source*<sup>7</sup>

	Revised Total SFY 92	Revised Total SFY 93
- State Rev.	548,579 (100%)	546,248 (100%)

#### Funding Comments:

The program is funded entirely with grain service fees charged to grain producers and the grain industry for providing grading, protein, dockage, and falling number tests on a variety of major

grains and specialty crops.

B. *Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Agricultural and Biological Sciences Division**

Budgetary Program(s): 6201 30

Agency/Division/Bureau:

Department of Agriculture  
Agricultural and Biological Sciences Division  
- Field Services Bureau  
- Technical Services Bureau  
- Weed Program

### **NATURE OF SERVICES**<sup>8</sup>

The Agricultural and Biological Sciences Division (formerly the Environmental Management Division) administers, manages, coordinates, and evaluates the major activities of 1) pesticide and pest management; 2) analytical laboratory services; 3) weed management (transferred from the Agricultural Development Program); 4) agricultural chemical groundwater management; and 5) vertebrate pest management. This program administers the Montana Pesticides Act, Agricultural Chemical Groundwater Protection Act, Crop Insect Detection Act, Vertebrate Pest Management Act, Noxious Weed Fund Act, elements of the Weed Assistance Act, and the department's Chemical Analytical Laboratory.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>9</sup>

#### ***A. Workcenters within the Reservation***

The Agricultural and Biological Sciences Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

##### **1. Field Services Bureau**

The Field Services Bureau enforces pesticide rules and regulations on the Crow Reservation. This responsibility includes routinely inspecting pesticide applicators and dealers; investigating pesticide violations, misuse and complaints of damage; responding to pesticide incidents such as spills; and providing information on the correct and legal use of pesticides. Statutory authority for these specific tasks comes from the Montana Pesticides Act (80-8-302, 303, and 304, MCA) and the Federal Insecticide, Fungicide and Rodenticide Act (7 USC 136w-1, Section 26. Note: A Cooperative Agreement between the State of Montana and the US Environmental Protection Agency implements Section 26 of FIRFA.)

In FY93, the bureau conducted 14 pesticide inspections and 2 misuse investigations in Big Horn County. At least one half of these activities occurred on the reservation. It is estimated that an additional five inspections and one or two misuse investigations will be conducted on the reservation in FY93. The bureau estimates that 5 to 10 public requests for pesticide information will be handled.

This on-reservation enforcement work is routinely performed by one Pesticide Specialist I (1 permanent FTE) located in a field office in Billings.

## **2. Technical Services Bureau**

The Montana Pesticides Act requires that farm (private), commercial, and government applicators who desire to use restricted use pesticides be licensed and certified by the Montana Department of Agriculture.

Private applicator licenses are issued for a five year period. The issuing of licenses to tribal members, using the same procedures as for all other individuals, is the result of an informal training agreement with the EPA. The MSU Extension Service, through extension specialists and county agents, provides training and testing for private applicators on an as-needed basis and during the fifth year of the recertification cycle. Licenses for qualified people are issued by the Department.

Pesticide licenses for commercial and government applicators are renewed annually. Recertification training for all categories of commercial and government pesticide applicators is offered every other year. Persons attending training remain certified for a four year period.

Helena based employees of the Department provide services required by the Montana Pesticides Act, but generally not performed at on-reservation sites. These services are performed by the Bureau Chief, a Botanist/Research Specialist, an Entomologist, an Environmental Specialist, a Vertebrate Pest Specialist, and a Pesticide Specialist I.

## **3. Weed Program**

The Department of Agriculture routinely provides the Crow Tribe with weed control information on an "as requested basis." There are also five Noxious Weed Trust Fund grants in the vicinity of the Reservation. The grantees have written cooperative agreements with the Tribe. MDA Trust grant monies only go to on-the-ground control on fee patented lands, not tribal lands. The projects are the Big Horn County Chemical Cost Share (1990), Dalmatian Toadfax Fee Land Control Assistance Project (1990),



Testing for Water Quality (1990), Crow Noxious Weed Control Project (1991), and a Grazing Model for Weed Control (1991). Additionally, the Tribe, Bureau of Indian Affairs, and local weed districts received a grant to help sponsor the 1991 Montana Weed Fair.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>10</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	237,203	128,023
- State Rev.	2,187,514	2,339,819
State Aggregate	2,424,717 (87.79%)	2,467,842 (87.76%)
Federal Revenue Fund	337,240 (12.21%)	344,299 (12.24%)

##### **Funding Comments:**

The program's largest funding source in state special revenue collected from noxious weed vehicle registration fees, herbicide surcharges, commercial fertilizer registration fees, and pesticide registration and licensing fees.

##### *B. Program Expenditures Related to the Crow Tribe*

##### **1. Technical Services Bureau - Level of Activity**

a. On November 30, 1992, a computerized search of the records of farm applicators in District 5 was conducted. This review disclosed of the 180 applicators in Big Horn County, 74 (41.11%) had mailing addresses identifiable as being within the Crow Reservation. An additional 62 farm applicators (34.44%) had rural route addresses in Hardin that may be identifiable with the reservation.

b. On September 21, 1992, a computerized search of the records of commercial/government applicators in District 5 was conducted. This review disclosed of the 21 applicators in Big Horn County, 5 (23.81%) had mailing addresses identifiable as being within the Crow Reservation. Of the remainder, 9 (42.86%) are commercial firms whose service area extends throughout Big Horn County.

c. On February 9, 1993, a computerized search of the

records of pesticide dealers in District 5 was conducted. This review disclosed of the 12 dealers in Big Horn County, 3 (25%) had mailing addresses identifiable as being within the Crow Reservation. Of the remainder, 8 (66.67%) are commercial firms.

## 2. Technical Service Bureau - Costs (Big Horn County)

Of the 9,704 licensed applicators and dealers in Montana, 213 or 2.2% reside in Big Horn County. Their proportionate cost of the Pesticide and Agricultural Groundwater Programs amounts to \$28,506 annually.

### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Plant Industry Division**

Budgetary Program(s): 6201 40

Agency/Division/Bureau:

Department of Agriculture  
Plant Industry Division  
- Commodity Services Bureau  
- Specialized Services Bureau

### **NATURE OF SERVICES**<sup>11</sup>

The Plant Industry Division administers agricultural programs relating to production, manufacturing, and marketing of commodities exported from or distributed in the state. The division provides services to industry by 1) performing professional insect/disease surveys; 2) performing medicated feed mill inspections; 3) issuing official grade commodity certificates; 4) issuing dealer licenses/permits; 5) registering products; and 6) performing analytical analyses of bees, seeds, fertilizer, feed, and grains. Program staff provide technical/scientific information upon request to industry and the general public. Staff investigate and resolve consumer complaints ranging from product contamination and quality control to elevator bankruptcies and non-payment for products. The state grain laboratory was transferred from this program to a new State Grain Laboratory Program in fiscal 1991.

(Mandate: Title 80, chapter 3 [produce], chapter 4 [grain], chapter 5 [seed], chapter 7 [agriculture], chapter 9 [commercial feeds], chapter 10 [commercial fertilizer], MCA)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>12</sup>

#### **A. *Workcenters within the Reservation***

The plant industry program does not have a facility or on-site delivery program located within the Crow Reservation.

#### **B. *Off-Reservation Services***

The Plant Industry Division provides the entire range of agricultural commodity services enumerated in the "Nature of Services" to producers located within the Crow Reservation. Specific examples of businesses requiring inspection and/or licensing under state statutes: public warehouses/commodity dealers, seed dealers, beekeepers, feed dealers, fertilizer dealers, produce dealers. By inspecting for compliance with statutes, inspecting produce for grade and condition of the commodity at retail level, licensing firms, sampling products to

ensure safety and labeling compliance, and surveying products to prevent the introduction of harmful pests and diseases, the Division provides protection to agricultural producers and ensures that their products are accepted by purchasers on and off of the reservation.

# PROGRAM FUNDING AND EXPENDITURE

## A. Budget By Funding Source<sup>13</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	474,024	482,895
- State Rev.	150,032	156,004
- Proprietary	11,198	11,251
State Aggregate	635,254 (98.58%)	650,150 (98.61%)
Federal Revenue Fund	9,144 (1.42%)	9,189 (1.39%)

## Funding Comments:

General fund finances the majority of this program. State special revenues consist of commercial feed and fertilizer registration and inspection fees, mint assessments, and anhydrous ammonia inspection fees. Federal funds are from the market service account, which completely finances the medicated feed program. The proprietary funding is collected from alfalfa leaf cutter bee assessments.

## B. Program Expenditures Related to the Crow Tribe<sup>14</sup>

These services are provided by two full-time employees (Agriculture Inspector II) assigned to the Commodity Services Bureau, Billings. Cost Calculations (\*) are based upon the following average cost of service delivery throughout Montana:

Commodity Dealer/Public Warehouseman	\$386/license
Nurseryman	112/license
Seed Dealer	83/license
Feed & Fertilizer Dealer	162/license
Apiaries registered	10/registration

**Big Horn County - \$6,966 per year (as of 1992)**

<u>License Type</u>	<u>No.</u>	<u>Cost *</u>
Commodity Dealer/Public Warehouseman	3	\$1,167
Nurseryman	6	672
Seed Dealer	9	747
Feed & Fertilizer Dealer	10	1,620
Apiaries registered	276	<u>2,760</u>
		6,966

Although license data dating back to 1975 is not readily retrievable, due to the stable nature of these industries, Mr. Kissinger believes the numbers are representative of the annual number of licenses which could be expected to have been issued in Big Horn County each year since 1975.

**Hardin**

Commodity Dealer/Public Warehouseman	3	\$1,158
Nurseryman	6	672
Seed Dealer	5	415
Feed & Fertilizer Dealer	9	<u>1,458</u>
		3,703

Note: The Crow Reservation is within the trade area of agricultural businesses located in Hardin.

**Lodge Grass (On Reservation)**

Seed Dealer	2	166
Feed & Fertilizer Dealer	1	<u>162</u>
		328

**St. Xavier (On Reservation)**

Seed Dealer	1	83
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**HISTORICAL PERSPECTIVE**

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Agricultural Development**

Budgetary Program(s): 6201 50

Agency/Division/Bureau:

Department of Agriculture  
Agricultural Development Division  
- Marketing Bureau  
- Rural Development Bureau  
- Crop Hail Insurance Unit  
- Wheat and Barley Bureau

### **NATURE OF SERVICES**<sup>15</sup>

The Agriculture Development Division administers programs to promote Montana agriculture through market development and enhancement. Assistance is given toward commercialization of traditional as well as innovative agricultural products and processes. The program provides support to the Alfalfa Seed Committee, the Montana Wheat and Barley Committee, and the Montana Agricultural Development Council. The division is comprised of the Marketing, Rural Development, and Wheat and Barley Bureaus.

(Mandate: Title 80 and Title 90, MCA)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>16</sup>

#### ***A. Workcenters within the Reservation***

The agricultural development program does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

The Agricultural Development Division provides several programs intended to promote economic development within Montana, through enhancement of the agricultural industry. These programs are available to reservation and non-reservation residents alike:

1. The **Rural Development Bureau** provides loans for young farmers, crop/hail insurance, and counseling/debt mediation referral. Currently, there are no outstanding loans or grants to residents of the Crow Reservation. Several hail insurance policies are issued annually on the Crow Reservation, and hail insurance adjusters are periodically working within the Reservation, as required. Confidential counseling and debt mediation assistance have been provided to several residents of the Reservation.

2. The Marketing Bureau and the Wheat and Barley Bureau provide domestic/foreign market and export development assistance, loans/grants for new and innovative value added product or market development, and state-wide agricultural statistics.

PROGRAM FUNDING AND EXPENDITURE

A. Budget By Funding Source<sup>17</sup>

Funding Source	Revised Total SFY 92	Revised Total SFY 93
- General	227,190	229,411
- State Rev.	1,766,493	1,780,644
- Expandable Trust Fund	265,881	275,237
State Aggregate	2,259,564 (96.4%)	2,285,292 (96.36%)
Federal Revenue Fund	84,497 (3.6%)	86,407 (3.64%)

Funding Comments:

The program is funded mostly with special state revenue consisting of wheat and barley sales taxes, a portion of coal severance tax collections, and alfalfa seed assessments.

B. Program Expenditures Related to the Crow Tribe<sup>18</sup>

1. Rural Development Bureau

a. The Agriculture Finance Program does not presently have a loan on the Crow Reservation. An average of one loan per year is carried in Big Horn County. Approximately 1/200th of the program's time and administrative costs are attributable for each loan with the expenditure equating to approximately \$375 annually.

b. The Agriculture Assistance Program, which provided counseling/debt mediation, was terminated August 1, 1992, as a result of legislative mandates. The department presently provides counseling/debt mediation referrals until its "sunset" date of June 30, 1993.

c. The Montana State Hail Insurance program provided

hail coverage with six policies in Big horn County in 1992. These policies accounted for approximately \$1438 of the Hail Program's administrative expenses. There were no loss payments to the Big Horn County policy holders.

## 2. Marketing Bureau/Wheat and Barley Bureau

The Marketing Bureau, at the present time, is not involved in any projects in Big Horn County.

### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.



1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-103.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-107.
3. Timothy J. Meloy, interview by author, February 9, 1993, notes, Department of Agriculture, Helena, Montana.
4. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-107.
5. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-109.
6. Timothy J. Meloy, interview by author, February 9, 1993, notes, Department of Agriculture, Helena, Montana.
7. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-109.
8. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-111.
9. Gary Gingery, Administrator, Department of Agriculture, Helena, memorandum "Services on Crow Indian Reservation", April 1, 1991; Gary Gingery, undated memorandum annotating February 8, 1993 "Questionnaire Response" for Program 6201 30, with associated computer printouts.
10. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-111.
11. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-113.
12. O. Roy Bjornson, Administrator, Department of Agriculture, Helena, memorandum "State Agency Service Outline - Crow Indian Reservation", March 6, 1991.
13. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-113.

14. Will Kissinger, Administrator, Department of Agriculture, Helena, memorandum "Division Services Within Crow Reservation (Big Horn County)", February 24, 1993.
15. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-115.
16. Michael Murphy, Administrator, Department of Agriculture, Helena, "Services Inventory -Crow Tribes", March 27, 1991.
17. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-115.
18. Michael Murphy, Administrator, Department of Agriculture, Helena, "Questionnaire Response", February 8, 1993.

# Department of Livestock

## AGENCY DESCRIPTION<sup>1</sup>

The Department of Livestock is responsible for control and eradication of animal diseases, preventing the transmission of animal disease to humans, and protecting the livestock industry from theft and predatory animals. The department, which is provided for in Section 2-15-3101, MCA, consists of the Board of Livestock and its appointed executive secretary; the Livestock Crimestopper's commission; the Pork Research and Marketing Committee; and the Beef Research and Marketing Committee. The department is organized into five divisions: Animal Health, Centralized Services, Brands- Enforcement, Diagnostic Laboratory, and Meat, Milk, and Egg Inspection. The Board of Livestock, which is statutorily the head of the Department of Livestock, consists of seven members appointed by the Governor and confirmed by the Senate to serve six-year terms.

## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	749,336	812,272
- State Rev.	4,080,660	3,899,307
- Proprietary	0	0
State Aggregate	4,829,996 (93.97%)	4,711,579 (93.65%)
Federal Revenue Fund	310,028 ( 6.03%)	319,733 ( 6.35%)

FUNDING COMMENTS: The 1992 special session decreased general fund in the Centralized Services and Diagnostic Laboratory programs and increased state special revenue and federal revenue by the same amounts. In addition, the 1991 legislature increased current expenditures in the Centralized Services, Diagnostic Laboratory, and the Meat and Poultry Inspection programs. Transfer of 1 FTE from the Milk and Egg program to the Inspection and Control program results in replacing \$60,202 general fund with state special revenue for the biennium.

## **PROGRAMS**

5603	01	Centralized Services
5603	03	Diagnostic Laboratory
5603	04	Disease Control
5603	05	Milk and Egg
5603	06	Inspection and Control
5603	08	Predator Control
5603	09	Rabies Control
5603	10	Meat and Poultry Inspection

## Centralized Services

Budgetary Program(s): 5603 01

Agency/Division/Bureau:

Department of Livestock

### NATURE OF SERVICES<sup>2</sup>

The Centralized Services Division is responsible for the accounting, budgeting, payroll, personnel, legal services, purchasing, administrative, data processing, and general services functions of the department. The Pork Research and Marketing Committee, the Beef Research and Marketing Committee, and the Crimestoppers Commission are administratively attached to the Board of Livestock through this division. Agency legal services are provided to the department by the staff attorney in this division.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>3</sup>

#### *A. Workcenters within the Reservation*

The Centralized Services Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

The Centralized Services Division provides an indirect service to the residents of the Crow Reservation by performing the technical, fiscal, and administrative support functions which facilitates the delivery of primary services described elsewhere in this report.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>4</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	69,587	67,386
- State Rev.	382,917	373,994
- Proprietary	0	0
Aggregate State	452,504 (92.09%)	441,380 (91.84%)
Federal Revenue Fund	38,842 ( 7.91%)	39,211 ( 8.16%)

Funding Comments: This program is funded with general fund, state special revenue from the inspection and control fund and the animal health fund, and federal funds. The 1989 legislature allocated 19.0 percent of the program's costs (except the meat inspection accounting costs) to general fund and the remainder to state special funds. The funding ratio was decreased to 14.5 percent by action of the 1992 special session that replaced \$20,000 of general fund with \$20,000 of additional federal funds from the meat inspection supplemental. The meat inspection accounting costs are financed with federal funds. Allocation between the inspection and control and the animal health state revenue accounts is split evenly.

### *B. Program Expenditures Related to the Crow Tribe*

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Diagnostic Laboratory**

Budgetary Program(s): 5603 03

Agency/Division/Bureau:

Department of Livestock

### **NATURE OF SERVICES**<sup>5</sup>

The Diagnostic Laboratory Program provides laboratory diagnostic support for the Disease Control Program, Milk and Eggs Program, regulatory officials and agencies, veterinarians, and livestock producers to protect, promote, and foster Montana's livestock industry. Through laboratory testing for zoonotic diseases and routine safety assurance tests of dairy products, this program assists in protecting the health of Montana's citizens. The program also provides laboratory testing services upon request to assist animal owners, veterinarians, and Department of Fish, Wildlife, and Parks' personnel in protecting the health of Montana's companion animals and wildlife.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**

#### ***A. Workcenters within the Reservation***

The Diagnostic Laboratory does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

The Diagnostic Laboratory provides an indirect service to the residents of the Crow Reservation by performing a technical support function which facilitates the delivery of primary services described elsewhere in this report (e.g., support for the Disease Control Program, Milk and Eggs Program, regulatory officials and agencies, veterinarians, and livestock producers).

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source*

	Revised Total SFY 92	Revised Total SFY 93
- General	282,944	335,900
- State Rev.	518,835	486,222
- Proprietary	0	0
Aggregate State	801,779 (100%)	822,122 (100%)
Federal Revenue Fund	0 ( 0%)	0 ( 0%)

Funding Comments: This program is funded with approximately 38.1 percent general fund and 61.9 percent animal health funds.

### *B. Program Expenditures Related to the Crow Tribe*

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.



# Disease Control

Budgetary Program(s): 5603 04

Agency/Division/Bureau

Department of Livestock  
Animal Health Division

## NATURE OF SERVICES <sup>6</sup>

The Disease Control Program within the Animal Health Division protects Montana's livestock industry from disease loss by providing for the diagnosis, prevention, control, and eradication of animal diseases. The program cooperates with the Department of Health and Environmental Sciences to protect human health from animal diseases transmissible to humans. Sanitary standards are supervised for animal concentration points, such as auction markets, and certain animal product processing facilities, such as rendering plants.

## PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS <sup>7</sup>

### A. *Workcenters within the Reservation*

The Disease Control program does not have a facility or on-site delivery program located within the Crow Reservation.

### B. *Off-Reservation Services*

In order to enforce an effective disease eradication program, all livestock departing the state must be inspected by federally certified veterinarians before movement. Livestock known to have been infected with communicable diseases must be inspected by either state or federally certified inspectors and appropriate restrictions provided before they can be moved intra-state. The Disease Control program facilitates these inspections throughout Montana, including the inspection of livestock raised on the Crow Reservation.

Another significant interaction between this division and the residents of the Crow Reservation has been in the area of rabies control. Consultations have been provided to both the Big Horn County and Indian Health Service sanitarians. Similar consultation is also available for bubonic plague control, if the disease involves human contact.

These services are provided by Department of Livestock District Veterinarians located in either Helena or Miles City.

(See Program 5603 03, Diagnostic Laboratory, for related services.)

