MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - 2nd SPECIAL SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By Chair Bardanouve, on July 10, 1992, at 9 a.m.

ROLL CALL

Members Present:

Francis Bardanouve, Chairman (D)
Ray Peck, Vice-Chairman (D)
Dorothy Bradley (D)
John Cobb (R)
Dorothy Cody (D)
Mary Ellen Connelly (D)
Ed Grady (R)
Larry Grinde (R)
Mike Kadas (D)
Berv Kimberley (D)
Wm. "Red" Menahan (D)
Jerry Nisbet (D)
Mary Lou Peterson (R)
Joe Quilici (D)
Chuck Swysgood (R)
Bob Thoft (R)
Tom Zook (R)

Members Excused: John Johnson (D)

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Sylvia Kinsey, Committee Secretary

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

HEARING ON HOUSE BILL 30

ABOLISH PAY DURING MILITARY TRAINING LEAVE OF ABSENCE OF GOVERNMENT EMPLOYEE

Presentation and Opening Statement by Sponsor:

REP KADAS said under current state law, state employees that are in the National Guard receive state pay for the time they serve in the National Guard. The point of this bill is that if you are paying someone in the National Guard Service you probably ought not to be paying them for the state job they are not on the job doing.

Proponents' Testimony:

REP CONNELLY asked to be listed as a proponent of House Bill 30.

Opponents' Testimony:

Tom Schneider, MPEA, (Montana Public Employees Association), pointed out that the state has contracts that provide military leave and he felt the courts were pretty clear on not impairing contracts, so the employees they represent, and those represented by others, will continue to get military leave until it is negotiated away. This does not just cover state employees. It covers all public employees since they have contracts to provide military leave also. The private sector people do pay. Two years ago these people were over in the desert. It does not seem that now is the time to take away something they have had for as long as he could remember. He said MPEA opposes the bill.

Carol J. Lassila, National Guard and state employee, Helena, said she is an attorney for the state and is a Captain in the Montana Army National Guard. She said she represented herself and her husband who is presently at annual training in Boise, Idaho and he is also an officer. She said they are both employed by the state and the impact of this bill on their family income is obvious. She said the leave they receive from the state gives them some reward for working in the guard. She said this bill would not only impact the National Army and Air National Guard, but also the Marine Reserves and Army Reserves in our state. These are the people who serve in our service and potentially would have given their lives in Operation Desert Storm. Her testimony is **EXHIBIT 1.**

Valerie Wilson, Army National Guard and public employee, Helena, said she is also an attorney for the state. Two things concern her about this bill, the first being the compensation provision. If she is taking leave of absence from her job to serve her two weeks in training, she is receiving a 40% reduction in pay. Add to that the provision in the state contract which would force her to pay her own insurance and pension, it would turn out to be a 50% reduction and she could not take it. She would be forced to resign from the service in the guard. The second provision is the deletion of the language at the end of the current bill which states: "This leave may not be charged against the employee's annual vacation time" and is not sure what the intent would be of the bill, whether that is an option that you are leaving to the employees to determine whether or not they can take annual leave or to her, it could be interpreted as a measure where the state could force the employee to take vacation time for a leave. She felt this would not be right, to force the employees to use their vacation time for military leave.

Florence Michaelson, works for the Building Codes Bureau at the Department of Commerce, and has been in the Guard as a sergeant for 9 years. She testified that if the State takes this away,

she will have to leave the Guard. She said this would be only $400 out of the state budget but it means a lot to her with her two children. She said the state leads private industry in setting an example, and if this is passed, private employees will not let their people go and we will lose people in the guard.

Jim Martin, Helena, has been a USAR member for 30 years. He said he thought the savings the state is looking at for this bill is ludicrous When you talk about Reserve in National Guard personnel, you are talking about some of your most stable and super citizens in the State of Montana. These people not only serve a dual purpose in working for the state, but also serve their country. He said he was one that was sent to Saudi Arabia when we were called and there are other colleagues here today that did the same thing. The benefit of what you are looking at in pure dollars is not there. This is a real down play to all these people who work for the state and have served their country over the years. He said he was close to the end of his service but wanted the young people coming up to have the same opportunity he had in being able to work for the state and also give service to the country.

Kim Drynan, East Helena, works at the Department of Commerce and is a specialist in the Montana Army National Guard. She said today is her last day of employment with the state and had nothing to gain by testifying here but wanted to point out that the State of Montana had much to lose with this bill. Her primary concern is the impact this will cause on the members of the military who are working for the state. Many people earn considerably less money during their military training period than they do in their state jobs, and when people depend on their salary to take care of families they cannot afford the loss in salary to go to work in the military at less pay. She said her question was "why are the budget problems of the State of Montana always coming back on the state employees". She asked the committee to consider two points. Having a strong country means having a strong military. She asked that benefits not be taken away from members of the armed forces. If you think the money paid out to the state employee while they are in training is wasted and doesn't benefit the state, then you are wrong. The hands on experience she has received in training has helped her in her state job in terms of leadership, self confidence and pride in what she does. When she joined the military she made a promise to protect her state and country whenever called upon and in return she was promised benefits. She felt she was keeping her end of the bargain.

Ray Hoffman, representing himself and the 396th Station Hospital which is the Army Reserve Unit in Helena, said that unit is comprised of about 200 medical professionals within the State of Montana and over 70 of those individuals were activated in Desert Storm. He said during his civilian job he was the acting superintendent of the Montana Veterans' Home. While there one of the residents experienced a blockage of breathing while eating as

something lodged in their throat. He was the only one there and performed the Heimlich maneuver to the individual. The training he had received in the Army Reserves had paid for the services given to that individual. He said this is a bad bill and would hope the committee would not pass it.

Steve Garrison, U S Army Reserve, Helena, works for the Dept. of Transportation. Several hundred of the Montana Reservists were mobilized for Desert Storm. Many of them were from the most far forward deployed units prior to the initiating of the ground war. They were within just a few miles of the Iraqi border. He said they are more than half of your military border. This bill will force Army Reservists, Marine Reservists, Navy Reservists and your National Guardsmen to take annual leave from their job in order to take any leave at all with their families, or to take leave without pay. This bill will require people to take their annual leave for their military training and many of your state employees do not have that much annual leave accrued annually. Service is no longer a situation of one week-end a month and two weeks in the summer. You are not talking hours and hours, days and days that you are donating to the state and federal government. This bill creates an absolute cap of 15 days of leave without pay and many military schools exceed 15 days. This bill says that there is, by statute now, a cap of 15 days without pay the guardsmen and reservists will not be able to attend those schools, and many of those schools are absolutely required for any furtherance of military career. He said the simple change from the word "with" to "without" will create some massive problems.

Cliff Youmans said he is an employee of the Dept. of Military Affairs and is a Reservist with the Air Force Academy liaison officer program. He said the Air Force Reserve program that he is a part of is a category H program which means they get what is called active duty days. During Desert Storm, for the entire year, his unit surrendered all active duty days, so he was on active duty without pay. We go to the schools and advise their counselors on Air Force Academy, AEC scholarships (Air Force Education Benefits). We have 40 recipients this year. Right now the average officer puts in between 20 and 25 days a year for which only 4 of those days are compensated for, if we have man days available. This bill eliminates the chance that we could have any pay at all if he is a state employee. Earlier there was a statement made that private industry does not compensate their people when they go on active duty. All of the people he has who are in the private sector are paid when they go on military active duty, and that is also the case in the federal government.

Dan Leiberg, National Guardsman for 22 years and an employee of the State of Montana for just over 15 years, said he was proud of both those facts. He said it seems that lately things are not keeping up, but slipping back a little at a time and it sort of adds to the frustration of leaving his wife and kids. He said his kids are coming up to college age and the money they make

during annual training period he had put into the college fund. If that is gone, we will slip back a lot further.

Harold Johnson said he is employed by the Dept of Labor and Industry and is a member of the National Guard. He said he is opposed to the bill. He has six years active duty and 2 years of National Reserve while attending the U of M. He joined the National Guard to help pay bills while his wife went to school to get her degree. She graduated and took her Nursing Boards and is really pushing to leave Montana and this bill is another reason. This bill and the one to restrict a state employee's work week make it more difficult to convince her we should stay. He said he was in opposition to this bill.

Roger Hagan, Past President Enlisted Association of the National Guard of Montana, pointed out the fiscal note would provide for the deficit bank $183,000 of funds and said that is the best case scenario if every reserve member who was a state employee took leave without pay to go to their annual training. If they took vacation time, there would be not training. If they left the Guard because they could not afford to stay in, there would be no savings. His testimony is attached as **EXHIBIT 2.** He urged the committee, if the bill passed, not to bank on $183,000 toward the deficit because he was sure it was not there.

Randy Mosley, state employee with the Dept. of State Lands and is here on annual leave to testify against HB 30, and is also a member of the Montana Army National Guard. He did not feel HB 30 is in the best interest of the state or the state employees. The state relies heavily on the National Guard to handle state emergencies as well as to be prepared for military national call up. He said he personally, while in the Guards, had helped with the strike of the Institutional workers, gone on Search and Rescue Missions and assisted local government in times of flood. He said he had done this most of the time as a volunteer and on annual leave, a leave without pay status, because he knew that for the annual two week period he had to perform his military training, he had military leave to do that. For the military training the state provided military leave with pay but any thing in addition to that which he might be asked to do to support the public or the state as a volunteer he would take leave without pay. If we remove the paid leave for the military side, that will require individuals who also volunteer to help fight fire or whatever, the requirement they also use annual leave or leave without pay to serve the state and the public doing that type of additional military service. He felt many state employees would be hesitant to volunteer that extra time to serve.

Howard Vandervos works for the Dept. of Military Affairs and has been in the National Guard for 19 years. He pointed out that the people who belong to the National Guard are not high income people. These are lower income people who belong to the Guard. He expressed his hope that the committee would not support this bill. **EXHIBIT 3** was given to the secretary.

Clyde Lindell said he was a Highway Patrol Officer in the State of Montana and a part-time guard member with the Montana Army National Guard for about 4 years. He said he joined the Guard for personal reasons. He enjoyed his service years ago and enjoys it now as a Guard member and also uses the money from the Guard to help finance his children's education. If this bill goes through, he would probably have to quit the Guard, and was in opposition to this bill.

Questions From Committee Members:

REP CODY asked **REP KADAS** what had given him the impression that all private business did not pay for military leave. **REP KADAS** said he would not tell them the name of the person, but it was someone high up in the current administration.

REP KIMBERLEY asked what affect this might have on Guard membership? He asked if they thought this might lead to mass resignations from the Guard. One of the opponents to the bill said it is hard to project what this would do. Desert Storm Desert Shield brought a lot of private businesses out to increase their benefits. We feel with the impending proposed cuts on the Montana Army National Guard of approximately 83%, that we can possibly send a signal that the state does not support membership in the National Guard Reservists. They have no way of projecting the losses. They have 400 in the Army and Air Guard who are State, County, and City employees and school teachers and we have no idea what it might do. He assumed those in the lower paid jobs would be forced to quit the Guard.

REP KADAS asked **Clif Youmans** is he had said everyone in his unit who worked for the private sector was covered. **Mr. Youmans** said he was a private consultant before he came to work for the Dept. of Military Affairs. He mentioned Montana Power, Federal employees, and his experience in other states, these are benefits that private companies extend to their people. He said in working for the Guard he makes considerably less than he would in the private sector but enjoyed working there and his job is very rewarding. As a reservist, if he only had four days active duty pay, and as a commander he has a lot more responsibilities, it would be a lot more attractive for him to work for the federal government or the private sector. His point is that if we want to talk about what the state should stand for, competitive with the federal government and with other private businesses, let's get our salaries competitive first and then look at their packages and then let's make some statements. Until that is done, he did not feel it was appropriate to start saying why does state and private industry doesn't extend this.

REP KADAS said, of the people who work with you for private sector employees, they all receive compensation from their employees? **Mr. Youmans** said yes, they do. **REP KADAS** asked if it was generally at the same level they receive when actually working for their employers, no cut in pay because they are not

there or equivalent pay etc. He answered up to a time, but each company is different and he could not answer beyond that.

REP COBB asked if there wasn't a Public Service Commissioner that was receiving state money and also taking Reserve money while serving in the Reserves and **REP KADAS** said that was a related kind of situation, but not the same as those here.

REP CONNELLY said she planned to propose an amendment which would say something to the effect that we would make up the difference between the state salary and the Guard salary and continue with their benefits. She asked **Mr. Schneider** if that wouldn't make some difference since they wouldn't have to take it without pay, but they would not be losing money. **Mr. Schneider** said that was better than the bill is now, but as far as they are concerned, you still couldn't do that until the end of the current contracts and until it was renegotiated into the current contracts. We have provisions that provide for 15 days of paid leave and you can't impair those contracts while they are in force.

REP KADAS closed by saying he appreciates the work the folks in the Guard do and also appreciate the quality of the testimony today. The bill comes out of the difficulty the state faces and we have an extremely difficult crisis. He said he had a suspicion this is not one of the bills that will pass. He said he didn't know what the savings would be and probably did not know any more after the testimony because the fiscal note is probably flawed.

HEARING ON HOUSE BILL 20

MEPA TO REQUIRE FULL ASSESSED COSTS OF ENVIRONMENTAL REVIEW

Presentation and Opening Statement by Sponsor:

REP RANEY said he was here today to try to save a part of the government. The part of the government he was trying to save was that part of the government that requires compliance answers to the Montana Environment Policy Act. He is proposing all actions under MEPA will be paid for by the applicants, the people who are in need of the services of state government under this act. Presently the state pays for a significant share of the actions under MEPA. He said he did not yet have a fiscal note. He said that in one department the savings is $400,000 on environmental assessments alone. He felt when the fiscal note came in, we would find this is a huge number represented in this bill. He said what this means is that the people who want the services are going to be paying for it through a fee increase, taxes or whatever, but he called it a fee for services. He said there will be a proposed amendment for the bill which will clarify the present action by the department. The department just charged Lewis and Clark County for the cost of an EIS for a landfill. It is not totally clear in the law whether the department can do this or not, and there will probably be a challenge as to whether

state government can charge local governments for doing these services. He did not feel a local government should build a landfill, direct the cost to those who use it and have the state government pay those costs up front. He thought all local governments should be precluded in the full cost of being in compliance with MEPA. He passed out the amendment - **EXHIBIT 4.**

Proponents' Testimony:

CHAIR BARDANOUVE asked if this would change statutory law and was told yes, it would. **REP RANEY** said the amendments affect the exact same sections of the law that the bill does. He is saying that the taxpayers should not be supporting actions under MEPA and that those who want the services of the state under MEPA, those which come to us which would basically do something to our environment, should pay for those costs.

Jim Jensen, Director, MEIC (Montana Environmental Information Center) said they support the bill for two reasons. The agencies currently do the environmental review, often in the areas where MEIC is involved, the Health Department, and the Dept. of State Lands primarily, has a tendency toward "don't do this". For those agencies to make their decision whether or not to do an EIS for which the applicant does pay most of the costs, or where the EA is not paid by the applicant, to do an EIS for financial reasons they are simply not going to be able to have the ability to do EAs. The new rule adopted by the Executive in 1988, EA's were changed or a different kind was added called the Mitigated Environmental Assessments which turns out to be almost like an EIS, some of them are very large. A Mitigated Environmental Assessment is paid for by the general fund and the applicant would pay for an EIS. The state is no longer going to be able to afford that kind of subsidization. Those agencies are going to say, if we have a statutory duty to do this assessment, we have to have the money to do it and the Legislature has not given us the ability to get fees to do that. If there is any close question at all, they will do the EIS as far as the applicant, and that may not be good government at times. There are times when an EIS is appropriate, there are times when it is not, and we ought to make sure this system is not skewed either direction. Agencies should not take the financial situation as the basis for their decision. The decision should be made on the basis of the law. He said in the case of the Lewis and Clark dump which will have fee charges, it will be paid for by everyone in the state. The EIS is absolutely needed. They have a bad location which came about as a result of some bad decisions made by the county. It is a good policy for the county to pay for the cost of that assessment because the end result is that the individual user will pay the full cost and we ought to make sure that we are paying the full cost, not subsidizing it. Lewis & Clark may complain about this, but they do have the ability to recover all their costs, and should pass those true costs through to the users of their landfill.