PROGRAM FUNDING AND EXPENDITURE

*A. Budget By Funding Source<sup>8</sup>*

<u>Funding Source</u>	<u>Revised Total SFY 92</u>	<u>Revised Total SFY 93</u>
- General	0	0
- State Rev.	503,583	517,307
- Proprietary	0	0
Aggregate State	503,583 (100%)	517,307 (100%)
Federal Revenue Fund	0 ( 0%)	0 ( 0%)

Funding Comments: Funding for this program is entirely from the animal health fund.

*B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Milk and Egg**

Budgetary Program(s): 5603 05

Agency/Division/Bureau:

Department of Livestock  
Meat, Milk, and Egg Division  
Milk and Egg Bureau

(Mandate: ARM Milk - 81.21.101-106 and 81.22.101-602; Eggs - 81.20.210-209)

### **NATURE OF SERVICES**<sup>9</sup>

The Milk and Egg Program functions within the Meat, Milk, and Egg Inspection Division to ensure that eggs, milk, and milk products sold or manufactured in Montana are fit for human consumption. These functions are accomplished through licensing, sampling, laboratory testing, and product and site inspections, done in cooperation with other state and federal agencies. The program supervises the enforcement of state and federal law.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>10</sup>

#### ***A. Workcenters within the Reservation***

The Milk and Egg program does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

Contact between the producers of milk and egg products and the Department of Livestock occurs at the point of processing. Since there are no processing facilities located within the Crow Reservation, this service is provided to reservation producers elsewhere in Montana. The location of the processing plant determines which Department of Livestock District Inspector will be responsible for this task.

This inspection function may be performed by either state or federal inspectors.

(See Program 5603 03, Diagnostic Laboratory, for related services.)

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>11</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	158,779	163,564
- State Rev.	0	0
- Proprietary	0	0
Aggregate State	158,779 (83.15%)	163,564 (82.93%)
Federal Revenue Fund	32,177 (16.85%)	33,661 (17.07%)

Funding Comments: Funding for the program is primarily general fund, with the federal government expected to contribute \$27,000 each year for inspecting poultry products. The budget includes more than \$27,000 of federal funds because at the end of fiscal 1990 there was an ending fund balance of \$20,600 in the federal account which is available for expenditure during the 1993 biennium.

### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Inspection and Control

Budgetary Program(s): 5603 06

Agency/Division/Bureau:

Department of Livestock  
Brands Enforcement Division

### NATURE OF SERVICES<sup>12</sup>

The Inspection and Control Program, as part of the Brands-Enforcement Division, is responsible for livestock theft investigations, stray livestock investigations, brand inspections, recording of livestock brands, filing of security interests on livestock, livestock auction licensing, livestock dealer licensing, hide inspections, and beef inspections.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>13</sup>

#### *A. Workcenters within the Reservation*

The Inspection and Control program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

A brand inspection is required every time livestock changes owners, crosses county lines, or is prepared for slaughter. This inspection is performed by deputy stock inspectors who accomplish the task for a fee. These personnel are not state employees; however, they are certified and supervised by the Department of Livestock (DOL). The DOL District Stock Inspector in Billings oversees operations in Big Horn County.

To facilitate law enforcement actions on the Reservation, District Stock Inspectors are cross-deputized by the Bureau of Indian Affairs (BIA). Approximately half of the division's law enforcement actions in this area are taken directly by the state and half are in response to requests from the BIA and FBI.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>14</sup>

<u>Funding Source</u>	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	2,263,640	2,210,479
- Proprietary	0	0
Aggregate State	2,263,640 (100%)	2,210,479 (100%)
Federal Revenue Fund	0 ( 0%)	0 ( 0%)

Funding Comments: This program is funded entirely from the inspection and control fund. Under state law, the department may not expend more than 10 percent of the net brand rerecord revenue each year.

### B. Program Expenditures Related to the Crow Tribe

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Predator Control

Budgetary Program(s): 5603 08

Agency/Division/Bureau:

Department of Livestock  
Brands Enforcement Division

### NATURE OF SERVICES<sup>15</sup>

The Predator Control Program, operated by the Brands-Enforcement Division, offers protection to livestock producers by controlling certain types of predators that kill or injure domestic livestock. This program is also designed to alleviate problems caused by animal species (particularly the coyote, which can carry bubonic plague) that may endanger human health or safety.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>16</sup>

#### A. *Workcenters within the Reservation*

The Predator Control program does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

In both 1992 and 1993, Department of Livestock personnel have engaged in predator control on the Crow Reservation.

### PROGRAM FUNDING AND EXPENDITURE

#### A. *Budget By Funding Source*<sup>17</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	396,685	296,305
- Proprietary	0	0
Aggregate State	396,685 (100%)	296,305 (100%)
Federal Revenue Fund	0 ( 0%)	0 ( 0%)

Funding Comments: This program is funded entirely from the inspection and control fund. The Department of Fish, Wildlife and Parks deposits \$95,000 per year (including the \$20,000 increase) into this account for use in this program.

B. *Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.



## **Rabies Control**

Budgetary Program(s): 5603 09

Agency/Division/Bureau:

Department of Livestock  
Animal Health Division

### **NATURE OF SERVICES**<sup>18</sup>

The Rabies Control Program within the Animal Health Division functions to protect human health from rabies by controlling the transmission of domestic animal and wildlife rabies, particularly through eradication of skunks. This is accomplished by state level programs and by cooperation with counties, private groups (such as humane societies and veterinary associations), other government agencies (such as the Department of Health and Environmental Sciences and the Department of Fish, Wildlife and Parks), and private individuals.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>19</sup>

#### *A. Workcenters within the Reservation*

The Rabies Control program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

The primary interaction between this division and the residents of the Crow Reservation has been consultations to facilitate rabies eradication. These services have been provided to both Big Horn County and Indian Health Service sanitarians by District Veterinarians located in either Helena or Miles City. Although available as a suppression tool, the state has not been requested to use toxicants on the Crow Reservation.

The Department of Livestock laboratory is also the primary testing facility for confirming suspected cases of animal-borne rabies.

(See Program 5603 03, Diagnostic Laboratory, for related services.)

## PROGRAM FUNDING AND EXPENDITURE

### A. *Budget By Funding Source*<sup>20</sup>

<u>Funding Source</u>	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	15,000	15,000
- Proprietary	0	0
Aggregate State	15,000 (100%)	15,000 (100%)
Federal Revenue Fund	0 ( 0%)	0 ( 0%)

Funding Comments: This program is funded entirely by a \$15,000 grant from the Department of Fish, Wildlife and Parks.

### B. *Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Meat and Poultry Inspection**

Budgetary Program(s): 5603 10

Agency/Division/Bureau:

Department of Livestock  
Meat, Milk, and Egg Inspection Division  
Meat and Poultry Inspection Bureau

### **NATURE OF SERVICES**<sup>21</sup>

The Meat and Poultry Inspection Program within the Meat, Milk, and Egg Inspection Division was established in 1987 by the Montana Meat and Poultry Inspection Act. Its function is to implement and enforce a meat and poultry inspection system equal to that maintained by the U.S. Department of Agriculture (USDA) and Food Safety Inspection Service (FSIS). By providing a state certification with federal standards, this program's goals are to assure clean, wholesome, properly labeled meat and poultry products for the consumer and, in doing so, increase the supply of Montana-raised products into Montana-based processing facilities.

(Mandate: ARM 32.6.701-711 and 801- 815)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>22</sup>

#### ***A. Workcenters within the Reservation***

The Meat and Poultry Inspection program does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

Contact between the meat and poultry producers and the Department of Livestock occurs at the point of processing. Since there are no processing facilities located within the Crow Reservation, this service is provided to reservation producers elsewhere in Montana (e.g., slaughter house in Hardin, stock sales in Billings). These services include the inspection of animals at time of slaughter, the inspection of previously slaughtered animals (e.g., slaughtered at ranch) at carcass processing, and the inspection of meats intended for commercial facilities such as restaurants. The location of the processing plant determines which Department of Livestock District Inspector will be responsible for this task. This inspection function may be performed by either state or federal inspectors.

The Division Administrator also has ancillary responsibilities with the bison control project.

(See Program 5603 03, Diagnostic Laboratory, for related services.)

PROGRAM FUNDING AND EXPENDITURE

A. Budget By Funding Source<sup>23</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	238,026	245,422
- State Rev.	0	0
- Proprietary	0	0
Aggregate State	238,026 (49.9%)	245,422 (49.85%)
Federal Revenue Fund	239,009 (50.1%)	246,861 (50.15%)

Funding Comments: This program is funded 50 percent general fund and 50 percent federal meat/poultry inspection special revenue received from the U.S. Department of Agriculture.

B. *Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1987 to 1992.

1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-56.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-59.
3. John F. Skufca, Department of Livestock, Helena, March 5, 1993 memorandum annotating February 25, 1993 "Questionnaire Response" for Program 5603 01.
4. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-59.
5. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-61.
6. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-63.
7. D. P. Ferlicka, interview by author, February 23 and April 30, 1993, notes, Department of Livestock, Helena, Montana.
8. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-63.
9. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-64.
10. D. P. Ferlicka, interview by author, February 23 and April 30, 1993, notes, Department of Livestock, Helena, Montana; George H. Sheets, Department of Livestock, Helena, March 4, 1993 memorandum annotating February 25, 1993 "Questionnaire Response" for Program 5603 05; George H. Sheets, interview by author, April 28, 1993, notes, Department of Livestock, Helena, Montana.
11. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-63.
12. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-65.

13. D. P. Ferlicka, interview by author, February 23 and April 30, 1993, notes, Department of Livestock, Helena, Montana; Jack Sedgwick, interview by author, February 23, 1993, notes, Department of Livestock, Helena, Montana.
14. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-65.
15. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-67.
16. D. P. Ferlicka, interview by author, February 23 and April 30, 1993, notes, Department of Livestock, Helena, Montana; Jack Sedgwick, interview by author, February 23, 1993, notes, Department of Livestock, Helena, Montana.
17. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-67.
18. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-68.
19. D. P. Ferlicka, interview by author, February 23 and April 30, 1993, notes, Department of Livestock, Helena, Montana.
20. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-68.
21. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-69.
22. D. P. Ferlicka, interview by author, February 23 and April 30, 1993, notes, Department of Livestock, Helena, Montana; George H. Sheets, Department of Livestock, Helena, undated memorandum annotating February 25, 1993 "Questionnaire Response" for Program 5603 10; George H. Sheets, interview by author, April 28, 1993, notes, Department of Livestock, Helena, Montana.
23. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-69.

# Department of Transportation

## AGENCY DESCRIPTION<sup>1</sup>

The 1991 legislature passed Senate Bill 164, which merged the former Department of Highways, the Transportation and Aeronautics Divisions of the Department of Commerce, and the Motor Fuels Division from the Department of Revenue into a new Department of Transportation (DOT). The goal of the reorganization was to improve Montana's multi-modal transportation planning by consolidating into a single agency all transportation-related functions into one department to offer a unified vision of Montana's transportation needs, promote growth, and provide "one-stop shopping" for transportation related services. The organization of the three programs transferred to the DOT remained primarily the same and are still separate programs. The former Transportation Division was renamed the Rail and Transit Division.

## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	549,858	360,558
- State Rev.	157,463,816	161,951,734
- Proprietary	14,518,964	14,319,429
State Aggregate	172,532,638 (53.97%)	176,631,721 (54.27%)
Federal Revenue Fund	147,123,720 (46.03%)	148,826,975 (45.73%)

FUNDING COMMENTS: The general fund provides only 0.1 percent of total funding for the DOT. The only program supported by general fund is the Rail and Transit Division, where 65 percent of the operating budget is supported by general fund. State special revenue funds provide nearly 50 percent of agency funding. Federal funding provides 46 percent of agency funding. Proprietary funds are for the Equipment and State Motor Pool programs, and for the operation of the West Yellowstone Airport in the Aeronautics Division.

## PROGRAMS

5401 01 General Operations Program  
5401 02 Construction Program  
5401 03 Maintenance Program  
5401 07 State Motor Pool  
5401 08 Equipment Program  
5401 10 Motor Fuel Program  
5401 11 Interfund Transfers Program \*  
5401 12 Stores Inventory  
5401 22 Gross Vehicle Weight  
5401 40 Aeronautics Program  
5401 50 Rail & Transit Program

\* - These programs are omitted from this study.

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### Interfund Transfers (5401 11)<sup>2</sup>

The Interfund Transfers program provides appropriation authority for the transfer of funds between accounting entities and distribution of the sinking fund for the retirement of bonds.

Funding Comments: The fund transfers in this program are entirely within the highways special revenue fund account.



## General Operations

Budgetary Program(s): 5401 01

Agency/Division/Bureau:

Department of Transportation  
Director's Office  
Human Resources Division  
Administration Division  
Legal Services Division

Contact Point(s): Tom Barnard, Ray Brown, Vicky A. Koch

### NATURE OF SERVICES<sup>3</sup>

The general operations program provides the administrative support services for the department, including general administration and management, accounting and budgeting, planning and program development, research, legal services, computer systems support, and personnel.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>4</sup>

#### A. *Workcenters within the Reservation*

The general operations program does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

The General Operations program provides essential indirect services to the members of the Crow Tribe. By furnishing overall direction for policy development, coordinating various primary programs, and accomplishing fiscal and budgeting tasks, the program facilitates the delivery of all transportation services. The program organizationally includes the Director's Office, three divisions (Human Resources, Administration, Legal Services), and two stand-alone bureaus (Public Affairs, Strategic Planning). All functions are centrally performed in Helena.

1. The Human Resources Division is composed of the Civil Rights, the Organizational Development (safety and training), and the Employee Relations (personnel) Bureaus.

The Civil Rights Bureau performs or oversees four functions that directly benefit members of the Crow Tribe: the Disadvantaged Business Enterprise Program, the departmental minority recruitment program, EEO contract compliance, labor compliance and the trainee program. This effort employs 7.0 FTE.<sup>5</sup>

a. In the Disadvantaged Business Enterprise Program, the Bureau actively encourages the development of minority owned businesses and the awarding of contracts to these firms. In this effort, the Bureau works closely with the Tribal Employment Rights Office (TERO), an agency established by the tribal council on each reservation for the promulgation of tribal rights goals and member employment preference criteria.

b. The departmental minority recruitment program actively recruits minorities members and women into the DOT workforce. To encourage the hiring of Crow tribal members, the Bureau has conducted recruitment programs with the TERO, the Little Big Horn Tribal College, and the public schools in Hardin.

c. The Civil Rights Bureau insures DOT contract compliance with Equal Employment Opportunity standards and Federal Highway Contract Rules. This enforcement guarantees employment opportunities for Native Americans.

d. The Trainee Program seeks to prepare minority members and women for productive roles in the workforce through on the job training received while employed by DOT contractors. The program is deemed to be successful if the trainees attain journey person status as a result of this experience.

e. The Labor Compliance Program insures that everyone employed by a contractor on a federal aid project is paid the prevailing wage in compliance with the Davis-Bacon Act.

2. The Administration Division is composed of the General Office, the Accounting Services Bureau, the Financial Management Bureau (budget), the Information Services Bureau, and the Purchasing Services Bureau. However, the Purchasing Services Bureau is separately funded under the stores inventory program.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>6</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	7,329,024	7,160,880
- Proprietary	0	0
State Aggregate	7,329,024 (77.28%)	7,160,880 (78.09%)
Federal Revenue Fund	2,154,676 (22.72%)	2,009,515 (21.91%)

Funding Comments: State special revenue funds are from the highways special revenue account. In addition, the program receives 1.5 percent of the total federal aid funds from the Federal Highway Surface Transportation Act for highway planning and research activities. Other federal funds are provided by the Federal Minority and Disadvantaged Business Enterprise Program (Note: Funding for the administration of the Disadvantaged Business Enterprise Program is provided by state funds.)

### *B. Program Expenditures Related to the Crow Tribe<sup>7</sup>*

1. Two Disadvantaged Business Enterprise Program contracts have been awarded to firms on the Crow Reservation:

a. Crow Tribal Council (Doing Business as "Crow Carriers") received contract 90-9(71)509 for services in Big Horn County and on the Reservation (Cost: \$56,031.25).

b. Crow Tribal Council (Doing Business as "Crow Tribal Carriers") received contract STPP 37-1(16)19 for services in Big Horn County and on the Reservation (Cost: \$499,151.75).

2. Although not a DBE certified contractor, Conroys, Inc., a firm owned by a Crow tribal family, has received nine contracts on the Reservation and in Big Horn County totaling \$467,514.49 (Note: contract descriptions on file with Gallusha, Higgins, and Gallusha, CPA).

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have

significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Construction

Budgetary Program(s): 5401 02

Agency/Division/Bureau:

Department of Transportation  
Highways Division  
Assistant Administrator for Engineering

### NATURE OF SERVICES<sup>8</sup>

The Construction program (Engineering Division) is responsible for the construction project planning and development from the time a project is included in the long-range work plan through the actual construction of the project. The program's responsibilities include such tasks as project design, public hearings, right-of-way acquisitions, issuing contract bids, awarding contracts, and administering construction contracts. Contract administration is the supervision of highway construction projects from the time the contract is awarded to a private contractor until the project is completed and the work approved as meeting established construction standards. The construction program consists of the combined Construction and Preconstruction programs as presented in the 1991 biennium budget.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>9</sup>

During the period 1972 - November 1992, \$152,744,543 in highway construction was performed within the Crow Reservation by the Montana Department of Transportation. The cost of this construction was shared by the State of Montana and the federal government in varying proportions calculated on a project-by-project basis. The State of Montana's financial contribution to the total construction program was \$28,389,508 or 18.59 percent.

- Interstate Highway 90 (I-90): \$95,815,800 or 62.73% of the total construction expenditures during this period was devoted to the construction of Interstate Highway 90. The State's financial contribution to this intra-reservation effort was 10 percent; remaining construction costs were reimbursed by the federal government.

- Highways other than I-90: \$56,928,743 or 37.27% of the total construction expenditures during this period was devoted to building roadways within the Reservation other than I-90. The State of Montana paid \$18,807,928 or 33.04% of these costs.

(Note: Specific cost data on file with Gallusha, Higgins, and Gallusha, Certified Public Accountants).

The construction of highways within and leading to the Crow Reservation provides numerous benefits to tribal members. The Reservation lies within a remote area of southeast Montana that without the interstate highway system and connecting primary highways would be relatively inaccessible. This accessibility allows commerce, including tourism, to flourish on the reservation. Similarly, intra-reservation roadways improve communication and the delivery of government services.

#### *A. Workcenters within the Reservation*

The construction program is directed by the Highway Division's Assistant Administrator for Engineering. The program is organizationally divided between functions centrally performed at the headquarters in Helena and functions performed elsewhere in the state, that is, in the field.

Field elements consist of five Highway Administrative Districts, each supervised by a District Engineer who reports to the Highway Division's Assistant Administrator for Engineering. The Billings District Engineer is responsible for highway construction within the Crow Reservation. The Billings District Engineer is supported by a District Construction Engineer, and each construction project is assigned a Project Manager who represents the District Engineer at the site. The Project Manager is assisted by inspectors and Materials Bureau personnel at the construction site.

Although the Montana Department of Transportation's role in building highways is limited to planning the project and administering the construction contracts, the DOT does have temporary facilities at the construction sites. The size of these facilities is dependent upon the type and complexity of the project. A simple project, such as crushing gravel for highway materials, might require that only a testing trailer be located adjacent to the contractor's facility. Larger projects, such as a roadway renovation lasting six months or longer, would require the creation of a temporary project headquarters. A temporary headquarters might be a DOT office trailer or leased field office facilities near the contractor. On exceptionally large projects, such as construction of the interstate highway system, both relocatable and rented facilities would be required.

The presence of a State administered construction sites within the Crow Reservation also provides additional indirect benefits to the Tribe such as the purchasing of local construction materials, local employment opportunities, and recurring personal purchases within the community by construction site employees.

(Cross-reference: DOT General Operations Civil Rights Bureau - Disadvantaged Business Enterprise Program, the departmental minority recruitment program, and contract compliance).

## B. Off-Reservation Services

In addition to the personnel assigned to the Billings District Office, who perform many of their duties at the construction site, highway construction within the Crow Reservation requires the efforts of headquarters construction elements. Headquarters construction elements include the Highway Division's Bridge, Construction, Materials, Preconstruction, and Right-of-Way Bureaus and the Contract Plans Section. Headquarters elements also include a portion of the legal staff and the Highway Division's Central Office.