Steve Pilcher, Montana Department of Health and Environmental Sciences, said he supports this legislation. He told of a couple of problems that we as bureaucrats are facing trying to implement the provisions of the MPEA that is addressed by this proposed legislation. He referred to the Church Universal and Triumphant that has used a considerable amount of their time. In 1989, they concluded an environmental review including an EIS for that organization and their activities. Then they had a change in plans and surprised a lot of them, they then went back to do what is called a supplemental environmental review, or a supplement to the EIS to ensure that they were properly addressing the problem. When they informed the church of their plans and the cost estimate for conducting this environmental review, they were very quick to point out for us the very narrow limits of the fees for which we could charge. Under the current rule we can only charge them for aid and information gathering and assessment, and there is a lot more that goes into an EIS than that, which means the state of Montana must pick up that slack. He gave the other example as that of Lewis & Clark County and the environmental evaluation of their proposed site for a sanitary landfill. By applying the formula held for current MEPA rules, the county concluded the maximum amount they should pay for this EIS was approximately $20,000. The estimate is approximately $125,000. They were successful in negotiations so L & C County agreed to increase their participation to approximately $60,000 plus and the state of Montana then agreed to pay the remaining portion.

Opponents' Testimony:

John Fitzpatrick, Pegasus Gold Corporation, said this is an open ended bill and a broad authority where they can assess you for anything under the sun. He felt the Legislature should be prudent about what was passed by the state. He said he felt this was a philosophical situation that was being addressed today by this type of legislation. He felt because of the public component in here, the cost associated with this legislation has to be balanced and the public should be responsible for picking up at least a part of that cost.

Ken Dunham, Montana Contractors Association and Montana Concrete for New Services, said they represent about 65 to 70 construction firms in the state and about 50 small ready mix sand and gravel operations on the concrete side. They are concerned about the open ended side of this legislation - open ended authority, open ended costs. On the one hand you have the big operations such as the Church Universal Triumphant and on the other hand you have a lot of small firms in Montana, sand and gravel operations, ready mix firms and small construction companies that are also impacted by this bill as well. They urged a no pass on this bill.

Gary Langley, Executive Director, Montana Mining Association, said the reason we are all here for a special session is about efficiency in spending in government and adding to our tax base so we can provide the services that people need. He felt this

bill was counter to both. In acquiring an application for permit, you simply have to write a blank check and it will discourage production and make additional tax payments by adding to the cost and instability of the permitting process. They are willing to pay their fair cost but they have to have some control of those costs. Similarly they are willing to pay their taxes but we can pay taxes only if they are allowed to produce. The more cost you place on the permitting process, the more instability you place on the permitting process is going to impede companies from paying their taxes and impede the people who work for those companies from paying their taxes. He felt this bill was regulatory legislation and did not feel it was introduced out of concern for the budget.

Blake Wordal, Chairman, Lewis and Clark County Commission, said the situation in L & C County is to find a new landfill site. DHES after conducting an EA, decided for the first time ever that an EIS was required to determine the suitability of our site. The County then went to the law to find out how much it would cost us and since landfills do not cost a lot to construct or operate, the cost under the law is about $20,000. They knew an EIS would cost $120,000 to $140,000 depending on their estimate, so they sat down with DHES and negotiated an agreement in good faith to split that cost. He did not believe this legislation would affect that contract since it is signed, but wanted to talk today about landfills. Everybody is facing the same problem. The federal rules and regulations are forcing every community to look at their landfill and decide whether to close it or continue it and operate it under those subtitles. Either way the cost is going to be very expensive and it does not matter where your landfill is located. To operate under the new rules and regulations or to close it, will cost your local government a great deal of money. Every landfill application must go through the environmental assessment process, and may eventually end up with an EIS. Last session the county commissioners were here supporting new licensing and fees on our landfills to pay for the enforcement of that regulation. We came before you and said yes, we feel we should pay our fair share, and we have an enormous increase in running our landfills because of the fees and licenses and that should take care of those environmental assessments. We should not have to pay that again. This legislation is unfair and it will affect every part of this state.

Sandra Oitzinger, Montana Association of Counties, said the Association vigorously opposes this bill and opposes the amendment also. In addition, Mr. Brown, acting executive secretary of the Montana Solid Waste Management Association, asked her to convey his opposition to any fee requirement made by the public agency.

Don Allen, Montana Wood Products Association, said he had many of the same concerns expressed by previous opponents to the bill. Applicants would have to pay for any of these assessments with no

guarantee that the action they are paying the dollars for would actually be approved. Because of the necessary cost, there are those out there with lawsuits or actions filed in the last few months which prove the point that they will force the agency to prove what they determine the needs to be in order to gain what they can on any environmental assessment. He urged the committee to give this bill a do not pass.

Mike Pichette, Montana Power Company, spoke in opposition to the bill and said they had more questions about the bill than actual opposition to the bill. He said they had one concern and that is that the Legislature not entirely loosen it's grip on the Association process. The open endedness was of concern and thought in the statement of intent that recovery costs should be related to the gathering and analyzing of data and information necessary to compile an ER document, the writing and review only. He said it would be necessary to define the other "form" of environmental review in section 1. He said there should be some kind of cap on the fee schedule so there was a maximum on it. He suggested taking some of the language from HB 35, also sponsored by **REP RANEY.**

John Younger, Montana Farm Bureau, said he was in opposition to this bill. He said many times farmers and ranchers who have to have an EIS on the things they do on state lands, it amounts to a capital improvement on those lands. They may be developing a spring, developing a water line, providing storage for water for stock tanks, etc. Now you are going to charge them for the right to make improvements on state land.

Questions From Committee Members:

REP THOFT used the Lee Trust Fund as an example, and said there has to be an EA or an EIS on every project. Farmers and ranchers and the urban people that request these grants have to furnish a great deal of information. They pay into that fund with a herbicide tax and the vehicle fee and now you expect them to come in and pay for the EA and the EIS on top of that.

REP RANEY said if that is the way it works, he would expect it, yes.

CHAIR BARDANOUVE said local government is always complaining about the Legislature always putting the cost on them, but this is a reverse where local governments are putting the cost on the state.

REP KIMBERLEY asked **REP RANEY** to comment on the remarks about the bill being too open-ended. **REP RANEY** asked **Mr. Pilcher** to give his comments on this. **Mr. Pilcher** said he was not sure he was the best person to answer because he was not involved in drafting the legislation. He agreed the bill seemed to be somewhat vague and felt there were ways that some limits could be included in the bill that would address some of the concerns that have been

mentioned. He suggested possibly a dollar amount, similar to what is in the bill now, that says if an EA is not expected or estimated to cost more than a given amount, that would be absorbed by the agency. If it exceeds that amount and will place a burden on the agency, then the conditions in this bill would apply. He thought there were some options to deal with the open endedness issue that has been raised, but will take some time to work out the details.

REP GRADY told **Mr. Wordal** that L & C County seemed to be lime lighted in this issue and would like to ask a few questions in regard to the landfill. He asked if the cost was set and how much trouble they had in getting the cost out of the state. He said from reading the papers it had seemed to him that the cost was all over the ball park. **Mr. Wordal** said they were informed by the Dept. they had to do an EIS and the cost ranged from $80,000 to $140,000 in estimates. They have been working on this for seven years, have done a lot of tests, drilling etc. that were required by an EIS. They finally came to a point where they got an estimate from the consultants of about $128,000. The County agreed to split the cost and if any other tests were required that would increase the cost. They will negotiate how that will be paid. He said it had changed a lot depending on how much work was done prior to putting the application in. He said on this they had been at it for about 12 years.

REP GRADY said the sponsor indicated that it was very easy for you to pass these costs along. **Mr. Wordal** said technically the fees charged by a refuse or sanitation district are not under I-105, so they can't increase. When you have a base as big as Helena or greater valley, then the cost per person may not seem like that big of an increase, but when you go to Lincoln or Augusta where their per person rate is $24 per household or $36 in the other, and go through this process you will be tripling or quadrupling the fees. Technically, yes, but he would ask they sit through a meeting in Augusta or Lincoln before you did it.