### PROGRAM FUNDING AND EXPENDITURE

#### A. Budget By Funding Source<sup>10</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	63,674,003	67,292,235
- Proprietary	0	0
State Aggregate	63,674,003 (30.73%)	67,292,235 (31.57%)
Federal Revenue Fund	143,502,196 (69.27%)	145,872,661 (68.43%)

Funding Comments: State special revenue includes highway reconstruction trust funds of \$40.0 million during the biennium for RTF construction projects, with the balance from the highways special revenue account. The highways special revenue account also funds 100 percent of administrative overhead costs for the program and provides an average 20 percent match for approved federal aid projects, including preconstruction and contract administration costs. Federal aid funds are from the federal Highway Surface Transportation Act, the federal/state match will be an estimated 87/13 ratio.

#### B. Program Expenditures Related to the Crow Tribe

Please see "Provision of Services to Crow Tribe or Tribal Members."

### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have

significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.



## Maintenance

Budgetary Program(s): 5401 03

Agency/Division/Bureau:

Department of Transportation  
Highways Division  
Assistant Administrator for Operations

### NATURE OF SERVICES<sup>11</sup>

The Maintenance program is responsible for preserving and maintaining the state highway system and its related facilities. Major maintenance activities include patching, repair, and periodic sealing of highway surfaces, snow removal and sanding.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>12</sup>

The Montana Department of Transportation maintains 154.9 miles of highways within the Crow Reservation. During the period July 1, 1984 - November 27, 1992, the DOT expended \$8,790,904 on this effort.

(Note: Specific cost data on file with Gallusha, Higgins, and Gallusha, Certified Public Accountants).

#### *A. Workcenters within the Reservation*

The maintenance program is directed by the Highway Division's Assistant Administrator for Operations. The program is organizationally divided between functions centrally performed at the headquarters in Helena and functions performed elsewhere in the state, that is, in the field.

Field elements consist of 130 Field Maintenance Sections which are geographically grouped into 11 Field Maintenance Areas. These eleven areas respectively report to five District Engineers under the Assistant Administrator for Operations. The Billings District Engineer oversees highway maintenance within the Crow Reservation.

Field Maintenance Sections responsible for highways on the Crow Reservation include the Maintenance Facilities in Hardin, Busby, and Lodge Grass:

1. Hardin Maintenance Facility - The four person crew at the Hardin facility is responsible for maintaining 13.8 miles of interstate and approximately 20 miles of two lane roadway within the reservation. The Hardin facility consists of two garages (three stall, two stall), two tool sheds, and a sand house.

2. Busby Maintenance Facility - The three person crew at the Busby facility is responsible for maintaining 22.2 miles of Highway 212 from the Custer Battlefield Interchange to the border of the Northern Cheyenne Reservation. The crew, whose shop is on the Northern Cheyenne Reservation, also maintains additional roadway on that reservation. The Busby facility consists of a two stall garage, a tool shed, an equipment hut, and a sand house.

3. Lodge Grass Maintenance Facility - The five person crew at the Lodge Grass facility is responsible for maintaining 44.4 miles of interstate and 55.8 miles of two lane roadway within the reservation. The Lodge Grass facility consists of a five stall garage, a tool storage shed, and a Quonset sand house (40'x80'). Additional sand houses are at Aberdeen and Custer Battle Field. Material stockpiles are also located within this field maintenance section.

The presence of a State facilities within the Crow Reservation also provides additional indirect benefits to the Tribe such as the purchasing of local construction materials, local employment opportunities, and recurring personal purchases within the community by state employees.

(Cross-reference: DOT General Operations Civil Rights Bureau - Disadvantaged Business Enterprise program, the departmental minority recruitment program, and contract compliance).

#### *B. Off-Reservation Services*

Highway maintenance crews operating within the Reservation receive support from the Billings District Office and DOT Headquarters. Specialized maintenance tasks, such as highway striping, are performed by crews centrally managed out of the Billings office. Headquarters maintenance elements are within the Maintenance and Equipment Bureau which includes the maintenance administrative staff and centrally funded and managed operational units under Maintenance and Operations Services (e.g., the Sign Shop, Building Maintenance).

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>13</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	49,577,565	49,972,920
- Proprietary	0	0
State Aggregate	49,577,565 (100%)	49,972,920 (100%)
Federal Revenue Fund	0	0

Funding Comments: The Maintenance program is funded entirely by highway special revenue funds.

Note: Please See Program 5401 10 for comments about Montana Reservations and the special revenue account.

### B. Program Expenditures Related to the Crow Tribe

Please see "Provision of Services to Crow Tribe or Tribal Members."

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## State Motor Pool

Budgetary Program(s): 5401 07

Agency/Division/Bureau:

Department of Transportation  
Highways Division  
Assistant Administrator for Operations  
Maintenance and Equipment Bureau  
Motor Pool Unit

### NATURE OF SERVICES<sup>14</sup>

The State Motor Pool operates and maintains a fleet of vehicles available to all state offices and employees in the Helena area to conduct official business.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>15</sup>

#### A. *Workcenters within the Reservation*

The motor pool program does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. Off-Reservation Services

The State Motor Pool provides an economical means of transportation for state employees needing to travel from Helena to the Crow Reservation to conduct official business. The motor pool also maintains a limited number of vehicles in Billings for air passengers performing business in the vicinity of that city.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>16</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	0	0
- Proprietary	759,439	609,829
State Aggregate	759,439 (100%)	609,829 (100%)
Federal Revenue Fund	0	0

Funding Comments: Funding is from the motor pool proprietary account, which receives revenues from vehicle rentals.

### B. Program Expenditures Related to the Crow Tribe

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Equipment

Budgetary Program(s): 5401 08

Agency/Division/Bureau:

Department of Transportation  
Highways Division  
Assistant Administrator for Operations

### NATURE OF SERVICES<sup>17</sup>

The Equipment program is responsible for the purchase, distribution, and maintenance of all highway equipment and vehicles necessary to meet the department's construction, maintenance, and Gross Vehicle Weight enforcement needs. The equipment, which operates under a proprietary fund, is rented to the other programs within DOT.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>18</sup>

#### *A. Workcenters within the Reservation*

The equipment program does not have a facility located within the Crow Reservation.

#### *B. Off-Reservation Services*

Since approximately 84% of the equipment program is dedicated to the highway maintenance effort, this program is managed by the Highway Division's Assistant Administrator for Operations. The program is organizationally divided between functions centrally performed at the headquarters in Helena and functions performed elsewhere in the state, that is, in the field.

1. Headquarters equipment elements include the maintenance administrative staff and the Central Shop.

2. Field elements correspond to the 11 Field Maintenance Areas plus four additional satellite shops. The Billings equipment shop supports Maintenance Areas partially falling within the Crow Reservation: Billings, Hardin, Lodge Grass and Busby Sections.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>19</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	0	0
- Proprietary	13,675,719	13,641,166
State Aggregate	13,675,719 (100%)	13,641,166 (100%)
Federal Revenue Fund	0	0

**Funding Comments:** The Equipment program is funded from the highway equipment proprietary account, which receives revenues from rental of highway equipment to other department programs. The primary users are the Construction and Maintenance programs.

### *B. Program Expenditures Related to the Crow Tribe*

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Motor Fuels

Budgetary Program(s): 5401 10

Agency/Division/Bureau:

Department of Transportation  
Administration Division  
Accounting and Services Bureau

### NATURE OF SERVICES<sup>20</sup>

The Motor Fuels Division enforces compliance with motor fuels tax law and administers license taxes on gasoline and diesel fuel. It manages refund provisions of the state tax laws; supervises the bonding requirements of distributors, dealers, and users to insure the proper collection of the license taxes; and issues permits and licenses to distributors, dealers, and users. The division directly collects motor fuel taxes, enforces bonding requirements, and pays refunds.

(Mandate: 15-70-101, MCA)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>21</sup>

#### *A. Workcenters within the Reservation*

The Motor Fuels program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

Effective July 1, 1991, the Department of Highways, the Motor Fuels Tax Division of the Department of Revenue, and the Aeronautics Division of the Department of Commerce were combined to form the Department of Transportation. As a result of the merger, the Administration Division became responsible for enforcing compliance with motor fuel tax law and administering license taxes on gasoline and special fuels. The Division manages the refund provisions of the state tax laws; supervises the bonding requirements of distributors, dealers, and users to ensure the proper collection of license taxes; and issues permits and licenses to distributors, dealers and users. The Division directly collects motor fuel taxes, enforces bonding requirements, and pays refunds.



## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>22</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	634,224	640,343
- Proprietary	0	0
State Aggregate	634,224 (100%)	640,343 (100%)
Federal Revenue Fund	0	0

FUNDING COMMENTS: The Motor Fuel Division is funded from the highways state special revenue account.

### *B. Program Expenditures Related to the Crow Tribe<sup>23</sup>*

The Administration Division distributes revenues as shown in Table 1. The balance that is not distributed remains in the DOT and is used for highway planning, construction, maintenance, and related support functions. For the fiscal year beginning July 1, 1992, the following gasoline tax revenues were allocated to cities on or adjacent to the Crow reservation and to Big Horn County:

	Combined Allocation
Hardin	\$ 59,010
Lodge Grass (Reservation)	11,501
Big Horn County	148,683

The Department has a contract with the Crow Tribe to refund gasoline taxes to the tribal government. This contract is based on estimated gasoline consumption on the reservation by enrolled tribal members living on the reservation.

Calendar Quarter Ending	Actual Amount of Refund
December 1992	\$150,107.50
Calendar Year Ending	Estimated Amount
1993	\$600,430.00
1994	\$600,430.00

#### HISTORICAL PERSPECTIVE

Other than as specifically noted in this report, agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Stores Inventory**

Budgetary Program(s): 5410 12

Agency/Division/Bureau:

Department of Transportation  
Administration Division  
Purchasing Services Bureau

### **NATURE OF SERVICES**<sup>24</sup>

The Stores Inventory program purchases and distributes commodities (such as office and construction supplies) and bulk items (such as sand, road oil, and gasoline) used by other DOT programs. Stores operations are maintained in Helena and in each of the field districts. The Helena stores' facility services the department headquarters and shop facility and also acts as the central receiving and distribution center for all quantity stores commodities.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>25</sup>

#### ***A. Workcenters within the Reservation***

These supplies are generally consumed by the maintenance effort of the Highways Division. Please see Programs 5401 02 and 03 for a description of supply caches.

#### ***B. Off-Reservation Services***

These supplies are generally consumed by the maintenance effort of the Highways Division. However, organizationally, the stores program belongs to the Purchasing Services Bureau of the Administration Division.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>26</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	15,460,726	14,901,886
- Proprietary	0	0
State Aggregate	15,460,726 (100%)	14,901,886 (100%)
Federal Revenue Fund	0	0

Funding Comments: The program is funded from the highways special revenue account and receives reimbursement from other department programs which procure these commodities. The accounting procedure used for these stores results in a double appropriation for the agency.

### B. Program Expenditures Related to the Crow Tribe

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Gross Vehicle Weight (GVW)

Budgetary Program(s): 5401 22

Agency/Division/Bureau:

Department of Transportation  
Motor Carrier Services Division

### NATURE OF SERVICES <sup>27</sup>

The Motor Carrier Services Division is responsible for enforcement of the statutes and regulations relating to vehicle weight, size, licensing, fuel, and safety on the state's highways. It also issues permits and operating authority for commercial vehicles and collects gross vehicle weight fees. The Fiscal Bureau registers interstate fleet vehicles, issues GVW fee licenses, issues oversize and overweight permits, and collects fees and taxes. The Compliance Bureau operates weigh stations across the state and assigns enforcement officers to inspect vehicles for compliance with registration, fuel, size, and weight laws.

(Mandate: Title 61, MCA)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS <sup>28</sup>

Note: Although these services are uniformly provided by the Motor Carrier Services Division throughout Montana, including on the seven reservations, GVW officers do not issue citations within any reservation, other than the Confederated Salish-Kootenai, if the operator or owner of a vehicle is an enrolled member of the reservation's tribe.

#### A. *Workcenters within the Reservation*

The Motor Carrier Services Division enforces compliance on the Crow Reservation by means of a weigh station and random enforcement patrols. The Division's weigh station, located on Interstate Highway 90 one mile north of Highway 212, is one of only six key weigh stations in Montana (i.e., Although 27 of the state's 32 stations are regularly staffed, only the key stations are staffed continuously.) This station's complement is four full time employees. Enforcement of motor carrier regulations at other locations within the reservation is provided by two officers assigned to random enforcement patrol. These vehicles perform duties throughout the Billings Highway District.

The administration of motor carrier services within the Crow Reservation provides two direct benefits to the Tribe: First, the enforcement of Montana statutes and regulations pertaining to

vehicle weight, size, licensing, fuel, and safety protects the roadways and all travelers within the reservation. Second, the enforcement of vehicle weight provisions is a prerequisite for a governmental entity to receive federal highway funding.

The presence of a State facility within the Crow Reservation also provides additional indirect benefits such as employment opportunities (local payroll) and recurring personal purchases within the community by the employees of that facility.

#### B. Off-Reservation Services

The Motor Carrier Services Division centrally administers the Gross Vehicle Weight Program through its General Office and the Fiscal and Compliance Bureaus in Helena.

By issuing permits and operating authority for commercial vehicles, the Motor Carrier Services Division authorizes the use of Montana highways for intra- and interstate carriers travelling to, on, and from the Crow Reservation. Additionally, commercial vehicles belonging to tribal members require these permits to operate off of the reservation. Both of these services are of economic benefit to the Crow Tribe.

### PROGRAM FUNDING AND EXPENDITURE

#### A. Budget By Funding Source<sup>29</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	4,087,845	4,130,525
- Proprietary	0	0
State Aggregate	4,087,845 (100%)	4,130,525 (100%)
Federal Revenue Fund	0	0

Funding Comments: Funding from the program comes entirely from the highways special revenue account. The GVW program generates revenues of \$25 million per year for this account from gross vehicle weight fees, licenses, and fines and permits.

#### B. Program Expenditures Related to the Crow Tribe

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Aeronautics Program

Budgetary Program(s): 5401 40

Agency/Division/Bureau:

Department of Transportation  
Aeronautics Division  
General Office  
Airport/Airways Bureau  
Safety and Education Bureau

### NATURE OF SERVICES<sup>30</sup>

The Aeronautics program is responsible for providing protection and safety in aeronautics. The program consists of five general areas:

1. Aeronautics Board, attached to the department for administrative purposes, advises on matters pertaining to aeronautics; approves preliminary engineering grants.
2. Division Administration is responsible for the overall operation of the program, including operation of the air carrier airport at West Yellowstone.
3. Airport/Airways Bureau provides technical assistance to communities for planning, construction, maintenance, and other airport development projects, and conducts annual airport safety inspections. It administers a grant program which provides engineering grants to airport owners planning construction and/or improvement projects; operates and maintains 13 state-owned airports; operates a program for resale of airport supplies; and maintains and up-dates the Montana Aviation System Plan. The Yellowstone Airport in West Yellowstone is one of two airports designated by Congress to serve a national park. The division administrator and Airport/Airways Bureau provide policy, budgeting, administrative, and project coordination for the airport.
4. Safety and Education Bureau organizes and maintains a statewide aerial search and rescue organization. It enforces state laws on pilot and aircraft registration. The bureau also monitors the construction of towers and other obstructions to air navigation, inspects and identifies hazards, and makes marking and lighting recommendations.

(Mandate: Title 67, MCA)



## PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>31</sup>

### *A. Workcenters within the Reservation*

The Aeronautics Program does not have a facility or on-site delivery program located within the Crow Reservation.

### *B. Off-Reservation Services*

1. As the primary agency responsible for conducting downed aircraft search and rescue (SAR) missions in Montana, employees and volunteers compensated by the Aeronautics Division have conducted SARs over tribal lands for aircraft reported missing in the vicinity of the Crow Reservation. On occasion, SAR missions have been launched for aircraft belonging to owners residing on the reservation.

2. The Airport/Airways Bureau conducts annual safety inspections at all airports located within Montana. Inspections have been conducted at Hardin, the airport which primarily services the Crow Reservation, and the Yellowtail Dam Airport, a NPS airport located within the reservation.

3. The Airport/Airways Bureau has provided on-site technical assistance in planning and developing a site for a new Big Horn County airport to be built in the vicinity of Hardin. The Bureau has also administered numerous grants impacting on the Crow Tribe:

a. In January 1990, a preliminary engineering grant was made to study a new airport site for Big Horn County (\$1000.00).

b. In about 1985, the state paid half the cost for a rotating beacon (ALNACO Model RB-2/1000A) at the Hardin airport (\$350.00).

c. In 1984, the state paid half the cost for an air-to-ground radio or Unicom (Comco Model 727) at Hardin (\$410.00).

d. In 1975, the state paid half the cost for an air-to-ground radio or Unicom (Aerotron) (\$252.45).

The Aeronautics Division is authorized 9.0 FTE and all services are centrally provided out of Helena.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>32</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	620,923	631,924
- Proprietary	83,806	68,434
State Aggregate	704,729 (90.54%)	700,358 (90.49%)
Federal Revenue Fund	73,599 ( 9.46%)	73,592 ( 9.51%)

Funding Comments: State special revenue for this program is funded by a one cent tax on aviation fuels. Federal funds are budgeted at the level of the anticipated grant which will be used for emergency and construction needs of Montana's airports. The proprietary fund supports the West Yellowstone airport, and the increase reflects the budget modification.

### B. Program Expenditures Related to the Crow Tribe

Please see "Off-Reservation Services".

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Rail and Transit

Budgetary Program(s): 5401 50

Agency/Division/Bureau:

Department of Transportation  
Rail and Transit Division

### NATURE OF SERVICES<sup>33</sup>

The Rail and Transit Division provides:

- Technical assistance to local communities and transit authorities for planning, organizing, operating, and funding transportation systems;
- Administration of federal funds for capital, planning, and operating transit subsidies;
- A yearly update of the State Rail Plan, and administration of federal and other funds for rail and related facility rehabilitation;
- Monetary assistance to communities through grants, loans, and rail bonding authority; and
- Representation of shippers and the state before the Interstate Commerce Commission and courts on rate issues, branchline abandonments, and service.

(Mandate: MCA 15-70-101; 60-3-206 and 211; 60-11-101; 60-21-101)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>34</sup>

#### A. *Workcenters within the Reservation*

The Rail and Transit program does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

Rail and Transit program is conducted by the Rail and Transit Division. The Division presently consists of three bureaus: the Intermodal Services Bureau (Rail Operations and Statistics Sections), the Secondary Roads Bureau, and the Community Services Bureau (Transit and Urban [planning] Sections). The Rail and Transit Division is authorized 24 FTE and centrally provides all services from Helena.

Examples of the frequency and location of services include:

1. The Rail and Transit Division has provided technical assistance to the Crow Tribe for planning, organizing, operating, and funding transportation systems.

2. The Division has administered federal transit funds for capital subsidies.

3. A branch line of the Burlington Northern Railroad does run through the reservation and it is included in the yearly update of the State Rail Plan.

4. Vehicle for Crow Agency Senior Citizens Center.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>35</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	549,858	360,558
- State Rev.	1,862,102	71,250
- Proprietary	0	0
State Aggregate	2,411,960 (63.39%)	431,808 (33.14%)
Federal Revenue Fund	1,393,249 (36.61%)	871,207 (66.86%)

Funding Comments: This program receives 15.3 percent of its funding from the general fund in fiscal 1992 and 28.8 percent in fiscal 1993. State special revenue funds come from Rail Construction Loan repayments and \$71,250 of highways special revenue each year. The federal funds are from urban mass transit funds.

##### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-152.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-174.
3. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-161.
4. Thomas J. Barnard, interview by author, December 16, 1992, notes, Department of Transportation, Helena, Montana.
5. Ray Brown, interview by author, January 20 and 28, 1993, notes, Department of Transportation, Helena, Montana; Vicky A. Koch, interview by author, March 8, 1993, notes, Department of Transportation, Helena, Montana.
6. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-161.
7. Ray Brown, interview by author, January 20 and 28, 1993, notes, Department of Transportation, Helena, Montana; Vicky A. Koch, interview by author, March 8, 1993, notes, Department of Transportation, Helena, Montana.
8. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-164.
9. Thomas J. Barnard, interview by author, December 16, 1992, notes, Department of Transportation, Helena, Montana; William S. Strizich, interview by author, December 16, 1992 and February 4, 1993, notes, Department of Transportation, Helena, Montana; James R. Beck, Administrator, memorandum to Clay R. Smith, untitled, April 1, 1991.
10. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-164.
11. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-168.
12. Thomas J. Barnard, interview by author, December 16, 1992, notes, Department of Transportation, Helena, Montana; William S. Strizich, interview by author, December 16, 1992 and February 4, 1993, notes, Department of Transportation, Helena, Montana.

13. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-168.
14. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-170.
15. William S. Strizich, interview by author, December 16, 1992 and February 4, 1993, notes, Department of Transportation, Helena, Montana.
16. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-170.
17. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-171.
18. William S. Strizich, interview by author, December 16, 1992 and February 4, 1993, notes, Department of Transportation, Helena, Montana.
19. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-171.
20. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-172.
21. Darrell G. Zook, interview by author, February 9, 1993, notes, Department of Transportation, Helena, Montana; Darrell G. Zook, memorandum "The Administrative Division's Distributions of Revenues", March 1, 1991; Darrell G. Zook, letter, "The Administrative Division's Distributions of Revenues", March 24, 1993.
22. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-172.
23. Darrell G. Zook, interview by author, February 9, 1993, notes, Department of Transportation, Helena, Montana; Darrell G. Zook, memorandum "The Administrative Division's Distributions of Revenues", March 1, 1991; Darrell G. Zook, letter, "The Administrative Division's Distributions of Revenues", March 24, 1993.

24. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-175.
25. William S. Strizich, interview by author, December 16, 1992 and February 4, 1993, notes, Department of Transportation, Helena, Montana.
26. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-175.
27. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-176.
28. David Galt, interview by author, January 25, 1993, notes, Department of Transportation, Helena, Montana.
29. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-176.
30. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-178.
31. Jerry Burrows, interview by author, December 18, 1992, notes, Department of Transportation, Helena, Montana; Redge Meierhenry, interview by author, December 18, 1992, notes, Department of Transportation, Helena, Montana.
32. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-178.
33. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-180.
34. Patricia Saindon, interview by author, December 17, 1992 and January 25, 1993, notes, Department of Transportation, Helena, Montana.
35. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), A-180.

# Department of Commerce

## AGENCY DESCRIPTION<sup>1</sup>

The Department of Commerce, established in 1981 by combining the functions of several state agencies, is responsible for encouraging and promoting commerce-related activities in Montana through a wide spectrum of programs. These programs relate to four major areas:

1. Economic development and promotion - These programs are designed to foster stable, diversified economic development by providing various types of assistance to businesses wishing to develop or expand within the state and internationally. Included are the Business Development Division, Pacific Rim Office, Montana Promotion Division, Montana Health Facility Authority, Board of Investments, Montana Science and Technology Alliance, and the Office of Research and Information Services.

2. Assistance to local governments - The local government assistance programs include the Local Government Assistance Division, Community Technical Assistance Program, Community Development Block Grant Program, Hard Rock Mining Board, Coal Board, Local Government Audit Program, and Local Government Systems Program.

3. Public safety - The public safety area includes programs related to public safety, such as professional and occupational licensing, milk control, weights and measures, and building codes and the Financial Institutions Division and the Board of Horse Racing.

4. Assistance to individuals - Assistance to individuals is provided through the Board of Housing, Consumer Affairs Unit, and Section 8 housing programs.

The Montana Lottery and the Coordinator of Indian Affairs programs are also in the department.

Note: The 1991 legislature transferred the Transportation and Aeronautics divisions to the newly created Department of Transportation.



## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	2,720,344	2,651,770
- State Rev.	14,052,995	13,068,452
- Proprietary	14,180,442	13,872,040
State Aggregate	30,953,781 (56.53%)	29,592,262 (55.37%)
Federal Revenue Fund	23,803,007 (43.47%)	23,854,770 (44.63%)

## PROGRAMS

6501 01 Public Safety Division

6501 02 Weights & Measures Bureau

6501 36 Financial Division

6501 37 Milk Control Bureau

6501 39 Professional and Occupational Licensing Bureau

6501 51 Business Development Division

6501 52 Montana Promotion Division

6501 60 Community Development Bureau

6501 61 Office of Research and Information Services \*

6501 62 Local Government Services - Audit

6501 63 Local Government Services - Systems

6501 64 Local Government Assistance Administration

6501 65 Building Codes Bureau

6501 70 Indian Affairs Coordinator

6501 71 Health Facilities Authority

6501 73 Montana Science & Technology Alliance

6501 74 Board of Housing  
6501 75 Investments Division \*  
6501 77 Montana State Lottery \*  
6501 78 Board of Horse Racing \*  
6501 81 Director/Management Services

\* - These programs are omitted from this study.

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## Office of Research and Information Services (6501 61)<sup>2</sup>

The Office of Research and Information Services program provides a central and accessible information source for the department and Montana's economic community. It monitors and analyzes the Montana economy; conducts specific economic analysis projects; distributes economic, demographic, and business information through the Census and Economic Information Center; maintains and presents information on the department's economic development programs; and supports the department's research, informational, business development, and promotional activities.

## Investments Division (6501 75)<sup>3</sup>

The Board of Investments and its staff manage the Unified program for public funds, required under Article VIII, Section 13. The program manages four investment portfolios:

1. The **Fixed Income** portfolio of over \$2 billion is the largest of the portfolios managed, consisting of the long-term debt held by the board;
2. The **Equity** portfolio consists of common stock worth over \$300 million;
3. The **Short Term Investment Pool (STIP)** portfolio consists of nearly \$700 million in securities with maturities of less than one year;
4. The **Residential Loan and Commercial Loan** portfolio consists of over \$150 million of Montana residential and commercial loans.

The board is also responsible for administration of several different programs which issue bonds for the purpose of assisting local governments, cities, and school districts, or providing funds to improve the state's economy. Programs administered by the board include the Economic Development Bonds programs (Stand

Alone and Pooled), Montana Conservation Reserve Payment Enhancement program, In-state Investment program, Municipal Consolidation Finance Act, and the Montana Cash Anticipation Finance program.

#### **Montana State Lottery (6501 77)<sup>4</sup>**

The Montana Lottery program designs and markets games which allow players to purchase chances at winning prizes. A five-member commission, appointed by the Governor, sets policy and oversees activities and procedures of the program. The Governor also appoints a program director who coordinates the lottery's marketing, operations, security, and administration. Under the current law, revenue from lottery ticket sales are distributed with a minimum of 45 percent to prizes with the remaining net revenue, after commissions and operating expenses, transferred to the Office of Public Instruction (OPI) for distribution as state equalization aid to the public schools.

#### **Board of Horse Racing (6501 78)<sup>5</sup>**

The Board of Horse Racing program is responsible for regulating the horse racing industry, both live and simulcast. The program ensures compliance by the approximately 3,500 licensees with state laws and board rules. The board is responsible for licensing all racing personnel, establishment of race dates for various communities, establishment of veterinary practices and standards in connection with horse racing meets, and the auditing, supervision, and investigations related to the parimutuel racing system in Montana. The 1989 legislature expanded the scope of the Board of Horse Racing to include the licensing and regulation of simulcast horse racing.

## Public Safety Division

Budgetary Program(s): 6501 01

Agency/Division/Bureau:

Department of Commerce  
Public Safety Division

### NATURE OF SERVICES<sup>6</sup>

The Public Safety program provides for the administration, management, and coordination of activities of the Building Codes Bureau, Milk Control Bureau, Professional and Occupational Licensing Bureau, and Bureau of Weights and Measures.

(Mandate: Title 50, Chapter 60, MCA; Title 81, Chapter 23, MCA; Title 2, Chapter 15, Part 18, MCA; Title 30, Chapter 12, MCA; Section 37-1-101(1), MCA)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>7</sup>

#### A. *Workcenters within the Reservation*

The Public Safety program does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

In addition to providing for the administration, management, and coordination of activities of the Building Codes Bureau, Milk Control Bureau, and the Professional and Occupational Licensing Bureau, the Administrator of the Public Safety Division serves as the Bureau Chief for the Weights and Measures Bureau. The benefit to the Crow Tribe of each of these subordinate programs is fully described in the respective program descriptions.

One FTE employee, the Division Administrator, is assigned to the Public Safety program.

## PROGRAM FUNDING AND EXPENDITURE

### A. *Budget By Funding Source*<sup>8</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	70,842	70,841
- Proprietary	67,854	68,615
State Aggregate	138,696 (100%)	139,456 (100%)
Federal Revenue Fund	0	0

Funding Comments: The proprietary funds in this program represent the revenues from assessments to the Milk Control Board, Weights and Measures Bureau, Building Code Bureau, and the Professional and Occupational Boards. The contingent legal services appropriation will be funded by the license revenues from any of the boards that utilize these services.

### B. *Program Expenditures Related to the Crow Tribe*

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Weights and Measures Bureau

Budgetary Program(s): 6501 02

Agency/Division/Bureau:

Department of Commerce  
Public Safety Division

### NATURE OF SERVICES<sup>9</sup>

The Weights and Measures program is responsible for licensing, testing, inspecting, and calibrating all weighing and measuring devices. In addition, the program is responsible for maintaining minimum specifications of all petroleum products, licensing all petroleum dealers in Montana, and enforcing laws and regulations relating to quality of all prepackaged commodities.

(Mandate: Title 30, Chapter 12, MCA; Title 82, Chapter 15, MCA)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>10</sup>

#### *A. Workcenters within the Reservation*

The Weights and Measures program does not have a facility located within the Crow Reservation; the Billings office services Hardin and the Crow Reservation. The Weights and Measures Bureau employs 10.0 FTE with 2.0 of these employees being stationed in Billings.

#### *B. Off-Reservation Services*

As a regulatory agency, the Weight and Measures Bureau has jurisdiction over all related activities in Montana except those conducted by facilities belonging to tribal members located on their respective reservations. However, the services of the Weight and Measures Bureau are routinely made available to Crow tribal members residing on the Crow Reservation.

#### On Reservation Licenses -

Prior:

general merchandise scales (0 - 499 lbs.)	1
livestock scales (8,000 - 60,000)	1
retail pumps	4

Crow Agency:

general merchandise scales (0 - 499 lbs.)	5
truck scales (60,001 and over)	2
retail pumps	9

Garryowen:

general merchandise scales (0 - 499 lbs.)	1
livestock scales (8,000 - 60,000)	1

Saint Xavier:

livestock scales (8,000 - 60,000 lbs.)	1
truck scales (60,001 and over)	1

Fort Smith:

general merchandise scales (0 - 499 lbs.)	1
livestock scales (8,000 - 60,000)	1
retail pumps	3

Lodge Grass

general merchandise scales (0 - 499 lbs.)	7
animal scales (500 - 1,999)	1
livestock scales (8,000 - 60,000)	4
retail pumps	9
petroleum meter (2" and under)	4
liquified petroleum meters (propane)	5

Wyola

livestock scales (8,000 - 60,000 lbs.)	6
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Adjacent to Reservation Licenses -

Hardin

general merchandise scales (0 - 499 lbs.)	21
animal scales (500 - 1,999)	13
animal scales (2,000 - 7,999)	2
livestock scales (8,000 - 60,000)	13
truck scales (60,001 and over)	11
retail pumps	95
petroleum meter (2" and under)	15
liquified petroleum meters (propane)	6

The average cost of providing these regulatory services throughout Montana:

general merchandise scales (0 - 499 lbs.)	\$10 each
animal scales (500 - 1,999)	\$16
animal scales (2,000 - 7,999)	\$30
livestock scales (8,000 - 60,000)	\$80
truck scales (60,001 and over)	\$140
retail pumps	\$14/nozzle
petroleum meter (2" and under)	\$40
liquified petroleum meters (propane)	\$60

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>11</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	507,725	452,722
- State Rev.	0	0
- Proprietary	0	0
State Aggregate	507,725 (100%)	452,722 (100%)
Federal Revenue Fund	0	0

This program is supported by the general fund. The program collects fees for services which are deposited in the general fund. The revenue from the fees is equal to approximately 47 percent in fiscal 1992 and 53 percent in fiscal 1993 of the program costs.

##### *B. Program Expenditures Related to the Crow Tribe*

It costs \$2,516 annually to provide these regulatory services on the Crow Reservation and \$5,348 annually to provide these services in Hardin.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.



## **Financial Institutions Division**

Budgetary Program(s): 6501 36

Agency/Division/Bureau:

Departments of Commerce  
Financial Institutions

Financial Institutions Division is administratively placed under the Chief Administrator, Public Service and Safety; however, this program reports directly to the Department Director.

### **NATURE OF SERVICES**<sup>12</sup>

The Financial Institution program is responsible for chartering and supervising the safety and soundness of state chartered banks and trust companies, savings and loan associations, and credit unions. It is responsible for licensing and supervising consumer loan companies, sales finance companies, and escrow companies. The program also examines the operations of development corporations, certain loans of the Montana Board of Investments, and monitors prearranged funeral plans where funds are on deposit in Montana banks, savings and loans, or credit unions. The State Banking Board, which is responsible for making final determinations on applications for certificates of authorization for new banks, branch banks, mergers, consolidations, and relocations of banks and advising the director of the Department of Commerce on matters relating to banking, is administratively attached to this program.

(Mandate: Title 32, Chapter 1 [banks and trust companies], Chapter 2 [building and loan associations], Chapter 3 [credit unions], Chapter 4 [development corporations], Chapter 5 [consumer loan companies, Chapter 7 [escrow companies]; Title 31, Chapter 1 [sales finance companies]; Title 2 [state banking board]; Title 71 [funeral plans], MCA)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>13</sup>

#### ***A. Workcenters within the Reservation***

The Financial Division does not have a facility or on-site delivery program within the Crow Reservation.

#### ***B. Off-Reservation Services***

Each financial institution is required by federal banking regulations to designate a "trade area" in which it provides financial services (e.g., checking and savings accounts, personal and commercial loans). Although there are not any state

chartered banks and trust companies, savings and loan associations, or credit unions located on the Crow Reservation, there are seven state chartered institutions that include part of the Crow Reservation within their respective trade areas (i.e., 1st Interstate Bank of Commerce - Billings with branches in Hardin and Colstrip; 1st Citizens Bank - Billings; Yellowstone Bank of Billings; American Bank - Billings; Western Bank of Billings, Little Horn State Bank - Hardin; Montana Bank - Billings). The inclusion of the reservation within these trade areas allows for the provision of essential financial services and facilitates commerce on the Crow Reservation.

The Financial Institutions Division oversees state chartered facilities providing services on the Crow reservation from its office in Billings. This office, which opened in 1989, employs 7.0 FTE. Prior to the creation of this facility, these services were centrally provided out of Helena. In the absence of specific problems, each institution will undergo an "examination" to validate soundness once every eighteen months to two years. Typically an examination will require five to seven people and will last for two weeks.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>14</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	892,863	892,885
- Proprietary	0	0
State Aggregate	892,863 (100%)	892,885 (100%)
Federal Revenue Fund	0	0

Funding is from assessments paid by state-regulated financial institutions.

##### *B. Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

The federal Community Reinvestment Act, which was enacted in 1977, is designed to eliminate discrimination in lending by monitoring the level of loans to minorities. All state chartered institutions serving the Crow Reservation meet or exceed these minimum standards of service.

## Milk Control Bureau

Budgetary Program(s): 6501 37

Agency/Division/Bureau:

Department of Commerce  
Public Safety Division

### NATURE OF SERVICES<sup>15</sup>

The Milk Control program is responsible for supervising, regulating, and controlling the milk industry of the state. All matters pertaining to production, processing, storage, distribution, and sale of milk are investigated. The program ensures compliance with state laws through minimum pricing, fair trade rules, extension of credit, and by enforcing financial prohibitions of the law.

(Mandate: Title 81-23-102, MCA)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>16</sup>

#### *A. Workcenters within the Reservation*

The Milk Control program does not have a facility or on-site delivery program within the Crow Reservation.

#### *B. Off-Reservation Services*

The Milk Control Bureau, consisting of 6.0 FTE in Helena, guarantees an adequate supply of healthful milk for the consuming public at the least possible cost. Milk sold to consumers on the Crow Reservation is subject to the same regulatory procedures as applied throughout Montana. As for production, there are presently no dairies located in the Hardin area; however, there may be producers in that area providing raw milk to dairies located elsewhere.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>17</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	297,437	305,139
- Proprietary	0	0
State Aggregate	297,437 (100%)	305,139 (100%)
Federal Revenue Fund	0	0

Funding Comments: Funding is from state revenue funds received from assessments on Montana's milk products.

### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Professional and Occupational Licensing Bureau

Budgetary Program(s): 6501 39

Agency/Division/Bureau:

Department of Commerce  
Public Safety Division

### NATURE OF SERVICES<sup>18</sup>

The Professional and Occupational Licensing (POL) program provides the administrative and clerical services required by the 32 licensing and regulatory boards authorized by statute. Services provided include correspondence, application processing, issuing and renewing licenses, administering and grading examinations, taking minutes of board meetings and hearings, and providing legal staff and investigators to investigate legal infractions.

(Mandate: Title 2, Chapter 15, Part 18, MCA [creation] and Title 37 [licensing boards])

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>19</sup>

#### *A. Workcenters within the Reservation*

The POL program does not have a facility or on-site delivery program within the Crow Reservation.

#### *B. Off-Reservation Services*

Although state licenses are not required for Native Americans practicing their profession or occupation solely within their tribe's reservation, as a practical matter, many tribal members residing on the reservations do obtain Montana licenses. With a Montana license, tribal members are able to practice their profession or occupation off of the reservation and thus significantly increase their opportunities for employment.

With the exception of the pharmacy program housed in Great Falls, the Professional and Licensing Bureau is located entirely in Helena. From these two locations, 36 FTE are responsible for safeguarding the public health, safety, and welfare of the citizens of Montana and protecting the general public from being misled or deceived by unscrupulous, incompetent, and unauthorized persons.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>20</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	2,281,593	2,242,318
- Proprietary	991,184	1,002,025
State Aggregate	3,272,777 (100%)	3,244,343 (100%)
Federal Revenue Fund	0	0

Funding Comments: The licensing boards in this program receive their funding from license fees, which are deposited in state special revenue fund accounts for each of the boards. The Administrative Services program is funded through assessments from each of the boards, which are deposited into a proprietary fund account.

### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Business Development Division**

Budgetary Program(s): 6501 51

Agency/Division/Bureau:

Department of Commerce  
Business Development Division

The Business Development Division is located under the Chief Administrator for Economic Development and encompasses the International Trade Office, the Business Location and Loan Administration Office, the Small Business Development Centers, and the Office of Research and Information Services (Budget Program 6501 61 - functional control).

### **NATURE OF SERVICES**<sup>21</sup>

The Business Development program provides the direct technical assistance component of the state's economic development programs. The program's Small Business Development Center program has offices in Billings, Bozeman, Butte, Kalispell, Missoula, Sidney, and Helena to provide direct assistance to small businesses in finance, marketing, export, and data systems. The Helena office includes the Business Licensing Center and provides coordination for the Montana Ambassadors program. The operation and funding of the portion of Community Development Block Grant (CDBG) program for economic development was moved to this program in fiscal 1989 from Local Government Services - Community Development program. The Business Location program provides general and detailed research assistance to firms considering expansion in or relocation to Montana and seeks to attract firms in targeted industries to consider Montana locations. The Pacific Rim program helps Montana businesses compete successfully in Asian markets.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>22</sup>

#### ***A. Workcenters Within the Reservation***

The business development program does not presently have a facility located within the Crow Reservation.

#### ***B. Off-Reservation Services***

Although the Small Business Development Center (SBDC) program has operated since 1988, the SBDC office in Billings, which services the Crow Reservation, opened in 1990. Prior to 1988, similar business counselling services were offered statewide out of the Division's central office in Helena.



## 1. SBDC Training Activity

From October 1, 1990 to September 30, 1992, the SBDC's Billings office offered 60 classroom training sessions attended by 904 people. Of the attendees, 110 people (12.2%) identified themselves as being minority members.

Note: Minorities -- For the purpose of this study, a minority member is identified as being a person of Hispanic origin or a non-Hispanic who has identified his race as being other than "white". In Yellowstone County, 7,351 people or 6.48% of the population met this description. Of the 7,351 minority members, 3,225 or 43.87% were American Indians.

Reference: 1990 Census of Population and Housing

## 2. SBDC Counseling Activity

Over the same two-year period, the SBDC served 292 new business clients in Big Horn and Yellowstone Counties. Of these, 31 (10.6%) were recorded as being Native American.

Note: (1) Of the 6,288 American Indians who resided in Big Horn County, 4,712 or 74.94% identified themselves as being Crow. This is the largest tribal affiliation in Big Horn County.

(2) Of the 3,225 American Indians who resided in Yellowstone County, 907 or 28.12% identified themselves as being Crow. This is the largest tribal affiliation in Yellowstone County.