REP QUILICI, addressing **Mr. Pilcher,** said there has been a lot of discussion on open ending and saw a couple things in the statement of intent where it says "under the provisions of section "---" an agency is required to assess an applicant for the full cost, both direct and indirect" and asked how they decided on this language. **Mr. Pilcher** said he was not involved in the drafting and was only guessing what was intended in the statement of intent. He explained how they approached the situation. Under the current statute they are required to make an estimate of the cost of preparing the EIS or environmental review document, under current authority. They do the best they can to identify the cost of gathering the data, data assessment and evaluation, public participation, things like printing costs, mailing costs, etc. All they try to do is to identify the cost of getting the job done and prepare a document that is legally defensible and evaluates the impact within a project. If that estimate of cost exceeds $2500, we are then required to notify

the applicant of the cost estimate and make arrangements for them to pay for the services.

REP QUILICI noted the amendments and said in section one it says "or any other form of environmental review required under parts 1 through 3 of this chapter". This is in the bill in four places and yet you have stricken language in line 22 and 23, page 2 where "shall" is stricken and "must" inserted and then the language saying "to gather data and information necessary to compile" is stricken and the words "conduct those activities necessary to complete" are inserted. This refers to an EIS and it may not be an EIS, but an EA. **Mr. Pilcher** said he thought that interpretation was correct. He said it was his understanding that the bill intends to extend the funding mechanism to EA's and mitigated EA's to other forms of environmental reviews that are provided under the Environmental Departmental Policy Act with no provisions for funding. Currently, under MEPA the only environmental review that requires a fee to be paid by the applicant, is a full EIS. He said it is his understanding this bill would extend similar authority to other types of environmental review.

CHAIR BARDANOUVE asked how much assessment they now make on an EIS, if for example, **Mr. Fitzpatrick's** company has a major environmental report, how much are you going to assess them? **Mr. Pilcher** said that is determined on a site specific case by case basis. Every project of a different nature at a different location is going to have different sets of risks to the environment. The way they respond under MEPA is that once we get a submittal, once they know the details, then and only then can they set down a reasonable estimate of assessing the impacts of that proposed project.

CHAIR BARDANOUVE asked how they prorate the costs and **Mr. Pilcher** said under the current statutes, if the estimate of the costs exceeds $2,500 the cost is borne by the applicant. **CHAIR BARDANOUVE** said this bill would not necessarily be a big increase in costs, except for paying the first $2,500. **Mr. Pilcher** said that was correct, with the exceptions noted in earlier in his testimony in regard to the Church Universal and Triumphant who has challenged the state's authority and ability to recover all the costs associated with the environmental review. They have said the cost recovery is limited to data and information gathering and some of the other associated costs would not be covered. He said in most of the mining industry, they have voluntarily come forward and agreed to pay the cost of the EA because they want to get it done and get on with mining.

CHAIR BARDANOUVE said this bill is not as broad as he had thought since most of this was already paid for. **Mr. Pilcher** said that assessment is correct as it relates to those projects of sufficient magnitude to require a full EIS. Probably the questionable area is the extension of fee recovery to the other levels of environmental reviews such as EA and Mitigated EA.

REP SWYSGOOD said he understood **Mr. Pilcher** stood up as a proponent of this bill and twice said he did not understand when asked about the open-ended part of this bill that you had no part in drafting it. **Mr. Pilcher** said that is correct, this is not an agency bill. **REP SWYSGOOD** said in your position as a proponent of this bill, what do you have to gain out of this. You are a public agency here to serve the people, and you are here in support of a bill that has nothing to do with the budget. **Mr. Pilcher** said he fully understands this is a broad bill and in his testimony specifically mentioned that the bill does, among other things, address a problem they think is significant to the DHES in carrying out their responsibilities and meeting that in a financial standpoint. He said the issue of whether or not it is appropriate, given the focus of this special session being budgetary issues, was out of his league.

CHAIR BARDANOUVE said over all in the department, what is the approximate cost to the general fund, or the government, over and above what you receive? **Mr. Pilcher** said he did not have the figures with him, but the fiscal note previously mentioned does contain that information. He said his agency has provided those estimates as a part of the fiscal note.

REP RANEY closed by saying this does have something to do with the budget. We are talking $400,000 on EA'S in FW&P alone in one year, and felt there was considerable money involved here in regard to balancing the budget. He said they are also talking public policy set up in MEPA. Any survey you have taken of the citizens of Montana recently, they are concerned about the environment. He felt that those who wish to do things to our environment would pay the cost. In regard to **Mr. Langley**'s testimony, this bill was not set up to impede mining. Mining is only a small part of it. It was his concern for the budget, and said every bill he had dropped in this session would help the citizens of Montana to reduce their tax load. **Mr. Wordal** was wrong when he said it was a double hit for an EIS on landfills. They only get hit with it once, and they should be the ones who pay it. The open ended part of this, if you think this is not written tight enough, he would suggest the committee take the suggestion of **Mike Pichette** with Montana Power and go to another bill he had introduced. He read the portion he thought the committee might like to adopt into this bill. (HB 35) He said currently the taxpayers are supporting those who wish to pollute the environment by paying for EA's and portions of EIS's and part of the money on a mitigated EA. He said at present people who have political input may talk the department into doing an EIS which they would have to pay for, but encourage more spending by doing a mitigated EA. This way they can avoid paying for an EIS and let the taxpayers foot the bill. He said the fiscal note would show there is a significant amount of responsibility off the Montana taxpayers and putting it into the hands of those who wish to pollute the environment.

HEARING ON HOUSE BILL 31

ATTORNEY GENERAL REVIEW OF AGENCY CONTRACTS FOR PRIVATE SECTOR LEGAL SERVICES

Presentation and Opening Statement by Sponsor:

REP RANEY said the intention of the bill, which do not work as written, is to insure there is no patronage either by people inside government who arrange to hire people outside government to do work. This would only address legal services. It could come from the top down to people in the bureaus who arrange for the hiring of certain people to do work. He said in some cases they don't hire qualified people to do the job and gave information on the firing of a law firm on the Livingston Super Fund Cleanup. He said they hired a Missoula firm who had never worked on an environmental job. We are putting out large amounts of money to hire contracted legal services, and in many cases there is no review of the work. It is cheaper for us to have someone in-house do the work, but when we need experts, they would be reviewed by the AG office. At present we have a law that requires agencies to go to the AG for legal services if he has the staff and time to do the job. This bill would have these contracted legal services reviewed by the AG to see if an in-house person could do the work. He did not know how much money they would save, and understood that the bill as written could interfere with the policy they already have.

Opponents' Testimony:

Brett Dahl, Administrator, Risk Management and Tort Defense Division, DOA, said they are charged with administrating all the insurance programs on the campus of the State of Montana and also provide legal action for tort action for state agencies. They oppose HB 31. They feel it is vital that they select the best people to provide those kinds of services for the state. He felt that the agency who administers the program should also be responsible for selecting the contract to provide those services. He told how the process works now with the Legal Services Review Board, which is a three member committee. The Attorney General or their designate, the Governor's legal counsel and the budget director review all contracts for legal services. He pointed out that many of the court actions brought against the state are very important and they have had a great deal of success with many of them. He mentioned two cases and discussed them briefly.

Bob Marks, Director, DOA, spoke in opposition to HB 31 by saying the point that **REP RANEY** is trying to bring out is that there needs to be some review in the progress. He felt the review process they have now has served fairly well without a cumbersome review process. He said there seems to be some unrest with the defense resting in the DOA and they would be happy to work with the Legislature to see if there is a need for change. Some states do center their services in the AG's office.

Questions From Committee Members:

REP MENAHAN mentioned the Ihler case and said basically he thought we won the case, but there was concern as to why we gave the ACLU $300,000. **Mr. Dahl** said there were a number of things the ACLU was involved in trying to accomplish involving the constitutional rights of individuals as patients of Warm Springs. There was a laundry list of things they were looking at trying to force the state to do. They won on a few points, but felt the state had won on most points and thought the Dept. felt pretty good about the way the case was defended and the decisions made relative to their follow up.

REP MENAHAN said it was a victory, and some of the things that were brought up were things that could have been done here at the Legislature and with the Dept. of Revenue lawsuit. He said rather than running from the threat of a lawsuit from ACLU he felt it was time to call their bluff.