Reference: 1990 Census of Population and Housing

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>23</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	770,450	765,144
- State Rev.	585,017	584,051
- Proprietary	0	0
State Aggregate	1,355,467 (34.55%)	1,349,195 (34.12%)
Federal Revenue Fund	2,567,727 (65.45%)	2,604,710 (65.88%)

Funding Comments: State special revenue supporting this division comes from private, Growth Through Agriculture (coal tax), and accommodations tax funds. Federal funds are primarily CDBG funds, which are anticipated to increase during the 1993 biennium. The pay plan is totally funded with federal Small Business Development funds. General fund supports the remainder of the program.

*B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

HISTORICAL PERSPECTIVE

Other than as stated in "Off-Reservation Services," agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Montana Promotions Division

Budgetary Program(s): 6501 52

Agency/Division/Bureau:

Department of Commerce  
Promotions Division

### NATURE OF SERVICES<sup>24</sup>

The Montana Promotion program is responsible for generating revenues for Montana by increasing the number and expenditures of nonresident visitors and increasing expenditures by nonresident production companies (motion picture and television commercials) in the state. The program works to project a positive image of the state through consumer advertising, publicity, international and domestic group travel marketing, printing and distribution of literature, and marketing to motion picture and television companies. In addition, the program provides training and assistance to the Montana tourism industry and oversees budget expenditures by the various non-profit corporations funded by the Montana accommodations tax.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>25</sup>

#### A. *Workcenters within the Reservation*

The promotions program does not have a facility located within the Crow Reservation.

#### B. *Off-Reservation Services*

The activities of the Montana Promotion program are centrally performed by 19 full time employees from offices located in Helena. Specific services that have been of benefit to the Crow Tribe and persons residing on the reservation include:

##### 1. *Tourism Development Coordination*

Travel Montana initiated the creation of a statewide Indian Tourism Working Group in 1992. The Crow Tribe has been invited to participate in this new group. One project resulting from this group has been the development of a new Indian Tourism brochure in which the Crow Tribe is featured.

## 2. Custer Country Marketing Efforts

a. Accommodation Tax Revenues - The following illustrates the amount of accommodations tax revenues that have been distributed by Travel Montana to the Custer Country tourism region since the inception of the tax in July 1987. Although these funds were not given directly to the Crow Tribe, their investment in marketing efforts have benefited all of south central Montana encompassed by Custer Country.

FY 1987/88	\$ 80,000
1988/89	98,000
1989/90	196,839
1990/91	170,000
1991/92	163,000

b. The Crow Tribe has received the following specific benefits from the Custer Country marketing program:

(1) Free editorial space in the Custer Country Tour Guide for seven years, including in part pictures and information on the Crow Fair. Posters with a schedule of events are also produced to promote the Crow Fair.

(2) A recreation map produced by Custer Country includes listings of appropriate locations on the Crow Reservation.

(3) The annual Custer Reenactment, as told from an Indian perspective, is supported by Custer Country through brochures, billboards, and public service announcements.

## 3. Familiarization Trips

On both a domestic and international level, Travel Montana has promoted the Battle of the Little Big Horn, as well as the Indian way of life, to interested tour operators. Familiarization trips for tour operators to the Custer Battlefield often include visits to the "Rendezvous Campground" near the Big Horn County Museum. Travel Montana has also communicated with the "Earth First" Magazine from Taiwan and Collette Tours; both groups have indicated an interest in a tour program of the Crow Agency Area.

## 4. Consumer Advertising

Travel Montana has continuously featured the Crow Tribe through numerous publicity efforts:

a. Michael Crummett's photography, which was taken during the Crow Fair, was used in the 1991 Vacation Guide.

b. Each year Travel Montana distributes over 600,000 copies of the Vacation Guide, Calendar of Events, and the official state highway map to persons interested in visiting Montana. A one paragraph description of the Crow Indian Reservation was featured in the 1988, 1989, 1990, 1991, and 1992 Vacation Guides and a one sentence description of the Crow Fair and Chief Plenty Coups State monument has been on our state highway maps from 1984 through 1992.

#### 5. Referral Service for the Media

In addition to continuously referring reporters to events and places of note on the Crow Reservation, the following articles and programs have been noted:

"Sunset" magazine - June '88  
"On Your Way" magazine - June '88  
"Travel and Leisure" magazine - March '89  
"Home & Away" - April '89  
Chatelaine - May '89  
North American Fisherman - August '89  
Audubon - March '90  
Family Motor Coaching - June '90  
Seattle "Post-Intelligencer" - July '88  
Post/Crescent - July '88  
Kent "Evening Post" - January '89  
WMTV-Madison - October '87  
ESPN cable coverage, Crow Fair '90  
"Trailer Life" - May 91  
"Outdoor and Trail Photography" - summer 1991  
Minneapolis "Star Tribune" - October 1991  
Street Stories (CBS) - January 1992  
Denver "Post" - April 1992  
"American Heritage" - April and November 1992  
"Woman's World" - October 1992  
"Star Free Press/Vista" (CA) - May 1992  
"Group Travel Leader" - December 1992

In addition, the Division has conducted press familiarization tours on the reservation five out of the past six years (Apr 1991)

#### 6. Movie Location Office

The Montana Film Office within Travel Montana has been very involved in promoting projects on or near the Crow Reservation:

a. In 1991, the "Television Workshop" considered shooting some segments of Sesame Street on the reservation. The project would have provided exposure and publicity for the Crow Tribe nationwide.

b. The movie "Far and Away", May - August 1991, hired Indian crew members and paid location fees.

c. A documentary, "North American Indian", was filmed in July 1991.

d. Kodak accomplished a still shoot for a commercial and paid talent and location fees.

e. A Motel 6 commercial was filmed in June 1992.

f. "Crow Fair", a documentary for Swiss television, was filmed at Crow Agency in August 1992.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>26</sup>*

<u>Funding Source</u>	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	5,834,060	6,169,328
- Proprietary	0	0
State Aggregate	5,834,060 (100%)	6,169,328 (100%)
Federal Revenue Fund	0	0

Funding Comments: Funding for this program comes from private donations and the accommodation tax. The accommodation tax (less portions for the Department of Revenue, Historical Society, university system, and payments by state employees) is statutorily appropriated to the Department of Commerce for tourism promotion and promotion of the state as a location for motion pictures and television commercials. Of the amount the department receives, 75% is used directly and 25% is distributed to regional nonprofit tourism corporations.

##### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

### HISTORICAL PERSPECTIVE

Prior to the creation of the Department of Commerce, the responsibilities presently held by the Promotions Division were performed by the Highways Department.

## Community Development Program

Budgetary Program(s): 6501 60

Agency/Division/Bureau:

Department of Commerce  
Local Government Assistance Division

- a. Community Development Bureau
- b. Coal Board
- c. Hard Rock Mining Impact Board
- d. Section 8 Housing Bureau

### NATURE OF SERVICES<sup>27</sup>

The Local Government Assistance - Community Development program provides assistance to local governments, private developers, and the public in public-works planning and financing; land use, development, and financing; low income rent assistance; coal and hard rock mining mitigation; and general local government research and development. The program includes the following boards and programs:

1. The Coal Board provides grants to local governments where adverse impacts have occurred as a result of large-scale coal development. (Mandate: 90-6-201 through 212, MCA)

2. The Hard-Rock Mining Impact Board assists mineral developers and local governments in preparing and implementing impact plans for new, large-scale, hard-rock mining developments, arbitrates disputes, makes determinations on impact plan waivers, and generally implements the Hard Rock Mining Impact Act. (Mandate: 90-1-301 through 405, MCA)

3. The Housing Assistance program provides financial assistance for rental housing to the needy and provides financial assistance and guarantees to rental housing developers to improve the housing stock available to needy Montanans. (Mandate: 90-1-106, MCA)

4. The Community Technical Assistance program provides technical assistance to local developers, local officials, and others on capital improvement planning and budgeting, land use and zoning regulation, and financing public works projects, in addition to researching special local policy issues and distributing the county land planning funds. The CDBG program receives, awards, and administers federal Housing and Urban Development funds to assist local governments with public facility and housing needs to benefit low to moderate income people. (Mandate: 90-1-101, MCA)



## PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>28</sup>

### A. *Workcenters within the Reservation*

The Local Government Assistance Division maintains neither work locations within the Reservation nor off-reservation reporting locations for employees who regularly perform on-reservation work.

### B. *Off-Reservation Services*

Several of the Division's programs provide services to political subdivisions of the State which are located within or immediately adjacent to the perimeter boundaries of the Crow Reservation.

1. *Community Technical Assistance Program*  
(Community Development Block Grant Program)  
90-1-103(5), MCA  
Unit: Community Development Bureau

Since its inception in 1982, the CDBG program has made seven grants totalling \$2,040,136 to assist communities within or near the confines of the Reservation. The recipients of these grants through Big Horn County:

- a. Wyola - \$245,236 for a water system;
- b. Crow Agency - \$169,900 for an economic development project;
- c. Town of Lodge Grass - \$500,000 for housing and neighborhood revitalization;
- d. City of Hardin - two grants of \$375,000 each for housing and neighborhood revitalization projects.
- e. Town of Lodge Grass - \$375,000 for water system Improvement.

(Note: \$1,290,136 on the Reservation)

### County Land Planning Funds

Since its creation on July 1, 1975, the County Land Planning program has distributed over \$5.5 million to counties across Montana. These coal severance tax revenues, which are allocated to counties on a formula basis, are used for comprehensive planning, economic development planning, and capital improvement planning. (Mandate: 90-1-108, MCA)

## 2. Coal Board

The Montana Coal Board has made 51 grants to local government units in this area since 1975 for a total of \$16,335,913:

- a. Hardin School District - five grants totaling \$5,592,347;
- b. Lodge Grass Elementary and High School Districts - three grants totaling \$2,670,129;
- c. Town of Lodge Grass - eight grants totaling \$853,636;
- d. City of Hardin - seventeen grants totaling \$3,477,719;
- e. Big Horn County - sixteen grants totaling \$3,351,345;
- f. Spring Creek - one grant totaling \$195,735.

Although the Crow Tribe is eligible to apply for grants and loans from the Coal Board, it has never done so.

## 3. Housing Assistance Program

Unit: Section 8 Housing Bureau

Tribal members who reside off the Reservation may enroll in the Department of Commerce administered HUD Section 8 Rent Subsidy program, as may any other Montana meeting the program's criteria. Tribal members residing on the Reservation are eligible for a parallel program operated directly by HUD.

The Department of Commerce also administers the new "HOME" program. HOME is available by competitive application to all Montana cities, counties, and non-profit organizations. In 1992, Montana distributed some \$4 million for low income housing assistance.

The Department of Commerce annually performs an update to the State's Comprehensive Housing Affordability Strategy. This state funded research reviews housing needs statewide and focuses public investments on those needs.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>29</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	231,651	270,725
- State Rev.	2,304,821	1,171,349
- Proprietary	0	0
State Aggregate	2,536,472 (10.72%)	1,442,074 ( 6.39%)
Federal Revenue Fund	21,132,521 (89.28%)	21,142,680 (93.61%)

Funding Comments: The Community Development Bureau contains six programs which are financed with general fund, state special revenue, and federal funds:

Coal Board - 6.65 percent of the total coal tax collections.

Hard Rock Mining Board - metalliferous mines license tax.

Community Assistance Program - entirely general fund.

County Land Planning Program - 0.38 percent of total coal tax collections.

Housing Assistance - federal Section 8 housing funds and HOME funds, including limited state administrative funds.

Community Development Block Grant - federal block grant funds and state general funds for administration.

### *B. Program Expenditures Related to the Crow Tribe*

Please see "Off-Reservation Services".

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Local Government Services - Audit

Budgetary Program(s): 6501 62

Agency/Division/Bureau:

Department of Commerce  
Local Government Assistance Division  
Local Government Services Bureau  
Audit Section

### NATURE OF SERVICES<sup>30</sup>

The Local Government Services - Audit program provides for the financial and compliance post auditing of the financial statements of local taxing jurisdictions in Montana, as required by law. These audits are conducted by staff and through contracts with private accounting firms. The program also performs special audits in cases of suspected fraud or misappropriation of funds. This program sets audit program standards and provides technical assistance to local, state, and federal governments as well as private individuals. The audit function is designed to protect taxpayers' interests by verifying that the financial conditions and operations are responsibly accounted and reported for and that local officials are complying with appropriate statutes and regulations.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>31</sup>

#### A. *Workcenters within the Reservation*

The audit program has neither a facility nor an on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

Please see "Nature of Services".

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>32</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	90,763	93,233
- State Rev.	0	0
- Proprietary	1,313,893	1,339,716
State Aggregate	1,404,656 (100%)	1,432,949 (100%)
Federal Revenue Fund	0	0

FUNDING COMMENTS: The majority of the funding for this program comes from service fees assessed local governments for audit services. The general fund supports the cost of the non-billable services.

### B. Program Expenditures Related to the Crow Tribe

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Local Government Services - Systems**

Budgetary Program(s): 6501 63

Agency/Division/Bureau:

Department of Commerce  
Local Government Assistance Division  
Local Government Services Bureau  
Accounting and Management Services Section

### **NATURE OF SERVICES**<sup>33</sup>

The Local Government Services - Systems program develops, implements, and maintains the uniform budgetary, accounting, and reporting systems for Montana cities, counties, school districts, and other special purpose taxing jurisdictions. It provides regular and special technical assistance on accounting and reporting standards to local financial personnel, coordinates technical and procedural advice and assistance between state agencies and local governments, and is the central state repository of annual budget documents and annual financial reports from counties, cities, and towns. The 1991 legislature transferred the District Court Reimbursement program, which assists counties in paying for on-going and extraordinary criminal case court costs, to the Supreme Court Administrator.

(Mandate: 7-1-414; 7-6-210; 7-6-2141; 7-6-2203; 7-6-2302, MCA)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>34</sup>

#### *A. Workcenters within the Reservation*

The Local Government Services - Systems program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

This program provides several budgeting and accounting workshops each year. These workshops allow local officials to keep up-to-date on legislation, regulations, and accounting changes.

## PROGRAM FUNDING AND EXPENDITURE

### A. *Budget By Funding Source*<sup>35</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	50,720	51,175
- State Rev.	0	0
- Proprietary	191,158	192,283
State Aggregate	244,878 (100%)	243,458 (100%)
Federal Revenue Fund	0	0

Funding Comments: The general fund provides funding for costs which cannot be billed to local governments for service fees. Service fees billed to local governments are the source of revenues to the proprietary fund.

### B. *Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Local Government Assistance Administration

Budgetary Program(s): 6501 64

Agency/Division/Bureau:

Department of Commerce  
Local Government Assistance Division

### NATURE OF SERVICES<sup>36</sup>

The Local Government Assistance - Administration program provides professional and legal service and financial assistance programs. This program supervises the functions of the Community and Housing Assistance Bureau (which includes the Coal Board and Hard-Rock Mining Board), and the Local Government Services Bureau (which includes the Audit and the Systems programs).

(Mandate: No statutory reference)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>37</sup>

#### A. *Workcenters within the Reservation*

The Local Government Assistance - Administration program does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

The Division Administrator has worked with the Indian Affairs Coordinator and private underwriters to resolve jurisdictional issues and encourage capital improvements within Montana's reservations. Over the last four years, these issues have been discussed with the Board of the Local Government Policy Council.



## PROGRAM FUNDING AND EXPENDITURE

### A. *Budget By Funding Source*<sup>38</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	0	0
- Proprietary	120,543	123,520
State Aggregate	120,543 (100%)	123,520 (100%)
Federal Revenue Fund	0	0

Funding Comments: Funding for this program comes from assessments to the Community Assistance and Local Government Programs.

### B. *Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Building Codes Bureau

Budgetary Program(s): 6501 65

Agency/Division/Bureau:

Department of Commerce  
Public Safety Division  
Building Codes Bureau

### NATURE OF SERVICES<sup>39</sup>

The Building Codes Bureau establishes and enforces minimum building, plumbing, mechanical, electrical, energy, and elevator codes. This enforcement safeguards the public, employees, and property in the design and construction of buildings, built-in or offered for sale in Montana recreational vehicles, and factory-built buildings manufactured or offered for sale in Montana. When possible, the program approves and certifies local government code enforcement programs to utilize codes adopted by the program. The program also has plumber, electrician, and public contractor licensing responsibilities. Administrative support, including enforcement duties, are provided to the Board of Plumbers and the State Electrical Board, both of which are administratively attached to the Bureau. The Public Contractors Licensing program is administered and enforced by the Bureau.

(Mandate: Title 50, Chapter 60, MCA [building codes program]; Title 37, Chapter 68 [electrical]; Title 37, Chapter 69 [plumbers]; Title 37, Chapter 71 [public contractors])

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>40</sup>

#### A. *Workcenters within the Reservation*

The Building Codes Bureau does not have a facility located within the Crow Reservation.

#### B. *Off-Reservation Services*

This program does not enforce codes on facilities located within the Crow Reservation, if the structure is owned by a tribal member or the tribal government. Conversely, if a building within the reservation is not owned by a tribal member, normal Montana rules and codes are applied.

The building codes program employs 34 full-time employees. The administrative portion of this program is centrally provided from

offices located in Helena; the 15 inspectors operate out of their homes located across the state.

PROGRAM FUNDING AND EXPENDITURE

*A. Budget By Funding Source<sup>41</sup>*

<u>Funding Source</u>	Revised Total SFY 92	Revised Total SFY 93
- General	32,070	33,059
- State Rev.	1,474,547	1,315,876
- Proprietary	0	0
State Aggregate	1,506,617 (100%)	1,348,935 (100%)
Federal Revenue Fund	0	0

Funding Comments: The state special revenue from inspection fees and electrical and plumbing license fees funds most of this program. The Contractors Licensing program is funded by the general fund. Contractors' license fee revenues are deposited in the general fund program.

*B. Program Expenditures Related to the Crow Tribe<sup>42</sup>*

The level of service to the Crow Tribe may be inferred by examining the effort expended by the Building Codes Bureau on the Crow Reservation in calendar year 1992:

1. Plumbing and Mechanical Permits Issued

1 Mechanical (Triple S Buffet, Ft. Smith)

3 Plumbing (Triple S Buffet, Ft. Smith; Lodge  
Grass School, Big Horn Baptist Church, Ft. Smith)

2. Plumbing and Mechanical Inspections Performed  
(approx. 40 hrs.)

Feb 11	Crow Agency (LPG Detectors)
Mar 30	Hardin (east of river), Crow Agency
Apr 24	Hardin (east of river), Ft. Smith
May 21	Hardin (east of river), Crow Agency, Lodge Grass, Wyola
Jun 29	Hardin (east of river)
Aug 18	Hardin (east of river), Crow Agency, Lodge Grass
Sep 8	Hardin (east of river), Ft. Smith
Nov 6	Hardin (east of river)
Dec 30	Hardin (east of river)

3. Building Permits Issued  
(13 permits at 8 hours of plan review per project)

Hardin (east of river)	- 4
Fort Smith	- 3
Crow Agency	- 2
Lodge Grass	- 3
Yellowtail Dam	- 1

4. Building Inspections Performed  
(approx. 36 hours)

Hardin (east of river)	- 4
Fort Smith	- 3
Crow Agency	- 2
Lodge Grass	- 3
Yellowtail Dam	- 1

5. Electrical Permits Issued  
(50 permits)

Hardin (east of river)	- 18
Fort Smith	- 9
Crow Agency	- 7
Lodge Grass	- 7
Wyola	- 6
Yellowtail Dam	- 2
Pryor	- 1

6. Electrical Inspections Performed  
(40 permits for approx. 96 hours)

HISTORICAL PERSPECTIVE<sup>43</sup>

The role of the Building Codes Bureau concerning the inspection of tribal housing located on the Crow Reservation has fluctuated

considerably during the period 1975 to 1992. However, one notable instance of agency involvement was the inspection of factory built housing purchased from Hildreth Homes for installation on the reservation.

## Indian Affairs Coordinator

Budgetary Program(s): 6501 70

Agency/Division/Bureau:

Department of Commerce

### NATURE OF SERVICES<sup>44</sup>

The Coordinator of Indian Affairs, through the Indian Affairs program, serves as the Governor's liaison with the state's Indian tribes, provides information and policy support on issues confronting the Indians of Montana, and advises and makes recommendations to the legislative and executive branches on these issues. The coordinator also serves the Montana Congressional delegation as an advisor and intermediary in the field of Indian affairs, and acts as spokesman for representative Native American organizations and groups, both public and private, wherever that support is requested.

(Mandate: Title 2, Chapter 15 and Title 90, Chapter 11, MCA )

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>45</sup>

#### A. *Workcenters within the Reservation*

The Coordinator of Indian Affairs does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

The Indian Affairs Coordinator has stated, "The Coordinator serves each of the seven reservations of the state, the Little Shell Band of Chippewa, and the Indians of the various urban centers of the state, organized or not. It can fairly be said that each time the Coordinator or staff of the Coordinator advises, negotiates, mediates, or in any way assists any government (federal, state, or local); any tribe; any Indian organization (on or off a reservation); or any individual Native American on any matter, that action can be beneficial or set a practice or precedence for all Indians of the state. This being basically true, the Office of the Coordinator of Indian Affairs, if required to do so, would aver that it serves nine different entities in an equal manner. Therefore, any expenditures made by this office would be attributable in equal shares to the seven reservations, the Little Shell band, and all urban Indians." Examples of these services would include:

1. Coordinating various matters with the membership at the monthly meeting of the Montana-Wyoming Tribal Chairman's

Association.

2. Working with the respective Tribal Employment Rights Offices to recruit and qualify Indian businesses for Disadvantaged Business Enterprise contracts (Cross-reference: Civil Rights Bureau of the Department of Transportation).

3. Coordinating legislation of interest to Montana's Indian community.

The offices and staff of the program are located in Helena in the state capitol building. The program employs 2.0 full-time employees.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source*

Funding information for this program is provided by the Office of the Indian Coordinator:

	<u>Actual Expenditures</u> <u>SFY 92</u>	<u>Budgeted Totals</u> <u>SFY93</u>
General Fund	100,383.99 (61.33%)	100,991.00 (61%)
Federal Rev.	63,283.38	64,563.00

Funding Comments: The federal funding for this program is the Federal Highway Administration grant in the modified budget received by the Department of Highways and granted to this program.

##### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Health Facilities Authority

Budgetary Program(s): 6501 71

Agency/Division/Bureau:

Department of Commerce  
Health Facility Authority

### NATURE OF SERVICES<sup>46</sup>

The Montana Health Facilities Authority program was established by the 1983 legislature to help eligible health care institutions access the tax-exempt interest market. The program issues tax-exempt bonds to finance health care facility projects at interest rates significantly below those which would be available at taxable rates. Two types of programs are operated by the authority: one to provide financing for individual facilities and the other to satisfy the capital needs of a pool of facilities.

(Mandate: Title 90, Chapter 7, Parts 1 through 3, MCA)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>47</sup>

A review of the files of the Montana Health Authority since its inception has disclosed that the agency has not accomplished any capital financing for the Crow Tribe or for any other entity located on the Crow Reservation.

### PROGRAM FUNDING AND EXPENDITURE

*Budget By Funding Source*<sup>48</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	0	0
- Proprietary	123,895	118,689
State Aggregate	123,895 (100%)	118,689 (100%)
Federal Revenue Fund	0	0

Funding Comments: Program funding is provided by fees charged



for loan applications and from investment income.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1983 to 1992.

# Montana Science and Technology Alliance

Budgetary Program(s): 6501 73

Agency/Division/Bureau:

Department of Commerce  
MT Science and Technology Alliance

## NATURE OF SERVICES<sup>49</sup>

The Montana Science and Technology Alliance manages two investment funds for the purpose of strengthening entrepreneurial business development in Montana by encouraging the utilization of innovative technology for the benefit of the state's economy. The Seed Capital Investment program has \$7.5 million in the In-state Investment Fund (part of the Coal Severance Tax Trust Fund) for investment in new and expanding technology-based businesses in Montana. The Research and Development Financing program assists in the accelerated development of technology by providing a source of funds to researchers and research organizations in Montana for projects that have technological and commercial potential. Financing under this program will be directed toward continuing the Technology Centers of Excellence program located within the Montana University System. In 1991, the Legislature allocated \$5.1 million to this effort.

(Mandate: 90-3, MCA)

## PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>50</sup>

### A. *Workcenters within the Reservation*

The Science and Technology program has neither a facility nor an on-site delivery program located within the Crow Reservation.

### B. *Off-Reservation Services*

The Montana Science and Technology Alliance, which was created in 1985, has not directly provided any services to the Crow Tribe or its members. Indirectly, the Alliance has performed a service by participating in the ASSIST Program at Montana State University. ASSIST is a teaching program for Native American summer interns in the areas of science and mathematics.

## PROGRAM FUNDING AND EXPENDITURE

### *A. Budget By Funding Source<sup>51</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	472,538	481,223
- State Rev.	0	0
- Proprietary	0	0
State Aggregate	472,538 (100%)	481,223 (100%)
Federal Revenue Fund	0	0

Funding Comments: Funding is entirely from the general fund.

### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1985 to 1992.

## Board of Housing

Budgetary Program(s): 6501 74

Agency/Division/Bureau:

Department of Commerce  
Board of Housing

### NATURE OF SERVICES<sup>52</sup>

The Montana Board of Housing (MBOH), which is administratively attached to the department, is responsible for helping provide decent, safe, sanitary, and affordable housing to lower income individuals and families. The board operates single-family home ownership and multi-family rental housing programs, both through the issuance of revenue bonds, and through the allocation of federal tax credits. The proceeds are made available to individuals, private enterprise, and governmental entities. The board also operates a Reverse Annuity Mortgage Loan program to assist elderly lower income homeowners. This seven-member board is appointed by the Governor.

(Mandate: 90-6-102, MCA)

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>53</sup>

#### *A. Workcenters within the Reservation*

The MBOH program has neither a facility nor an on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

All services for the Board of Housing are centrally provided by 14.0 FTE in Helena.

Historically, because the federal government has conducted parallel programs for Native Americans residing on reservations, the MBOH has not assisted low and moderate income Montanans in purchasing homes on the Crow Reservation. However, in July 1992, procedural changes enabled the agency to provide assistance in conjunction with the FHA Section 248 Insurance Program. As of February 1993, there has been no MBOH activity on the Reservation.

Tribal members residing off of the reservation may receive assistance if they meet the eligibility criteria otherwise applicable to all Montanans. During the period April 1, 1977 to June 30, 1992, the Single Family Mortgage Program of MBOH

purchased 48 loans in Big Horn County (Principal purchase \$1,935,921) and 4,216 loans in Yellowstone County (\$205,280,241). Because the race of the mortgagee was not requested by federal reporting criteria during most of this period, it cannot be definitively determined if Native Americans (or Crow tribal members) took advantage of this program available to low income homeowners. However, according to the 1990 Census of Population and Housing, of the 5,271 persons who resided in Big Horn County, but not on the Crow Reservation, 591 persons or 11.21% identified themselves as being Crow, and of the 113,119 persons who resided in Yellowstone County, but not on the Crow Reservation, 801 persons or 0.71% identified themselves as being Crow.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>54</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	0	0
- Proprietary	2,056,904	2,009,991
State Aggregate	2,056,904 (100%)	2,009,991 (100%)
Federal Revenue Fund	0	0

Funding Comments: Funding for the program is provided by an administrative charge applied to mortgages that the board finances.

##### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

#### HISTORICAL PERSPECTIVE

The application of single family mortgage criteria has not changed since the program's inception in 1977.

## **Director/Management Services**

Budgetary Program(s): 6501 81

Agency/Division/Bureau:

Department of Commerce

### **NATURE OF SERVICES**<sup>55</sup>

The Director's Office and Management Services program consists of four areas:

1. The **Director's Office** assists the department with executive, administrative, legal, and policy guidance. This office acts as the liaison among private business, local governments, administratively attached boards, public and private interest groups, the legislature, Indian tribes, individuals, and the Governor's office in the effort to improve and stabilize the economic climate of Montana.

2. The **Management Services Division** provides internal support to all agency programs. Services provided include budgeting, accounting, purchasing, contracting, personnel administration, payroll, training, and the analysis, development, maintenance, and supervision of department data processing systems and hardware.

3. **Legal Services** provide legal counsel to the department director and legal supervision and overview of all other agency attorneys.

4. The **Consumer Affairs** unit provides information and assistance to Montana consumers regarding unfair methods of competition or deceptive acts in the conduct of any trade or commerce. The unit administers the Proprietary Post-secondary schools program, which establishes minimum criteria for licensing and the "Lemon Law" statute when disputes arise between a purchaser and a manufacturer of a new motor vehicle. (Mandate: 30-14-101, MCA; 30-14-201, MCA; 61-4-5, MCA)

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>56</sup>

#### ***A. Workcenters within the Reservation***

The Director/Management Services program does not have a facility or on-site delivery program located within the Crow Reservation.

## B. Off-Reservation Services

The Director/Management Services program provides essential indirect services to the members of the Crow Tribe. By furnishing overall direction for policy development, coordinating various primary programs, and accomplishing fiscal and budgeting tasks, the program facilitates the delivery of all programs within the Commerce Department. Examples of participation by tribal members in the primary programs are described under the respective budget categories.

In SFY 91-92, the **Consumer Affairs** program responded to one minority complaint from Big Horn County and 17 minority complaints statewide that required inquiries. These statistics do not contain further identifying data concerning the complainant. They also do not reflect the over 1400 calls received per year only requesting information concerning the legitimacy of a business.

### PROGRAM FUNDING AND EXPENDITURE

#### A. Budget By Funding Source<sup>57</sup>

##### Manpower

Consumer Affairs - Chief Counsel plus two FTE employees.

<u>Funding Source</u>	Revised Total SFY 92	Revised Total SFY 93
- General	108,382	110,873
- State Rev.	0	0
- Proprietary	867,608	811,556
State Aggregate	975,990 (100%)	922,429 (100%)
Federal Revenue Fund	0	0

##### Funding Comments:

SFY92	General	Proprietary
Management Svs.		100%
Consumer Protect	100%	
Director's Office	00.57%	99.43%

SFY93	General	Proprietary
Management Svs.		100%
Consumer Protect	100%	
Director's Office	00.57%	99.43%

*B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.



1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-119.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-145.
3. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-161.
4. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-163.
5. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-165.
6. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-128.
7. W. James Kembell, interview by author, December 24, 1992 and January 7, 1993, notes, Department of Commerce, Helena, Montana.
8. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-128.
9. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-129.
10. W. James Kembell, interview by author, December 24, 1992 and January 7, 1993, notes, Department of Commerce, Helena, Montana.
11. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-129.
12. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-131.
13. Chris Olson, interview by author, January 6 and February 3, 1993, notes, Department of Commerce, Helena, Montana.
14. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-131.

15. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-133.
16. W. James Kembell, interview by author, December 24, 1992 and January 7, 1993, notes, Department of Commerce, Helena, Montana.
17. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-133.
18. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-134.
19. W. James Kembell, interview by author, December 24, 1992 and January 7, 1993, notes, Department of Commerce, Helena, Montana.
20. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-134.
21. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-136.
22. Robert A. Heffner, Chief Administrator, Department of Commerce, Helena, memorandum "Crow Tribe v. State of Montana, Cause #CV-78-110 BLJ-JDS (District Montana)", March 11, 1991; Bob Heffner, memorandum, "Division Services to Crow Tribal members", December 17, 1992; Evan McKinney, interview by author, December 24, 1992, notes, Department of Commerce.
23. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-136.
24. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-139.
25. Sandra Guedes, Administrator, Department of Commerce, Helena, memorandum "Montana Promotion Division's Involvement with the Crow Tribe", April 1, 1991; Clint Blackwood, interview by author, January 11, 1993, notes, Department of Commerce, Helena Montana.
26. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-139.

27. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-141.
28. Newell B. Anderson, interview by author, January 6 and 21, 1993, notes, Department of Commerce, Helena, Montana.
29. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-141.
30. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-147.
31. Newell B. Anderson, interview by author, January 6 and 21, 1993, notes, Department of Commerce, Helena, Montana.
32. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-147.
33. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-149.
34. Newell B. Anderson, interview by author, January 6 and 21, 1993, notes, Department of Commerce, Helena, Montana.
35. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-149.
36. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-151.
37. Newell B. Anderson, interview by author, January 6 and 21, 1993, notes, Department of Commerce, Helena; Newell B. Anderson, memorandum, "Crow Tribe v. State of Montana, Cause No. CV-78-110-BLJ-JDS (District of Montana) -- Services Provided on the Crow Indian Reservation", April 1, 1991.
38. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-151.
39. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-152.

40. James F. Brown, interview by author, January 12, 1993, notes, Department of Commerce, Helena, Montana; William H. Jellison, interview by author, January 12, 1993, notes, Department of Commerce, Helena, Montana.
41. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-152.
42. William Jellison, memorandum, "Crow reservation Calendar Year 1992 Total Permits/Projects", January 11, 1993.
43. James F. Brown, interview by author, January 12, 1993, notes, Department of Commerce, Helena, Montana; William H. Jellison, interview by author, January 12, 1993, notes, Department of Commerce, Helena, Montana.
44. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-154.
45. Kathleen Fleury, State Coordinator of Indian Affairs, interview by author, December 28, 1992 and February 5, 1993, notes, Department of Commerce, Helena, Montana; Kathleen Fleury, memorandum "Questionnaire Response", February 3, 1993.
46. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-156.
47. Jerry Hoover, interview by author, January 11, 1993, notes, Department of Commerce, Helena, Montana.
48. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-156.
49. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-157.
50. Carl E. Russell, interview by author, January 8, 1993, notes, Department of Commerce, Helena, Montana.
51. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-157.
52. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-159.

53. Richard Kain, interview by author, January 7, 1993, notes, Department of Commerce, Helena, Montana; Bob Morgan, January 7, 1993, interview by author, notes, Department of Commerce, Helena, Montana.

54. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-159.

55. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-167.

56. Annie M. Bartos, interview by author, November 30, 1992 and January 14, 1993, notes, Department of Commerce, Helena, Montana.

57. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), C-167.

# Department of Labor and Industry

## AGENCY DESCRIPTION<sup>1</sup>

The Department of Labor and Industry, provided for in Section 2-15-1701, MCA, serves as an employment agency, collects and disburses state unemployment funds, provides training, and oversees federal Job Training Partnership Act (JTPA) grants. The department also enforces state wage and hour laws, provides for apprenticeships, hears classification and unemployment insurance disputes, enforces state and federal anti-discrimination in employment laws, and performs workers' compensation regulatory duties.

## AGENCY BUDGET BY FUNDING SOURCE

	Revised Total SFY 92	Revised Total SFY 93
- General	742,987	723,297
- State Rev.	2,988,841	3,027,813
- Proprietary	3,441,268	3,411,275
State Aggregate	7,173,096 (16.67%)	7,162,385 (16.22%)
Federal Revenue Fund	35,860,230 (83.33%)	37,003,533 (83.78%)

FUNDING COMMENTS: General fund decreases from fiscal 1990 to fiscal 1992 as a result of: 1) a decrease in silicosis and social security offset benefit payments; and 2) the 2 percent vacancy savings rate applied to personal services in the Human Rights Commission. These decreases are partially offset by the Human Rights Commission Case Backlog budget modification.

State special revenue increases by 2.6 percent due primarily to an increased level of workers' compensation regulatory activity since reorganization. This increase is partially offset by: 1) a reclassification of funds for administration of uninsured and subsequent injury benefits to proprietary funds; 2) the vacancy savings applied to all agency programs in the 1993 biennium except Workers Compensation Court; and 3) the net decrease in workers compensation funded needed to implement House Bills 187 and 837.

Proprietary funds increase primarily because of an increase in agency indirect costs and the reclassification of benefit payments for uninsured employer and subsequent injuries from

state special to proprietary funds. This increase is partially offset by mandated vacancy savings in the 1993 biennium.

Federal Revenue increases 25.6 percent due to increased use of the Unemployment Insurance Administrative Tax funds, and the technical adjustment to account for JTPA pass-through funds, which is partially offset by vacancy savings implemented for the 1993 biennium.

## **PROGRAMS**

6602 01 Job Service Division  
6602 02 Unemployment Insurance  
6602 03 Commissioner/Centralized Services  
6602 04 Employment Relations  
6602 06 Legal Services Division  
6602 07 Research, Training, and Safety  
6602 08 Human Rights Commission  
6602 09 Workers' Compensation Judge  
6602 50 Job Training Grants \*

\* - These programs are omitted from this study.

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### **Job Training Grants (6602 50)<sup>2</sup>**

The Job Training Grants program provides funds for job training for economically disadvantaged individuals and individuals with serious barriers to employment. The federal Job Training Partnership Act (JTPA), which distributes federal funds to state agencies and private, non-profit organizations providing job training programs, is the major activity in this program.

## **Job Service Division**

Budgetary Program(s): 6602 01

Agency/Division/Bureau:

Labor and Industry  
Job Service Division

### **NATURE OF SERVICES**<sup>3</sup>

The Job Service Division provides a wide range of federally funded employment and training programs including: 1) employment services; 2) unemployment insurance; 3) veterans services; 4) migrant and seasonal farm worker services; 5) alien certification; 6) housing inspection; 7) immigration reform and control act; 8) federal bonding program; 9) job training partnership; 10) targeting job tax credit; and 11) trade adjustment/readjustment assistance. The Job Service Division also participates in Workers' Compensation rehabilitation panels.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>4</sup>

#### ***A. Workcenters within the Reservation***

The Job Service Division does not have a facility or on-site delivery program located within the Crow Reservation as Crow tribal members are represented by their tribal employment office (TERO). However, on-site services are provided as needed. For example, within the last year, on two separate occasions, two staff members from the Billings Job Service travelled to Crow Agency to provide group unemployment insurance claims sessions. Also, four days were spent providing presentations at job fairs on the Reservation or in Big Horn County last year.

One member of the Billings Management Staff meets with a group from the Crow Reservation on the first Monday of each month. They discuss anything relating to employment on the reservation.

The Job Services Division recently received a \$145,536 grant from the U. S. Department of Labor to operate a Native American Veteran Outreach Specialist Project to be conducted in part on the Crow Indian Reservation through January 1993, with the possibility of a year's extension. This project is designed to disseminate information on the availability of employment and training assistance, training opportunities, job availability, etc. on the Reservation. The purpose of this project is to demonstrate that Native American Veteran Employment and Training Outreach Specialists are more frequently approached and utilized than non-native staff and to build trusting and productive



relationships between service provider systems and Native American veterans.

#### B. Off-Reservation Services

While there are no permanent or temporary work locations on the Crow reservation, the Billings Job Service does provide regional services which would benefit tribal members. Staff from that regional office visit the local area, although not expressly the reservation, to provide employment, training, and UI services to eligible individuals (e.g., a staff member visits Hardin one day a month on a scheduled basis; job training program outreach is also done and On-the-Job contracts are occasionally written in Hardin). The primary emphasis on these local visits is Hardin - the Reservation is not visited on a regular basis other than as described in the previous paragraph.

#### PROGRAM FUNDING AND EXPENDITURE

##### A. Budget By Funding Source<sup>5</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	93,007	95,416
- Proprietary	0	0
Aggregate State	93,007 ( 0.75%)	95,416 ( 0.75%)
Federal Revenue Fund	12,328,733 (99.25%)	12,612,226 (99.25%)

Funding Comments: State special revenue consists of Workers' Compensation funds to support the Workers' Compensation Panel and increases 1.4 percent because of increases in personal services costs due to continuation of the 1991 pay plan increase in the 1993 biennium, which is offset by vacancy savings implemented for the 1993 biennium. Although the workers' compensation rehabilitation panels were eliminated by HB 837, the 2.0 FTE associated with these panels were removed from the Employment Relations Division (ERD) budget. According to the department, funds currently appropriated in Job Service for the rehabilitation panels will be transferred to ERD to support rehabilitation activities replacing the panels.

Federal funds include federal Job Service funds, Employment and Training Council grant funds, and Unemployment Insurance Administrative Tax funds. UI Admin Tax of \$728,106 in fiscal 1992 and \$724,749 in fiscal 1993 is utilized in current level because federal Job Service funds are projected to be insufficient to fully fund the division.

B. *Program Expenditures Related to the Crow Tribe*<sup>6</sup>

The Billings Job Service has a current yearly budget of \$2,058,255 and employs 56.6 staff with varying levels of vacancies at any one time. From 6 to 10 percent of all employment services and from 13 to 16 percent of all JTPA services provided at this office are provided to Native Americans. Records do not reflect the tribal affiliation of these recipients.