REP GRINDE said it seemed to him this bill was written where it affects some more than others. He asked if they would be amiable to the committee looking at certain areas and leaving certain areas out. **Mr. Dahl** said that was fine, but their concern with the bill as it stands now is that it is too broad, will create additional hurdles and throws a wrench into the whole process of how we obtain additional counsel.

REP GRINDE said he was recently appointed to the audit committee and asked if the Dept. had checked on audits and would this be available to those audits? **REP RANEY** said before the special session started he had gone to the Legislative Auditor and had them run off the departments he was interested in. He reported on the process of going through the reports and finding the contracted services in DNRC, DHES, DSL and FW&P. There are contracted services of millions of dollars out there. He said it appeared these just pass through with the groups signatures on it and was not too concerned with the few thousand dollars, but when it became tens of thousands and millions, he felt it was a big concern and that somebody outside of that particular group is reviewing policy on this.

REP GRINDE said there didn't seem to be a fiscal note with this and wondered if there would be an impact in the AG office if they were to do this rule making authority. **Ms. Browning, Deputy Attorney General**, said they complied a fiscal note yesterday and copies have probably not been received yet. Their understanding of the bill as written, would not really change the figure that is in place currently. She told about the review board with the three member panel where considerations such as expertise and geographical area were studied and felt this bill would not change that situation.

REP RANEY said that was his assumption and that was why it was written the way he did. He felt this bill could make less impact

on the AG's office. There had to be some, somebody has to take time to look at these things, and maybe there should be a dollar amount set. He gave the example of a contract for over $10,000 or $20,000 it would have to go there for further review.

REP GRINDE asked if **REP RANEY** was saying there might be some savings or hiring the best person for the right amount of money, but with no fiscal note attached, and other than that he was not sure how this comes within the call. He asked for comment and **REP RANEY** said it is within the call according to the Joint Rules Committee.

REP CODY said in the title, in regard to the AG to review proposed executive branch agency legal services contracts, asked if there is any infringement of executive powers in this bill. **REP RANEY** said he did not think there is because this course of action is already established and there already is a review process in place at the AG's office. Originally, when it was passed, he understood that when they put the agency in the AG office with a staff to review contracts, they were doing just that. Somewhere along the line that changed and they started issuing contracts that didn't go over there for review. He did not know how or why that happened, but was trying to readdress that practice.

HEARING ON HOUSE BILL 32

TEMPORARILY PROHIBIT UNSOLICITED DISTRIBUTION OF STATE AGENCY NEWSLETTERS

Presentation and Opening Statement by Sponsor:

REP CODY showed the members a large stack of papers, pamphlets, etc. and said this was a small portion of what legislative members receive in the form of publications, newsletters, etc. She said she would challenge anyone who said they had read all of them. She said there are some publications that are subscribed by those who want or need the information. If they are paid for and read from the bills in regard to the terms of the bill and said if the information was subscribed to or solicited there will be no effect on it. She passed out **EXHIBIT 5** which was a response to her request for information on newsletters published and distributed with public funds. She said this would give them an idea of the type of publication and the only thing they could not find out is whether they were paid for by general fund or not. She said the survey identified 58 newsletters at an annual budget of $250,000. Some are fully federal funded, some fully state funded and the survey did not require agencies to specify the funding sources.

Proponents' Testimony:

REP GRINDE said this is the type of thing we are going to have to start dealing with in legislation. Some of these are nice to

have, but he has a closet full of these he thought he would read, stacked them, and never get to them. He felt this was a good way to address some of the problems we have in this session.

Opponents' Testimony:

Jack Copps, Deputy Superintendent, OPI, handed out **EXHIBIT 6** and said he would like to point out what this would mean to the OPI. He said this copy - **EXHIBIT 6,** and **7** - costs 3.4 cents to mail out and if they send the information piece mail it would cost 17 cents and 29 cents for 2nd and 1st class mail. He said the cost of sending out this news letter was $400 and if the information were sent first class it would be over $3,000. He said they cannot get away from sending out the information. The law states the Superintendent has an obligation to inform school districts and notify school districts in matters related to certification, accreditation, and traffic education, sex education, etc. They chose the newsletter as their vehicle to satisfy those duties the Superintendent has and it is not just this Superintendent. The newsletter has been in existence for 35 years. They have chosen this source of information because they have been told that people would like to receive this information in a stable piece of mail that comes to them, because of cost and said this newsletter contains information that must be sent to schools. He pointed out there is also information in this newsletter on Title 9 for school districts which tells them in effect, what the Supreme Court has decided that school districts must do. With regard to solicitation, in the spring of 1990, the Superintendent did a survey to determine whether or not the newsletter was serving the purpose for which we felt it was intended. They have the results of the survey and it was overwhelming that this was their choice of vehicle. He said they would hope that the office would be allowed to continue to use this newsletter as their vehicle to send out not only essential information to school districts, but also other information they feel would be helpful.

LeRoy Schramm, Board of Regents, said he felt the bill sweeps more broadly than it should. The idea, especially on a temporary basis, is one that has some appeal. Newsletter, in the bill, is not defined and he would suspect most of these things would not be called newsletters, especially something bound with about 50 pages. He said they were excluded from the survey done by **Mr. Schenck**, and suspect that had they been included they would have shown up as a fairly large contributor. Their Ag Extension, Ag Research, and Forestry offices all have newsletters. The Business Research Bureau at U of M sends out a newsletter. Typically, they ask every couple of years if you want to stay on the mailing list that was built up. If you don't, you have to respond or visa versa, and the mailing list is kept current that way. He said their problem is much the same as **Mr. Copp's**. Their admissions office has to get information out to schools about college prep requirements, for example. If done in a memorandum with first class mail, it is not a newsletter, it is an announcement or communication. If you put five or six items

of information in it and staple them together and send them out by bulk mail it is a newsletter. He felt this bill had the potential to work at cross purposes and felt the trick here was to somehow get at the junk mail without cutting off the good "stuff".

Questions From Committee Members:

REP SWYSGOOD asked **Mr. Copps**, if the information printed in the newsletter relates to Title 9, the calendar of events, special things people need to attend or workshops, etc. Is this the only notice that is given to these people? **Mr. Copps** said he suspected you could find cases where there is a duplication of notification, but on the most part it is their attempt to view this as the vehicle for information and try to cover all bases with it.

REP SWYSGOOD asked **REP CODY**, since the bill is rather broad, he wondered how those of us that have interim committees that are required to report to the Legislature are affected since they are not particularly solicited, but are required by that particular committee. **REP CODY** said she assumed they would have to draft something and would assume it was affected since it is paid for by state funds. **Mrs. Cohea** said the legislature passed a bill in January that provided a method for legislative reports to be distributed. Actually it is for any agency or legislative body that is required by law to provide a report to the legislature and they have to give a synopsis to the Legislative Council. Legislative Council puts them all together and does a mailing before the legislature and you will mark which reports you want and then only that number will be printed. This is not for newsletters, it is for actual reports, to get that system to be a little more rational and not waste so much paper. She said she did not believe this bill would affect that practice.

REP CODY said when the auditors come out with a report on a particular agency, we received a letter from **Scott Seacat** with a listing of the reports and you can check off which ones you want. She said she also receives a letter from the Legislative Finance Committee and if she wants that information, she checks it off and sends it in.

REP THOFT said he agreed with the bill, but like other things heard today it is a great idea but wondered if they would work. When it says unsolicited copies of periodically published newsletters or reports, etc., how is an agency going to know how many to print and what is the cost of a reprint if the demand is there? **REP CODY** said this is not a permanent situation. She could change the date to Dec. 31, 1992 and everything could start in January when the new Legislature comes in. She felt what he was referring to was what she would call solicited.

REP THOFT said if there is a report published and he along with a lot of other people, decided he needed it, and since when they

publish it they have to set a number to print and it is an unknown, what do they do if it is over solicited? **REP CODY** said we could change the bill to say that materials that are solicited but are not paid for by state funds. In other words if you solicit a piece of information and are paying for it, there would be no problem. **REP THOFT** mentioned the audit report. **Mrs. Cohea** said they try to judge what they think will be a "hot seller" and what is not. She gave an example of the budget report and said they do not print a lot of extra ones. Anything that is not used in the regular mailing they keep on file because it is surprising how many times people walk into the office and asked for a report, and gave the example of the Fish and Game report done two years ago they have had to reprint several times. They do try to judge as closely as possible and she believed the legislative Auditor's office does the same. They keep all audits they have ever done. He has extra, but only 10 or 15 extra at a time, so it is simply a question of judging.

REP PECK said he had a rhetorical comment to **Mr. Schramm**. He said he was amazed that he did not argue constitutional authority that was being interfered with. He thought this would clearly be a question of a constitutional authority to manage your own affairs. He said he would support everything this bill is trying to get at, but could not consider the stack **REP CODY** laid on the table as periodic published newsletters or similar publications. You have reports there that he would want to see especially before and at the front end of the session. He would not want to request them but would want to come in with that information.

REP CODY said she is a reader, but the amount of information she receives would take 24 hours a day six days a week. There is a limit to what you can read and the majority of the people she knows would not have the time.

REP PECK said he agrees, but it does need to be refined and there is not time to do that in a special session. He asked her what she would exclude. **REP CODY** said she had no idea what would be excluded.

REP QUILICI said he would gladly go along with this since it is an intent to save money, but how do we back out or even appropriate the operating cost of printing and publication unless they come in with a specific budget on it. If they don't know what that specific budget is since they don't know what will be solicited and what will not, how do we do this? **REP CODY** said she believed the agencies could tell which publications are solicited and which are not.

REP QUILICI said there is no doubt everyone in this assembly gets so much material that a large majority ends up in file 13. One of the things is that he enjoys the reports coming form the LFA office and wants to study them before he comes up to this assembly and wants to have a chance to ask questions on them. He would probably know that he should solicit this, but there would

be some other information we might not know whether to solicit or not. **REP CODY** said if this were a permanent solution to the problem, she would answer the question that it is not written exactly as we would like it to be, and you have to concentrate on the word "temporary" here.

REP GRADY said in reading through the purpose and benefits, and one of the benefits is Federal State Surplus Property newsletter and it says 75% of the sales is a result of the newsletter and was wondering what it would do to the sale of this type of property, and would imagine the gross of these sales would be over $100,000. **REP CODY** said she would say the $20,000 would be paid for by the taxpayers, that between now and next December they could pay for it.

REP GRADY said you have to advertise to sell to the private sector. He thought this bill was so broad that he felt it was including a lot of areas that we should be doing in this state. These may be the type of things we should be doing since there are far more things listed here that are educational than just paper nobody reads.

REP CONNELLY commented on **REP QUILICI**'s statement on throwing a lot of the reports away. She said she did not throw away any of hers. She kept them all and about twice a year she takes them over to the library, they sort through them, keep the ones they want, give some to the schools and distribute them all out. They are not wasted or thrown away.

Closing by Sponsor:

REP CODY closed by saying she could not see where this was going to shut down government. If you want to change the date or something else that was fine, but when she votes to take $2 million from the University System, $1.5 million away from the medically needy, etc. she felt this was a very small thing to vote on.

HEARING ON HOUSE BILL 25

TEMPORARILY PROHIBIT STATE EMPLOYEE TRAVEL THAT'S NOT ABSOLUTELY NECESSARY

Presentation and Opening Statement by Sponsor:

REP CODY said House Bill 25 would temporarily prohibit travel by state officers and employees that is not essential to the operation of the agency. She mentioned several essential travels such as prisoners' being transported, developmentally disabled traveling to a hospital, the Highway Dept., court cases heard in other states. This is an attempt to tell the agency we are in tight fiscal times and the amount of money that is spent can hopefully be cut back. She remarked on the Dept. of Revenue. Since they bring money into the general fund, it, therefore makes

them look better. It was pointed out to her to question if there was a need to send two auditors to New Orleans during Mardi Gras when hotel rooms are at a premium high rate. Also, she questioned whether it would be necessary to send a group of auditors periodically to Texas and Chicago to audit and then they come back raving about the fun they had. She felt if you had fun on a trip you better take that trip yourself. She pointed out the expenditure had to be essential to the operation of the agency, when possible substitute transportation with telecommunication conferences and the approving authorities authorizing travel is defined in the law. She said she drafted an amendment and it addresses those agencies which have elected officials because it does affect agencies where people have voted those people in such as the State Auditor, Attorney General, etc. Her amendments are attached as **EXHIBIT 8.**

Opponents' Testimony:

Laurie Ekanger, Administrator, Personnel Division, Dept. of Administration, said she wanted to make it clear to the committee that she was not in support of non-essential travel and the Dept. agrees there is not any money that doesn't have to be spent. The general fund agencies have taken across the board cuts for nearly a decade and the agencies should understand the need to spend no money that is not essential. Their objection to the bill is that the authority to decide what is essential travel is the same after the bill passes as it is before the bill passes. The same person who makes that decision does not change. The only thing that changes with this bill is the net effect of an additional report, and it is only for the agencies spending general fund. She said there is already a lot of oversight. The whole appropriation process, both Legislature and the Budget office looks at travel costs as a line item in the appropriation process. Every agency is audited by the Legislative Auditor's staff for every year of operation. There is already a lot of oversight and asked that the committee not add another reporting form to the agency.

LeRoy Schramm, University System, said they have a lot of travel that would continue under this bill. Faculty members traveling for teaching classes any time they are off the campus. Faculty members who are supervising field trips such as an archeology or geology class goes out to Egg Mountain at Choteau. Their Agricultural County Extension Agents are in travel status all the time. The approving authority is, by statute under this bill, the Board of Regents. The approval for that kind of travel that continues will have to be after the fact and he would suspect that between now and the end of the year we are going to have thousands of trips that are made that would fit under that definition of essential. You will get a report in January that will be 300 or 400 pages long. We keep hearing about inefficiency in government, too many levels of administration, and yet here you are trying to say there will be another level of reports. Presidents have all told the Regents about two weeks

ago that travel was one of the things they would cut, and how many times do you have to say the same thing? This bill makes you say the same thing, then keep a log of it, compile it into a report and it is just more work that would accomplish no more than it is to be accomplished direct.

Questions From Committee Members:

REP. THOFT said he thought **REP CODY** had brought two bills where one offsets the other. All the paper saved in the other bill will get used up in this one. He asked **REP CODY** if she really thought there is a single trip made in this state that couldn't be justified on paper? Even if frivolous, who will judge the report? He pointed out if he were to see the reports there would be no way he would be able to judge whether the trip was essential or not.

REP GRINDE asked if along with this she had looked at the car pool for state employees. **REP CODY** said it covered a whole spectrum.

Closing by Sponsor:

REP CODY said it is easy to say it is a laudable idea, wonderful idea, but it's time has not yet come. She wondered why every time they thought something was a possibility, there was always those who said "we can't do it" and that is why the state is in the mess we are in.

EXECUTIVE ACTION ON HOUSE BILL 3

RAISE CONSERVATION SPEED LIMIT FINE FROM $5 TO $20

Motion: **REP COBB** moved HB 3 be tabled.

Substitute Motion: **REP PECK** moved House Bill 3 do pass.

Motion to Amend: **REP MENAHAN** moved House Bill 3 be amended to set the speeding fine at $10.00.

Discussion: **CHAIR BARDANOUVE** said when we passed this bill, $5 was worth a lot more than it is now. We are losing money on the $5 fines.

REP GRINDE asked **REP MENAHAN** why he thinks that is enough to cover the cost and **REP MENAHAN** said he liked the $5. **REP GRINDE** said he would oppose this amendment. He would like to see this at $100 and perhaps it would deter some of these people from excessive speeding.

Motion to Amend/Vote: Motion passed 10 yes, 6 no. Roll call vote # 1.

Motion: **REP KADAS** moved House Bill 3, as amended, do pass.

Vote: Motion passed 13 yes, 3 no. Roll call vote # 2.

EXECUTIVE ACTION ON HOUSE BILL 5

ELIMINATE POSITIONS OF DEPUTY DIRECTOR AND DIVISION ASSISTANT ADMINISTRATION

REP CODY gave the report of the subcommittee as recommending a postponement of consideration of House Bill 5 until there is more work done on it at which time **REP RANEY** may have some proposals since he did not have the information he needed to proceed with it. **REP PECK** said he had an idea now that might be fruitful but at this point in time he could not bring anything together.

Motion: **REP PECK** moved House Bill 5 be tabled.

Vote: Motion passed 16 voting yes and Rep Bradley voting no.