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Unemployment Insurance

Budgetary Program(s): 6602 02

Agency/Division/Bureau:

Labor and Industry  
Unemployment Insurance Division

### NATURE OF SERVICES<sup>7</sup>

The Unemployment Division administers the state's unemployment insurance law and related federal programs. This division determines employers' tax liability; processes employer quarterly reports; collects taxes; determines employer tax rates; receives, processes, and pays benefits claims; adjudicates problem claims; and compiles data for state and federal reporting. The division operates through three bureaus: 1) the Benefits Bureau; 2) the Contributions Bureau; and 3) the Planning and Evaluation Bureau.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>8</sup>

#### *A. Workcenters within the Reservation*

The Unemployment Insurance program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

This division oversees the implementation of Montana's UI law. Under that law the state is not specifically required to provide services on the reservation, but neither does that law exempt reservation employers from coverage requirements. While jurisdictional disputes exist, most of the tribes (including the Crow Tribe) voluntarily comply with the state law by reporting and making tax payments to the division. The reason for voluntary compliance is simple:

- The tribes are bound by federal law to pay into the Federal UI system (FUTA);
- FUTA has no mechanism to dispense UI funds;
- The state UI systems, in conjunction with FUTA, are organized to dispense UI benefits; and
- If an employer is participating in a state UI program the employer's state UI tax contributions can be credited against the FUTA tax.

In other words the tribes could pay FUTA tax and receive no UI benefits or they could pay the state UI system, get credit on their FUTA tax and have benefits payable to eligible employees.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>9</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	0	0
- Proprietary	0	0
Aggregate State	0 ( 0%)	0 ( 0%)
Federal Revenue Fund	4,067,930 (100%)	4,120,859 (100%)

Funding Comments: Unemployment Insurance is entirely funded with federal unemployment insurance funds.

##### *B. Program Expenditures Related to the Crow Tribe<sup>10</sup>*

Mcgregor has further stated, "While the target group undoubtedly derives benefits from these services the degree is difficult to quantify. This is partially due to the fact that the UI Division does not secure data regarding race or tribal status of the benefit claimants." He added, "Problems develop, however, when reservation/tribal employers fail to make their tax contributions. Past practice has been not to pursue the tribal employer yet still pay benefits to eligible employees."

An analysis of this problem and of the cost of service delivery has been prepared by Ken Olson:

A review of the number and amount of Unemployment Insurance (U.I.) payments to Bighorn County was conducted. Information just for tribal members was not available. The review indicated an average 1.35% of all Statewide benefit activity was provided to Bighorn County for the years 1975 through 1992.

The percent of U.I. benefit activity for the County compared to the Statewide total was computed for each year. Total U.I. benefit staffing each year was then prorated to determine the amount of staff dedicated to providing service to just that area. Average personnel costs for each year were then multiplied by the prorated number of positions providing service to Bighorn County for the years 1975 through 1992 computed to 1.31 and associated personnel costs amounted to \$507,000. An unknown portion of this amount is attributable to tribal member benefits.

NOTE: The average of 1.31 positions providing service includes local Job Service claims taking activity as well as payment or adjudication functions in Helena.

A review of tribal member businesses was then conducted. U.I. taxes collected and benefit payment charges were available for review for the period Oct. 1, 1981 through Sept. 30, 1992. This review indicated \$422,381.84 more benefit payments were made than taxes collected. This accounts for benefit payments made to claimants based upon wages from tribal owned business as compared to taxes collected for those same wages. Information prior to 1981 is not available.

#### Conclusions:

(1) \$422,381.84 more in Unemployment Insurance benefits have been paid to workers of tribal owned business than collected in taxes since October 1981.

(2) Providing Unemployment Insurance benefit services to Bighorn County since 1975 has cost the Department of Labor approximately \$507,000. This administrative cost estimate excludes non-personal service overhead but is also inflated by non-tribal services in the county.

Note: Of the 11,337 residents of Big Horn County enumerated by the 1990 Census, 6,288 or 55.46% were American Indians. Of the 6,288 American Indians who resided in Big Horn County, 4,712 or 74.94% identified themselves as being Crow. This is the largest tribal affiliation in Big Horn County. (Source: 1990 Census of Population and Housing - Summary Tape File 2B, Part A, Profile #1 - Characteristics of the Population - Big Horn County).

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Commissioner/Centralized Services

Budgetary Program(s): 6602 03

Agency/Division/Bureau:

Labor and Industry  
Centralized Services Division  
Management Services Bureau  
Information Services Bureau  
Personnel & Training Bureau

### NATURE OF SERVICES<sup>11</sup>

The Commissioner/Centralized Services Division provides overall administration and support services to the department. The Commissioner's Office is responsible for overall administration of the department including: 1) provision of program direction; 2) management of human and financial resources; and 3) representation on all legislative matters. Centralized Services provides the central support functions of the department through four bureaus: 1) Information Services; 2) Management Services; 3) Personnel; and 4) Training.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>12</sup>

#### *A. Workcenters within the Reservation*

The Centralized Services Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

The Centralized Services Division provides an indirect service to the residents of the Crow Reservation by performing the technical, fiscal, and administrative support functions which facilitates the delivery of primary services described elsewhere in this report. The Commissioner exercises direct supervision over the Unemployment Insurance Division; the Job Service Division; the Employment Relations Division; the Research, Training, and Safety Division; and the Legal Services Division. The Commissioner provides administrative support for the Human Rights Commission, the Workers' Compensation Court, the Board of Labor Appeals, and the Board of Personnel Appeals. On occasion, the Office of Information directly contracts with the Divisions.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>13</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	0	0
- Proprietary	2,912,856	2,879,442
Aggregate State	2,912,856 (100%)	2,879,442 (100%)
Federal Revenue Fund	0 ( 0%)	0 ( 0%)

Funding Comments: The Commissioner/Centralized Services program is entirely funded with charges assessed against the other programs of the department. State special revenue in the 1991 biennium consisted of a one-time only payment from the State Fund for indirect costs associated with reorganization and the addition of staff and programs to the department. Because this was a one-time only payment, it is not continued in the 1993 biennium. All direct assessments in the 1993 biennium are paid by department programs.

Proprietary funds are indirect assessments charged to all programs within the department.

Federal revenue in fiscal 1990 consisted of indirect assessments against other agency programs and DWC for support of the Audit Bureau. Audit functions have now been decentralized as part of the agency reorganization and all audit expenses will be funded with funding sources within the programs receiving audit staff.

### B. Program Expenditures Related to the Crow Tribe

Since centralized operations provide an indirect service to the residents of the Crow Reservation by facilitating the delivery of primary services, cost allocations for this program should be based on the proportion of staff time involved in support of those primary services.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have



significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Employment Relations**

Budgetary Program(s): 6602 04

Agency/Division/Bureau:

Labor and Industry  
Employment Relations Division

### **NATURE OF SERVICES**<sup>14</sup>

The Employment Relations Division administers and enforces state statutes and rules on legal issues through the division's boards and bureaus. This division includes five functional units: 1) the five-member Board of Personnel Appeals, which hears classification appeals for state government employees and grievances for employees in the Departments of Highways and Fish, Wildlife and Parks; 2) the three-member Board of Labor Appeals, which hears appeals concerning the administration of Montana's unemployment insurance laws; 3) the Administrative Support Unit, which provides division-wide administrative support and serves as staff for both of the division's quasi-judicial boards; 4) the Dispute Resolution Bureau, which assists organizations and individuals to arrive at early, less expensive settlement of their disputes and obligations concerning labor issues; and 5) the Standards Bureau, which enforces obligations created by state and federal laws and rules.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>15</sup>

#### ***A. Workcenters within the Reservation***

The Employment Relations Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### ***B. Off-Reservation Services***

This division has no services that are specifically directed towards the Crow tribe or its members. The services provided by this division are substantial, however, and the tribe and its members undoubtedly derive some benefit therefrom.

In the Workers' Compensation arena, the division administers the Uninsured Employers Fund and the Subsequent Injury Fund. The division also provides mediation services between employer and claimant prior to filing before the Workers' Compensation Court.

In the area of wage and hour, the division investigates and determines claims on the initial administrative level. The

division also investigates and enforces the state' prevailing wage law.

In the area of labor relations, the division participates in collective bargaining, organizes and monitors elections, investigates allegations of unfair labor practices, and provides labor mediation services.

Tribal members can avail themselves of the services outlined in the previous three paragraphs, but none of these services is statutorily or administratively targeted toward the Crow tribe or its members.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>16</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	423,224	394,028
- State Rev.	1,483,260	1,484,324
- Proprietary	389,277	389,094
State Aggregate	2,295,761 (76.27%)	2,267,446 (75.41%)
Federal Revenue Fund	714,371 (23.73%)	739,325 (24.59%)

Funding Comments: General fund, which supports silicosis and social security offset payments and program administration, decreases due to an anticipated reduction in benefit recipients. (The January 1992 special legislative session eliminated all general fund appropriations for administration of the silicosis benefit program.)

State special revenue includes workers' compensation funds and Board of Personnel Appeals fact-finding income. The 3.7 percent increase is the net result of: 1) the increased level of workers' compensation regulatory activity; and 2) transfer of administration of uninsured employer and subsequent injury benefit payments from state special to proprietary funds. This increase is partially offset by the net decrease in workers compensation funds needed to implement House Bills 187 and 837.

Proprietary funds increase because of the transfer of uninsured employer and subsequent injury benefit payments from state special revenue.

Federal revenue consists of Unemployment Insurance funds and Unemployment Insurance Administrative Tax funds.

*B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Legal Services Division

Budgetary Program(s): 6602 06

Agency/Division/Bureau:

Labor and Industry  
Legal Services Division  
Legal Unit  
Hearings Unit

### NATURE OF SERVICES<sup>17</sup>

The Legal Services Division provides legal and hearings services to the department. This new division, which was created during the recent departmental reorganization, absorbed the regulatory duties of the former Workers' Compensation Division. It consists of a Legal Unit and a Hearings Bureau.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>18</sup>

#### A. *Workcenters within the Reservation*

The Legal Services Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

This Division is tasked with providing legal support to the Department in the way of attorney services and hearings officers. The Crow tribe, tribal members or other residents of the reservation may receive the benefit of the Hearings function should they have an administrative claim pending before the Department. Such a claim would involve unemployment insurance benefits, workers' compensation claims, wage & hour claims, uninsured employers' fund claims or a variety of collective bargaining matters. The targeted group might derive an ancillary benefit from the services of the staff attorneys if their interests happened to coincide with those of the Department.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>19</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	254,513	262,629
- Proprietary	139,135	142,739
Aggregate State	393,648 (45.07%)	405,368 (44.99%)
Federal Revenue Fund	479,706 (54.93%)	495,564 (55.01%)

Funding Comments: State special revenue consists of workers' compensation funds which support workers' compensation hearings. Proprietary funds are assessments against department programs using legal services, which provides general agency legal support. Federal revenue includes federal unemployment insurance funds, which support hearings on Unemployment Insurance benefit appeals, and Unemployment Insurance Administrative Tax funds for Board of Personnel Appeals activities.

### B. *Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## **Research, Safety, and Training**

Budgetary Program(s): 6602 07

Agency/Division/Bureau:

Labor and Industry  
Research, Training and Safety Division

### **NATURE OF SERVICES**<sup>20</sup>

The Research, Safety, and Training Division provides planning and administrative functions for employment, job training, and safety activities in the department. The division is organized into three bureaus: 1) the Apprenticeship and Training Bureau, which administers employment and training programs, serves as staff to the State Job Training Coordinating Council and Apprenticeship Advisory Council, and serves as the state registration agency for apprenticeship programs; 2) the Research and Analysis Bureau, which develops data and statistics, conducts studies, charts and forecasts trends, and publishes information regarding employment and unemployment in Montana; and 3) the Safety Bureau, which administers the state's industrial safety laws.

### **PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS**<sup>21</sup>

#### *A. Workcenters within the Reservation*

The Research, Training, and Safety Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

This division is divided into three bureaus - Apprenticeship and Training, Safety, and Research and Analysis.

The Apprenticeship and Training Bureau provides job training services to economically disadvantaged individuals, dislocated workers and others facing barriers to employment. For example, on February 23, 1993, the program approved apprenticeship standards for carpenter, inside wireman, and plumber sponsored by the Crow Indian Apprenticeship Training Committee. The object of the program is to provide an adequate supply of trained, skilled craftworkers within the Reservation. Funding for these services is provided by the Federal Job Training Partnership Act (JTPA).

The Safety Bureau inspects mines and boilers operating within the state. This would include inspections within the boundaries of the Crow Reservation. These services are not extensive at this

time and probably cost the bureau only several hundred dollars a year.

The Research and Analysis Bureau provides services to the Little Bighorn Community College pursuant to the State Occupation Information Coordinating Committee Program. Specifically, bureau staff train six or seven faculty members of that college on how to use the occupational information computer program. The bureau also sends a variety of publications to the college for faculty and student use.

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>22</sup>*

<u>Funding Source</u>	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	788,741	809,018
- Proprietary	0	0
Aggregate State	788,741 (27.52%)	809,018 (27.89%)
Federal Revenue Fund	2,077,171 (72.48%)	2,092,152 (72.11%)

Funding Comments: State special revenue is workers' compensation funds, which support the Safety Bureau. Federal funds include three grants: 1) two from the Occupational Safety and Health Administration (OSHA) for on-site consultation and statistical study, totalling \$90,262 each year; and 2) one from the Mining Safety and Health Administration for mine safety training, which totals \$37,111 per year. Other federal funds include employment and training council grants, Unemployment Insurance Administrative Tax, Bureau of Labor Statistics, and National Occupational Information Coordinating Committee (NOICC) funds. The 17.1 decreases in federal funds is primarily related to the privatization of administrative support for the private industry councils and vacancy savings implemented for the 1993 biennium.

##### *B. Program Expenditures Related to the Crow Tribe<sup>23</sup>*

During Program Year 1991 ((7/1/91 - 6/30/92) the Department's statistics showed that the JTPA programs served 308 Native Americans at an average cost of \$2,200.00 per participant.



However, these statistics do not differentiate as to specific tribal affiliation.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

# Human Rights Commission

Budgetary Program(s): 6602 08

Agency/Division/Bureau:

Labor and Industry  
Human Rights Commission

## NATURE OF SERVICES 24

The Human Rights Division is responsible for enforcement of the Montana Human Rights Act and the Governmental Code of Fair Practices through investigations, conciliation, hearings, and education. This division consists of two functions: 1) the Human Rights Commission, which is administratively attached to the department and is responsible for enforcing laws which prohibit discrimination in employment, housing accommodations, financing and credit transactions, insurance, education, and government services; and 2) Human Rights Outreach, which educates the public about laws prohibiting discrimination to promote voluntary compliance.

## PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS 25

### A. *Workcenters within the Reservation*

The Human Rights Commission does not have a facility or on-site delivery program located within the Crow Reservation.

### B. *Off-Reservation Services*

#### 1. Investigation and Conciliation

The Human Rights Commission enforces the Montana Human Rights Act and the Montana governmental Code of Fair Practices, which prohibit discrimination in employment, housing, public accommodations, financing, education, governmental services, and insurance.

The Human Rights Commission does not exercise jurisdiction over discrimination complaints in which the Crow Tribe or a tribal member living on the reservation is the defendant. The Commission does exercise jurisdiction if the tribe or a tribal member is the complainant and a non-tribal entity is the defendant. There have been several claims meeting the latter criteria - primarily complaints alleging employment discrimination.

If an allegation were made that fell within the jurisdiction of the Commission, an investigation would be conducted and an attempt would be made to resolve the matter administratively. If

this effort were unsuccessful, a hearing officer would be assigned to hold an on-site hearing. The hearing officer's recommendations would be forwarded to the Commission which would take the discretionary action it deemed appropriate.

## 2. Education

The Commission staff also provides information to educate the public regarding discrimination laws.

a. From July 1, 1987 to January 31, 1989, the Commission administered a fair housing project entitled "Private Fair Housing Enforcement: Focusing on American Indians." The project was funded through a cooperative agreement with HUD. The project assisted in the formation and training of local private fair housing groups in Missoula, Great Falls, and Billings. These communities were selected, in part, because of their proximity to Indian reservations and their relatively large Indian populations.

b. The Commission administered another fair housing project from January 1, 1991, to January 31, 1992, entitled "Fair Housing: Opening Doors in Rural Montana." The focus of this project was to conduct community forums and educational workshops on fair housing in Montana communities near Indian reservations. The project included two communities near the Crow Reservation: Hardin and Billings.

### PROGRAM FUNDING AND EXPENDITURE

#### A. Budget By Funding Source<sup>26</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	319,763	329,269
- State Rev.	0	0
- Proprietary	0	0
Aggregate State	319,763 (75.91%)	329,269 (76.44%)
Federal Revenue Fund	101,470 (24.09%)	101,268 (23.56%)

Funding Comments: All cases heard by the Human Rights Commission falls under state law and are therefor eligible to be funded with general fund. However, in some instances, the cases are also

covered by federal law. In this event, the commission is entitled to a reimbursement from either the Equal Employment Commission (EEOC) or the federal Department of Housing and Urban Development (HUD). Case reimbursements are anticipated to increase slightly from \$98,479 in fiscal 1990 to \$102,860 each year of the 1993 biennium.

Federal funds decrease over the biennia due to elimination of a fiscal 1990 fair housing grant totalling \$44,970.

B. *Program Expenditures Related to the Crow Tribe*<sup>27</sup>

"Unless the nature of the discrimination complaint was one of race the Commission would have no record as to whether any complaint which arose on the reservation involved a tribal member. The Commission was created in 1974, but has only since 1988 been keeping records on the number of complaints alleging race discrimination against American Indians. Such records, however, do not reflect the particular tribal affiliation."

FY88 - 29 complaints

FY89 - 24

FY90 - 41

FY91 - 45

FY92 - 81

HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Workers' Compensation Judge

Budgetary Program(s): 6602 09

Agency/Division/Bureau:

Labor and Industry  
Workers' Compensation Court

### NATURE OF SERVICES<sup>28</sup>

The Workers' Compensation Court provides a forum for Montana's employees and the insurance industry to resolve disputes arising out of work-related injuries and occupational disease. The court is attached to the department for administrative purposes.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>29</sup>

#### *A. Workcenters within the Reservation*

The workers' compensation program does not have a facility or on-site delivery program located within the Crow Reservation.

#### *B. Off-Reservation Services*

The Workers' Compensation Court offers a due process review of the dealings between claimants and their insured employers. Any tribal members who were covered by some form of workers' compensation insurance could avail themselves of this court if a dispute occurred in the handling of their claims. The court would not hold hearings on the reservation.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>30</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	369,320	376,426
- Proprietary	0	0
Aggregate State	369,320 (100%)	376,426 (100%)
Federal Revenue Fund	0 ( 0%)	0 ( 0%)

Funding Comments: The Workers' Compensation Judge program is funded entirely with workers' compensation state special revenue funds.

### B. Program Expenditures Related to the Crow Tribe

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

1. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-52.
2. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-77.
3. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-60.
4. Dan McGregor, Staff Attorney, Helena, memorandum "Services provided since 1975 by MDLI to the Crow Indian Tribe, its tribal members and all residents of the Crow Indian Reservation since 1975", March 29, 1993; Dan McGregor, Staff Attorney, Helena, memorandum "Services provided by MDLI to the Crow Indian Tribe and its tribal members since 1975", April 9, 1991.
5. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-60.
6. Dan McGregor, Staff Attorney, Helena, memorandum "Services provided since 1975 by MDLI to the Crow Indian Tribe, its tribal members and all residents of the Crow Indian Reservation since 1975", March 29, 1993; Dan McGregor, Staff Attorney, Helena, memorandum "Services provided by MDLI to the Crow Indian Tribe and its tribal members since 1975", April 9, 1991.
7. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-62.
8. Dan McGregor, Staff Attorney, Helena, memorandum "Services provided since 1975 by MDLI to the Crow Indian Tribe, its tribal members and all residents of the Crow Indian Reservation since 1975", March 29, 1993; Dan McGregor, Staff Attorney, Helena, memorandum "Services provided by MDLI to the Crow Indian Tribe and its tribal members since 1975", April 9, 1991.
9. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-62.
10. Dan McGregor, Staff Attorney, Helena, memorandum "Services provided since 1975 by MDLI to the Crow Indian Tribe, its tribal members and all residents of the Crow Indian Reservation since 1975", March 29, 1993; Dan McGregor, Staff Attorney, Helena, memorandum "Services provided by MDLI to the Crow Indian Tribe and its tribal members since 1975", April 9, 1991.

11. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-64.
12. Dan McGregor, Staff Attorney, Helena, memorandum "Services provided since 1975 by MDLI to the Crow Indian Tribe, its tribal members and all residents of the Crow Indian Reservation since 1975", March 29, 1993; Dan McGregor, Staff Attorney, Helena, memorandum "Services provided by MDLI to the Crow Indian Tribe and its tribal members since 1975", April 9, 1991.
13. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-64.
14. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-66.
15. Dan McGregor, Staff Attorney, Helena, memorandum "Services provided since 1975 by MDLI to the Crow Indian Tribe, its tribal members and all residents of the Crow Indian Reservation since 1975", March 29, 1993; Dan McGregor, Staff Attorney, Helena, memorandum "Services provided by MDLI to the Crow Indian Tribe and its tribal members since 1975", April 9, 1991.
16. Office of the Legislative Fiscal Analyst, Appropriations Report 1993 Biennium: 1991 Regular Session, 1992 Special Session (Helena, MT, March 1992), B-66.
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# Department of Justice

## AGENCY DESCRIPTION<sup>1</sup>

The Department of Justice, under the direction of the Attorney General, is responsible for statewide legal services and counsel, law enforcement, and public safety, as authorized in Section 2-15-501, MCA. The duties of the department include: 1) providing legal representation for the state and its political subdivisions in criminal appeals; 2) providing legal services and counsel for the state, county, and municipal agencies and their officials; 3) enforcing Montana traffic laws and registering all motor vehicles; 4) enforcing state fire safety codes and regulations; 5) assisting local law enforcement agencies in bringing offenders to justice; 6) managing a statewide system of death investigations and provide scientific analyses of specimens submitted by law enforcement officials, coroners, and state agencies; and 7) providing for the uniform regulation of all gambling activities in the State of Montana.

## AGENCY BUDGET BY FUNDING SOURCES

	Revised Total SFY 92	Revised Total SFY 93
- General	11,389,264	11,609,712
- State Rev.	14,960,449	14,752,970
- Proprietary	613,594	633,096
State Aggregate	26,963,307 (96.28%)	26,995,778 (96.26%)
Federal Revenue Fund	1,041,595 ( 3.72%)	1,047,706 ( 3.74%)

**FUNDING COMMENTS:** *General fund* provided 41 percent of total funds for the Department of Justice in fiscal 1992 and supported all of the Legal Services Division (81 percent), Motor Vehicle Division (97%), Law Enforcement Services Division (57%), County Attorney Payroll program (100%), Law Enforcement Academy (100%), Central Services Division (44%), Data Processing Division (74%), Extradition and Transportation of Prisoners program (100%), and Forensic Science Division (79%).

*State special revenue funds* provided 53 percent of total agency funding in fiscal 1992. The primary state special revenue account is the highways special revenue account which supports 96 percent of the Highway Patrol Division and 46.5 percent of the

Central Services Division. In the 1993 biennium, this account provides \$22.4 million of funding to the department. The other major state special revenue fund is the gambling license fee account., which supports all of the Gambling Control Division and part of Legal Services and Central Services Divisions. Together these funds provide 93 percent of state special revenue funds in the agency.

*Proprietary funds*, which provided 2.2 percent of total agency funding, are for operation of the Agency Legal Services Division and support of Central Services Division.

*Federal funds* provided 3.8 percent of total funding for the agency in fiscal 1992, including \$0.5 million in the Highway Patrol Division to support MCSAP and 65 MPH enforcement squad and \$0.3 million in the Law Enforcement Services Division to support drug enforcement programs.

## AGENCY PROGRAMS

- 4110 01 Legal Services Division \*
- 4110 06 Agency Legal Services \*
- 4110 07 Gambling Control Division \*
- 4110 12 Motor Vehicle Division
- 4110 13 Highway Patrol Division
- 4110 18 Law Enforcement Services Division \*
- 4110 19 County Attorney Payroll \*
- 4110 22 Law Enforcement Academy Division \*
- 4110 28 Central Services Division \*
- 4110 29 Data Processing Division \*
- 4110 30 Extradition and Transportation of Prisoners \*
- 4110 32 Forensic Science Division \*
- 4108 00 Highway Traffic Safety

\* - These programs are omitted from this study.

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## **Legal Services Division (4110 01)<sup>2</sup>**

The Legal Services Division provides the Attorney General with legal research and analysis; provides legal counsel for state government officials, bureaus, and boards; provides legal assistance to local governments and Indian tribes;; and provides legal assistance, training, and support for county prosecutors. The Legal Services Division is comprised of the County Prosecutor Services Bureau, the Appellate Legal Services Bureau, and the Indian Legal Jurisdiction Section. The Legal Services program consists of the combined Legal Services, Indian Legal Jurisdiction, and County Prosecutor Services programs as presented in the 1991 biennium budget.

## **Agency Legal Services (4110 06)<sup>3</sup>**

The Agency Legal Services program provides legal services to state agencies upon request. Agencies are billed for attorney time and case-related costs to support the program.

## **Gambling Control Division (4110 07)<sup>4</sup>**

The Gambling Control Division was established by the Fifty-first Legislature to investigate, license, and regulate the gambling industry in Montana. An appointed gaming advisory council of nine members provides advisory services to the Attorney General to ensure uniform statewide regulation of gambling activities. The division has criminal justice authority and conducts field routine inspections and investigations for irregularities in gambling activities. In addition to collecting licensing fees for gambling machines and activities, the division is also responsible for collection and distribution of the gambling tax assessed on the net proceeds of gambling activities.

The division was created by transferring the video gaming control functions from the Department of Commerce and enforcement functions from the Department of Revenue to the Department of Justice, along with new funding and FTE for gambling regulation. The revised gambling laws took effect on October 1, 1989.

## **Law Enforcement Services Division (4110 18)<sup>5</sup>**

The Law Enforcement Services Division includes the administration, management, and coordination of a broad spectrum of criminal investigative services performed by the Criminal Investigation Bureau, Identification Bureau, and Criminal Intelligence Information Bureau. Criminal investigators conduct criminal investigations of homicide, fraud, robbery, assault, corruption, arson, organized crime, dangerous drug activity, and other felony crimes. The program activity includes conducting criminal investigations of state agencies and providing

investigative training to law enforcement officers. The division emphasizes providing adequate specialized drug enforcement resources to address drug abuse and drug trafficking in Montana. The division also includes the Fire Marshal Bureau, which is responsible for safeguarding life and property from fire, explosion, and arson through investigation, inspection, and fire code interpretation and enforcement functions. The Law Enforcement Services Division consist of the combined Law Enforcement Services, Fire Marshal, Criminal Investigation, Identification, and Special Investigation programs as presented in the 1991 biennium budget.

#### **County Attorney Payroll (4110 19)<sup>6</sup>**

The County Attorney Payroll program pays one-half the salary and benefits of the 56 county attorneys from state general fund.

#### **Law Enforcement Academy Division (4110 22)<sup>7</sup>**

The Law Enforcement Academy Division provides a professional education and training program in criminal justice for Montana law enforcement officers and other criminal justice personnel. The academy at its campus in Bozeman, provides an annual curriculum specifically designed to meet the needs of the criminal and juvenile justice system.

#### **Central Services Division (4110 28)<sup>8</sup>**

The Central Services Division provides administrative, personnel, budgetary, accounting, and fiscal support for the Department of Justice. The program also administers the county attorney payroll and transportation of prisoners program expenditures.

#### **Data Processing Division (4110 29)<sup>9</sup>**

The Data Processing Division provides a full range of automated data processing and telecommunication services for the Department of Justice, including: 1) system development and maintenance of the motor vehicle registration system; 2) driver history system; 3) criminal history record information system and the Montana Uniform Crime Reporting System; 4) computer operator support for the Department of Justice computer system (which serves as a back-up system for the state mainframe system and is owned by the Department of Administration); and 5) system development and support for the Criminal Justice Information Network (CJIN). CJIN links law enforcement/criminal justice agencies with information sources at local, state, and national levels by interfacing with the National Law Enforcement Telecommunications System, the National Crime Information Center (NCIC), and numerous State of Montana files.

## **Extradition and Transportation of Prisoners (4110 30)<sup>10</sup>**

The Extradition and Transportation of Prisoners program reimburses county sheriffs for allowable expenses associated with transporting prisoners to Montana detention centers and for expenses of extraditing prisoners to Montana.

## **Forensic Science Division (4110 32)<sup>11</sup>**

The Forensic Science program, which includes the State Crime Lab in Missoula and the State Medical Examiner, provides for a statewide system of death investigation, forensic science training, and scientific criminal investigation and analysis for specimens submitted by law enforcement officials, coroners, and state agencies. The division tests firearms, toolmarks, hair, fiber, drugs, blood, body fluids, and tissues. The laboratory also analyzes blood, breath, and urine samples in connection with Driving Under the Influence of Alcohol or Drugs (DUI) and provides certification, maintenance, and training of all law enforcement personnel on breath testing instruments.

## Motor Vehicle Division

Budgetary Program(s): 4110 12

Agency/Division/Bureau:

Department of Justice  
Motor Vehicle Division

### NATURE OF SERVICES<sup>12</sup>

The Motor Vehicle Division is responsible for vehicle registration and vehicle operator licensing. The Driver Services Bureau implements and administers the laws relating to the examination, issuance, cancellation, suspension, revocation, and reinstatement of drivers' licenses and driving privileges. The Motor Vehicle Division consists of the combined Driver Services and Motor Vehicle Registrar programs as presented in the 1991 biennium budget.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>13</sup>

#### A. *Workcenters within the Reservation*

The Motor Vehicle Division does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

##### 1. *Driver Licensing*

Every Monday and Tuesday, the Motor Vehicle Division has personnel at the Big Horn County Court House from 9:00 A.M. to 3:30 P.M. to license vehicle operators. This satellite service amounts to an expenditure of 0.4 full-time employees per year. A review of the records of the Department of Justice Data Processing Division conducted by Barney H. Benkleman disclosed that as of April 5, 1993:

a. There were 2,294 licensed drivers (valid status) residing on the Crow Reservation and 3,417 licensed drivers (valid status) residing in Hardin.

b. There were 391 operators with suspended or revoked drivers licenses residing on the Crow Reservation and 112 operators with suspended or revoked drivers licenses residing in Hardin.

Note: Persons residing at the following ZIP codes are "residents" of the Crow Reservation: Crow Agency - 59022, Lodge Grass - 59050, Wyola - 59089, Garryowen - 59031, Pryor - 59066,

and St. Xavier - 59075. Persons receiving mail in Hardin use ZIP code 59034; some of these people may be enrolled tribal members.

## 2. Vehicle Titling and Registration (Hardin)

a. The Big Horn County Treasurer processes vehicle titles and registrations at the County Court House in Hardin from 8:00 A.M. to 5:00 P.M., Monday through Friday. A review of the records of the Department of Justice Data Processing Division conducted by Barney H. Benkleman disclosed that as of April 5, 1993:

(1) There were 3,975 "currently" registered vehicles belonging to residents of the Crow Reservation. Of these registrations, 2,314 owners (58.21%) claimed a tribal fee exemption.

(2) There were 4,859 "currently" registered vehicles belonging to residents of Hardin. Of these registrations, 188 owners (3.87%) claimed a tribal fee exemption.

(3) There were 5,553 vehicles with "expired" registrations belonging to residents of the Crow Reservation. Of these registrations, 709 owners (12.77%) had claimed a tribal fee exemption.

(4) There were 5328 vehicles with "expired" registrations belonging to residents of Hardin. Of these registrations, 79 owners (1.48%) had claimed a tribal fee exemption.

b. Based upon the total number of transactions conducted statewide and the proportion of that activity occurring in Big Horn County, the Motor Vehicle Division's Title and Registration Bureau devotes an equivalent of 0.6 full-time employees (grade 7) per year to supporting the Big Horn County Treasurer's Office.



## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>14</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	5,324,312	5,783,662
- State Rev.	131,603	93,435
- Proprietary	0	0
Aggregate State	5,455,915 (99.07%)	5,877,097 (99.10%)
Federal Revenue Fund	51,408 ( 0.93%)	53,087 ( 0.90%)

Funding Comments: The division is funded primarily by general fund, including all of the Registrar's Bureau and 95 percent of the Driver Services Bureau. License fees collected by the division are deposited in the general fund. In addition, the Driver Services Bureau is funded by state special revenue funds of \$165,059 from 3.3 percent of drivers' license fee collections, \$38,779 for driver rehabilitation fees collected from individuals attending driver rehabilitation and improvement courses to defray course costs, and \$5,817 for fees charged to recover costs of the Montana Highway Patrol Identification Card issues. State special revenues increase primarily due to increased revenues from the 3.3 percent share of drivers' license fee collections. A \$40,000 fund balance carryover is spent down in fiscal 1992. Federal funds, which were received for implementation of the CVOL system, were higher in the 1991 biennium due to one-time funding for the implementation of the CVOL system. Federal funding for the CVOL system will probably not be available after fiscal 1993.

The January 1992 special session eliminated the state special revenue accounts for drivers' license fee collections and for Highway Patrol identification cards effective July 1, 1993, and the agency has indicated that it will administratively eliminate the driver improvement fees state special revenue account. The revenues for those accounts will then flow into the general fund, and all state special revenue funds for this program will be eliminated.

## B. Program Expenditures Related to the Crow Tribe<sup>15</sup>

### Driver's License

Over the last four years, drivers have had to pay a fee ranging from \$12 to \$38 for a license. In determining the average cost of a license, one must consider that the majority of operators hold only a basic license. Therefore, by using an average cost of \$18.00 per license, the 2,294 licensed drivers (valid status) residing on the Crow Reservation and 3,417 licensed drivers (valid status) residing in Hardin annually generated an estimated \$41,292 and \$61,506 respectively for the State of Montana. Of this revenue, it costs approximately 40% to issue the license. The remaining 60% is disbursed to various state and county programs.

### Suspension/Revocation

At the present time, there are 391 operators with suspended or revoked drivers licenses residing on the Crow Reservation and 112 operators with suspended or revoked drivers licenses residing in Hardin. At a cost of \$7.33 per suspension/revocation action, the state has expended \$2,866.03 processing Reservation residents and 820.96 processing residents of Hardin.

Note: The cost to suspend/revoke a driver then to restore their driver's license is calculated based upon 1/2 hour working time for a grade 7, plus 20% administrative costs and 35% overhead. Suspension/revocation statistics for previous years by sub-groups are not available.

### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Highway Patrol Division

Budgetary Program(s): 4110 13

Agency/Division/Bureau:

Department of Justice  
Highway Patrol Division

### NATURE OF SERVICES<sup>16</sup>

The Highway Patrol Division is responsible for patrolling the highways of Montana, enforcing traffic laws, and investigating traffic accidents. The patrol gives assistance and information to motorists, first-aid to those injured in traffic accidents, transports blood and medical supplies in emergency situations, and assists other law enforcement agencies when requested. The patrol's Communication Bureau provides 24-hour, seven-day-a-week communication and radio dispatch for the Highway Patrol and other state agencies. The Motor Carrier Assistance Program (MCSAP) attempts to reduce commercial motor vehicle accidents in the state by participating in the Commercial Vehicle Safety Alliance (CVSA) and its North American/Vehicle Inspection program in all levels of inspections as well as safety review audits.

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>17</sup>

#### A. *Workcenters within the Reservation*

The Montana Highway Patrol (MHP) does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

Montana Highway Patrol officers and supporting personnel serving in the vicinity of Hardin and the Crow Reservation travel approximately 95,000 miles annually while patrolling and otherwise providing the services described in this report.

##### 1. Primary Services

a. The Patrol has three full-time employees stationed in Hardin. They are responsible for providing the services described in the "Nature of Services" in the immediate vicinity of Hardin and the Crow Reservation. This commitment involves approximately 95% of their total time.

b. One officer is stationed in Custer and assists the Hardin-based officers in performing their duties. This patrolman spends approximately 20% of his/her time in this effort.

c. There are fifteen officers stationed in the Billings area who spend approximately 5% of their time addressing incidents that take place on the Crow Reservation.

## 2. Support Services

### a. Controlling and directing officers

One Highway Patrol Sergeant spends 35% of his/her time providing immediate supervision for MHP personnel performing duties in the vicinity of Hardin and the Reservation.

### b. Fleet, Supply, and Engineering Services Bureau

(1) One Highway Patrol Sergeant spends approximately 1% of his/her time supporting this effort.

(2) One Communications Technician III spends approximately 6% of his/her time supporting this effort.

### c. Personnel and Training Bureau

(1) One Highway Patrol Captain spends approximately .5% of his/her time supporting this effort.

(2) One Highway Patrol Sergeant spends approximately .5% of his/her time supporting this effort.

### d. Accident Records Bureau

One Information System Specialist III spends approximately .5% of his/her time supporting this effort.

### e. Motor Vehicle Inspection Bureau

One Motor Vehicle Inspector II spends approximately 10% of his/her time supporting this effort.

## PROGRAM FUNDING AND EXPENDITURE

### A. Budget By Funding Source<sup>18</sup>

	Revised Total SFY 92	Revised Total SFY 93
- General	0	0
- State Rev.	11,639,199	11,642,484
- Proprietary	0	0
Aggregate State	11,639,199 (95.81%)	11,642,484 (95.72%)
Federal Revenue Fund	509,288 ( 4.19%)	520,761 ( 4.28%)

Funding Comments: The Highway Patrol Division is funded primarily by highways state special revenue funds. Since these funds are also a primary source of state funds for highway construction and maintenance, funds used for highway patrol operations reduce funds available for the State Highway program. The MCSAP program is funded 80 percent by federal funds from the U.S. Department of Transportation. A 20 percent state match is required for the program, but approximately one-third of the match is provided by a soft match utilizing highway patrol officers to conduct truck inspections. The 65 MPH enforcement squad is funded entirely by federal funds from the U.S. Department of Transportation through a grant from the Highway Traffic Safety Division.

### B. Program Expenditures Related to the Crow Tribe

A review of the current pay and benefit scales for the Department of Justice disclosed the MHP expends \$185,352.59 annually (Primary services - \$162,300.73; Support services - \$23,051.86) providing the level of service described in "Off-Reservation Services."

Note <sup>19</sup> :	MHP Officer @	\$42,710.72 annually
	MHP Sergeant @	49,449.92
	MHP Captain @	55,284.32
	Communications Technician III	30,946.24
	Information System Specialist III	24,232.00
	Motor Vehicle Inspector II	27,483.04

## HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.

## Highway Traffic Safety

Budgetary Program(s): 4108 00

Agency/Division/Bureau:

Department of Justice  
Highway Traffic Safety Division

### NATURE OF SERVICES<sup>20</sup>

The Highway Traffic Safety Division was established by Title 61, Chapter 2, MCA, to promote public safety, health, and welfare through efforts directed toward reducing death, injury, and property loss resulting from traffic accidents. Projects are developed and initiated in various levels of government primarily through federal grant funds provided through the division to ensure that a longterm, stable, and statewide program exists. Current program priorities include occupant protection and drinking and driving projects.

(Mandate: Title 61, Chapter 2, MCA )

### PROVISION OF SERVICES TO CROW TRIBE OR TRIBAL MEMBERS<sup>21</sup>

#### A. *Workcenters within the Reservation*

The Highway Traffic Safety program does not have a facility or on-site delivery program located within the Crow Reservation.

#### B. *Off-Reservation Services*

Through centralized administration in Helena, the Highway Traffic Safety program provides educational materials and training designed to reduce death, injury, and property loss resulting from traffic accidents. The following traffic safety contracts have been let with Big Horn County during the period 1975 to 1993:

1975	Big Horn County Radio	\$10,000
1978	Big Horn County Bridge Inspection	6,500
1980	Big Horn County Radar	4,520
1984	Big Horn County Chemical Dependency	1,000
1984	Big Horn County DUI Task Force	5,030
1985	Big Horn County DUI Task Force	<u>15,031</u>
		\$42,081

Note: The Crow Reservation occupies 3,164 square miles or 56.4% of the total land and water area within Big Horn County.<sup>22</sup>

#### PROGRAM FUNDING AND EXPENDITURE

##### *A. Budget By Funding Source<sup>23</sup>*

	Revised Total SFY 92	Revised Total SFY 93
- General	183,080	183,080
- State Rev.	78,927	80,807
- Proprietary	0	0
Aggregate State	262,007 (22.19%)	263,887 (22.21%)
Federal Revenue Fund	918,479 (77.81%)	924,196 (77.79%)

Funding Comments: General fund collected from drivers' license revocation reinstatement fees is appropriated to the Highway Traffic Safety Division for distribution to counties with established drinking and driving prevention programs. Funding for operating costs and federal grants is provided by federal funds from the National Highway Traffic Safety Administration. A 50 percent state match on administration and planning costs comes from the highways state revenue account. A 15.4 percent decrease in federal funds from fiscal 1990 to fiscal 1992 reflects elimination of alcohol countermeasure grant funds.

##### *B. Program Expenditures Related to the Crow Tribe*

Due to the absence of data quantifying the specific level of services received by residents of the Crow Reservation, exact cost allocations for this program cannot be accomplished.

#### HISTORICAL PERSPECTIVE

Agency representatives did not identify any programmatic changes (e.g., creation, deletion, expansion) that would have significantly altered the pattern of services rendered to the residents of the Crow Reservation during the period 1975 to 1992.



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