EXECUTIVE ACTION ON HOUSE BILL 6

TRANSFER LONG RANGE BUILDING FUNDS TO GENERAL FUND

Motion: **REP THOFT** moved to amend House Bill 6. **EXHIBIT 9.**

Discussion: **REP THOFT** said we took the action in the Long Range Planning Subcommittee to delay the building of the University buildings and this bill essentially takes the general fund part of the planning money and reverts it to the general fund. They can go ahead and plan with private funds so it doesn't change it a lot. He said it is $1.98 million and this amendment changes it to $1,133,624.

Motion to Amend/Vote: Motion passed unanimous of those present.

Motion: **REP THOFT** moved House Bill 6, as amended, do pass.

Vote: Motion passed 16 yes and Rep Bradley voting no.

DISCUSSION ON HOUSE BILL 7

CHAIR BARDANOUVE said House Bill 7 is still in subcommittee and that the committee would take executive action on Monday.

EXECUTIVE ACTION ON HOUSE BILL 8

CLARIFY GOVERNOR HAS AUTHORITY TO DIRECT AGENCIES TO REDUCE SPENDING

Motion: **REP SWYSGOOD** moved to amend House Bill 8, **EXHIBIT 10.**

Discussion: **REP SWYSGOOD** said this amendment would make primary

and secondary education subject to the gubernatorial recision in the same fashion as in higher education.

REP KADAS asked what the second amendment did and **REP SWYSGOOD** said it would reduce the percentage of cut from 10% to 4%. He said adding this on adds enough to make 4% a more equitable levy.

REP KADAS asked how the foundation program would be reduced under such a circumstance. How would the Governor do that? He thought that would have to be spelled out. **REP SWYSGOOD** said he didn't really know. **Terry Cohea** said it is currently a statutory appropriation for the school foundation payment so that there would need to be an amendment to that statutory appropriation. The way it works now, whatever amount is needed to fund the schedules you have set in statute and the GTV calculation is statutorily appropriated so there would probably need to be an amendment to that section of law saying "minus the amount of gubernatorial recision" and they could work on the amendment with the budget office.

REP KADAS said if that language were also in this bill, if we added another section to deal with the statutory appropriation, he still did not quite understand it. We have the schedules and numbers for each category, are we going to fund each category at a percentage of the amount in the schedules or how would it work? **Mrs. Cohea** said she would assume the amendment could be written, if the committee so desired, similar to House Bill 21, that we wouldn't change the schedules, thereby affecting GTV, the caps etc., you would simply reduce the level of state support for them.

REP SWYSGOOD said we wouldn't mess with any of the schedules, just reduce the amount of money they had anticipated getting by that amount, up to 4%.

REP KADAS said if this amendment passes, will you have another amendment to do all those other things? **REP SWYSGOOD** said yes, it would be necessary.

REP PECK said he believed what **REP KADAS** is asking is, are you going to apply that reduction to the total dollar amount in each unit of the schedule or only to the share of the state funds received? **REP SWYSGOOD** said he did not know the answer. **REP THOFT** suggested going to another bill to allow time to draft amendments for this bill.

REP PECK said we would pass House Bill 8 to later in the day.

Disposition of Motion: Withdrawn by **REP SWYSGOOD.**

EXECUTIVE ACTION ON HOUSE BILL 16

TRANSFER LONG-RANGE BUILDING PROGRAM FUNDS TO GENERAL FUND

REP THOFT said he had withdrawn this bill.

Motion: **REP THOFT** moved to table House Bill 16.

Vote: Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 20

MEPA TO REQUIRE FULL ASSESSED COSTS OF ENVIRONMENTAL REVIEW

Motion: **REP THOFT** moved House Bill 20 be tabled.

Discussion: **REP THOFT** said this is another bill that has some merit but there is a lot of work that needs to be done on it. He said the ranchers would probably get hit with paying for an EIS or an EA and there was nothing right about that sort of thing.

Vote: Motion passed, 13 yes, 4 no with **Reps Bardanouve, Connelly, Kimberley and Peck** voting no.

EXECUTIVE ACTION ON HOUSE BILL 25

TEMPORARILY PROHIBIT STATE EMPLOYEE TRAVEL THAT'S NOT ABSOLUTELY NECESSARY

Motion: **REP CODY** moved House Bill 25 do pass.

Substitute Motion: **REP THOFT** moved House Bill 25 do not pass.

CHAIR BARDANOUVE suggested that in fairness the sponsor be given the opportunity to amend the bill since it might change it.

Disposition: Representative Thoft withdrew his motion.

Motion: **REP CODY** moved to amend House Bill 25 - **EXHIBIT 8.**

Discussion: **REP CODY** said this would remove the elected officials from the bill, which would be the State Auditor, Attorney General, Secretary of State, OPI, and the Legislature.

Disposition: Motion passed with Rep. Kadas voting no.

Motion: **REP CODY** moved HB 25, as amended, do pass.

Substitute Motion: **REP THOFT** moved House Bill 25 be tabled.

Discussion: **REP THOFT** said the reason for his motion is that the only way to control a state agency is to take money away and we

have done pretty good at that. You won't do it with reports, and he said he could justify a trip almost any where if he just took the time to do it. Even though the bill is a good idea, you won't get anywhere with the bill.

Vote: Motion failed, 7 yes, 9 no, 2 absent. Roll call # 3.

The secretary was instructed to reverse the vote for the motion of do pass as amended. Motion passed with 9 voting yes, 7 voting no and 2 absent.

EXECUTIVE ACTION ON HOUSE BILL 30

ABOLISH PAY DURING MILITARY TRAINING LEAVE OF ABSENCE OF GOVERNMENT EMPLOYEE

REP KADAS said he had amendments for the bill if the committee showed any interest in passing it. If not, it could just be tabled. He said Rep. Tom Lee talked to him after the committee hearing and wanted him to tell the committee that he had worked for three companies and has never been compensated for his time. **CHAIR BARDANOUVE** said private company policies will vary a great deal so everyone was right.

REP GRADY said he felt this was a pretty low blow after Desert Storm and we call on these people to go over to the prison whenever there is a riot, or fires or anything else. It is all hazardous duty when they go out to do these things and this would put some of these people in a pretty bad financial bind.

Motion: **REP GRADY** moved to table House Bill 30.

Vote: Motion passed 14 yes, 3 no, 2 absent, with **Reps Kadas, Bardanouve and Cobb voting no.**

EXECUTIVE ACTION ON HOUSE BILL 31

ATTORNEY GENERAL REVIEW OF AGENCY CONTRACTS FOR PRIVATE SECTOR LEGAL SERVICES

Motion: **REP COBB** moved to table House Bill 31.

Vote: Motion passed 10 voting yes, 5 no, with **Reps Kadas, Menahan, Peck Quilici and Connelly** voting no and **Rep. Bardanouve** abstained because he was absent for the hearing.

EXECUTIVE ACTION ON HOUSE BILL 32

TEMPORARILY PROHIBIT UNSOLICITED DISTRIBUTION OF STATE AGENCY NEWSLETTERS

Motion: **REP CODY** moved to amend House Bill 32 to strike the date April 30, 1993 and insert December 31, 1992.

Vote: Motion passed unanimously.

Motion: **REP CODY** moved House Bill 32, as amended, do pass.

Substitute Motion/Vote: **REP COBB** moved to table House Bill 32. Motion failed 6 voting yes, 10 no, 2 absent. Roll call #4.

Motion: **REP KADAS** moved to reverse the vote for a do pass as amended.

Vote: Motion passed, reverse vote of # 4. 10 yes, 6 no, 2 absent.

Discussion: There was discussion regarding House Bill 8 and it was announced that executive action would be taken on Monday to allow time for amendments to be drafted.

ADJOURNMENT

Adjournment: 4 p.m.

REP. FRANCIS BARDANOUVE, Chair

Sylvia Kinsey, Secretary

FB/sk

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL DATE 7-10-92

NAME	PRESENT	ABSENT	EXCUSED
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓ PM		
REP. JOHN COBB	✓		
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON			✓
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		

HOUSE STANDING COMMITTEE REPORT

July 10, 1992

Mr. Speaker: We, the committee on Appropriations report that HB 3 (first reading copy -- white) do pass as amended .

Signed: _____
Francis Bardanouve, Chairman

And, that such amendments read:

1. Title, line 5.
Following: "TO"
Strike: "$20"
Insert: "$10"

2. Page 1, line 15.
Strike: "$20"
Insert: "$10"

3. Page 1, line 16.
Strike: "$20"
Insert: "$10"

HOUSE STANDING COMMITTEE REPORT

July 10, 1992

Mr. Speaker: We, the committee on Appropriations report that HB 6 (first reading copy -- white) do pass as amended.

Signed: _____
Francis Bardanouve, Chairman

And, that such amendments read:

1. Title, line 5.
Following: "TRANSFERRING"
Strike: "$1,198,000"
Insert: "$1,133,624"

2. Page 1, line 22.
Following: ","
Strike: "$1,198,000"
Insert: "$1,133,624"

This transfers the balance of the capital projects funds appropriated for planning for the two universities buildings to the general fund.

51606SC.HRT

HOUSE STANDING COMMITTEE REPORT

July 10, 1992

Mr. Speaker: We, the committee on Appropriations report that HB 25 (first reading copy -- white) do pass as amended.

Signed: _____
Francis Bardanouve, Chairman

And, that such amendments read:

1. Title, line 5.
Following: "BY"
Insert: "MOST"

2. Page 1, line 12.
Following: "2-18-512,"
Insert: "except for officers listed in Article VI, section 1, of The Constitution of the State of Montana and their employees,"

3. Page 2, line 3.
Following: "employee"
Insert: ", including those excepted from the requirement of subsection (1),"

4. Page 2, line 11.
Following: "agency."
Insert: "The authority approving travel by an officer or employee excepted from the requirement of subsection (1) shall report to the house appropriations and senate finance and claims committees of the 53rd legislature each case of authorized travel and the cost of and reason for the travel."

51608SC.HRT

HOUSE STANDING COMMITTEE REPORT

July 10, 1992

Mr. Speaker: We, the committee on Appropriations report that HB 32 (first reading copy -- white) do pass as amended.

Signed: _____
Francis Bardanouve, Chairman

And, that such amendments read:

1. Page 1, line 13.
Strike: "April 30, 1993"
Insert: "December 31, 1992"

Exhibit 1
July 10, 1992
House Appropr.

Exhibit # 1
7/10/92 HB 30

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Captain Carol J. Lassila (MT Army Guard) BILL NO. HB 30

ADDRESS 2500 Villard Ave DATE 10 July 92

WHOM DO YOU REPRESENT? self, spouse also in Guard, fellow reserve component mem.

SUPPORT _____ OPPOSE ✓ AMEND _____

COMMENTS: I come to represent both my husband who is presently at annual training and myself who are officers in the MT Army Guard, and both employed by the state of Montana. The additional income afforded by paid military leave for public employees allows our expenditure of significant otherwise personal time spent for the Guard to be at least partially rewarded. While I believe certain officers, particularly professionals like myself (an attorney) and my spouse (a company commander in a TANK unit) are not alone, enlisted personnel typically provide a great deal of their free time to the Guard. The benefit of paid military leave is one of the key items I mention to likely recruits.

How sad to forget the reserve component, who played a key role in Operation Desert Storm.

Additionally, I question why my vacation time could be limited to exclude spending it in service to state and country, when I could otherwise spend it selling fireworks for the Fourth of July or any other

HR:1991
CS15

Exhibit # 2
7/10/92 HB 30

Exhibit 2
Hse approp
July 10, 1992

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Roger Hagan **BILL NO.** 30

ADDRESS 1503 Flowerree St Helena **DATE** 7/10/92

WHOM DO YOU REPRESENT? Enlisted Assoc of N.G. of MT

SUPPORT _____ **OPPOSE** X **AMEND** _____

COMMENTS:

FISCAL IMPACT IS BASED ON BEST CASE SCENARIO. THAT IS IF ALL STATE EMPLOYEES TOOK LWOP for ANNUAL TRAINING. SOME WOULD USE ANNUAL LEAVE & SOME WOULD QUIT THE N.G./RESERVE. ESTIMATES OF SAVINGS COULD BE AS LOW AS $20,000 PER FY.

HR:1991
CS15

Exhibit # 3
7/10/92 HB 30

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME _____ BILL NO. 30

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? _____

SUPPORT _____ OPPOSE ✓ AMEND _____

COMMENTS: _____

HR:1991
CS15

Exhibit # 4
7/10/92 HB 20

Exhibit
Hse Approp
July 10-92

Amendments to House Bill No. 20
First Reading Copy

Requested by Representative Raney
For the Committee on Appropriations
Prepared by Todd Everts
July 10, 1992

1. Title, line 6.
Following: "ACT;"
Insert: "CLARIFYING WHO MAY BE CHARGED FEES;"

2. Page 1, line 14.
Following: "assess"
Strike: "an"
Insert: "all"

3. Page 1, line 15.
Strike: "applicant"
Insert: "applicants"

4. Page 2, line 11.
Following: "association,"
Insert: "cooperative, government subdivision, government agency, local government,"

5. Page 2, line 12.
Strike: "private"

Exhibit # 5
7/10/92 HB 32

STATE OF MONTANA

Office of the Legislative Fiscal Analyst

STATE CAPITOL
HELENA, MONTANA 59620
406/444-2986

TERESA OLCOTT COHEA
LEGISLATIVE FISCAL ANALYST

December 12, 1991

Representative Dorothy Cody
P.O. Box 973
Wolf Point, MT 59201

Dear Representative Cody:

This letter is in response to your request for information on newsletters published and distributed with public funds.

As I stated in my letter of November 26, a survey form was sent to all state agencies (except the units of the university system). A newsletter for the purpose of the survey was defined as "a pamphlet or small newspaper/magazine containing articles or information of interest chiefly to a target group, and is published on a periodic basis."

Survey responses identified 68 newsletters at an annual budget of $250,000. While some are fully federal funded and others fully state funded, the survey did not require agencies to specify funding sources. Some newsletters also recover some costs with subscription fees for some readers.

A table summarizing each newsletter is attached. This summary was compiled from agency responses.

I have a binder of agency responses and sample newsletters in my office. You are welcome to review it while you are in Helena for the special session.

Please contact me if you have any questions or if you desire additional information.

Sincerely,

Clayton Schenck
Senior Fiscal Analyst

CLS3:lt:rc12-12.ltr
Enclosure

Exhibit # 5
7/10/92 HB 32

Agency	Newsletter Name	Avg. Cost Per Issue	Annual Budget	First Issue	Distribution Number	Distribution Frequency	Distribution To	Purpose/Benefit
Agriculture	Montana Pesticide Letter	$556	$1,500	4/86	1,700	Semi-annual	Pesticide appl./dealers	Inform pesticide users of training opportunities, changes in rules, and uses/current practice
(MT) Arts Council	ArtistSearch	$975	$9,100	12/86	1,550	Monthly	Artists/Art Organiz.	Provide MT artists with source of arts news, opportunities, services and events
Administration	ISD News and Views	$316	$4,000	9/84	1,000	Monthly	State agencies, DP employees, vendors	Communicate with user agencies on current issues and training opportunities in information services
	Federal/State Surplus Property Newsletter	$1,727	$20,000	6/87	2,050	Monthly	State/local govt agencies and non-profit organiz.	Advise customers of items available, prices, how to obtain -- Over 75% of sales is thru newsletter
	Purchasing Bulletin	$34	$200	10/84	244	Bi-monthly	All state agencies	Inform agencies of current/revised procurement practice and rules, calendar listings of reqmts
	Department Newsletter	$32	$384	6/89	350	Monthly	Dept. Employees	Inform employees of personnel policies, topics of interest, recognition, other dept. events
	Montana Personnel Perspectives	$85	$500	6/81	285	Bi-monthly	State agency personnel officers/managers	Inform personnel managers of developments in personnel mgt, current law, liability
Administration (PERS)	For Your Information	$5,700	$5,700	7/87	42,000	Bi-annual	Employers and PERS active and retired members	Update/inform PERS membership of legislative/ administrative changes impacting pension benefits
Administration (State Fund)	One-To-One	$7,090	$15,000	8/91	27,000	Semi-annual	State Fund policyholders, employees, others	Primary means to reach policyholders regarding safety, understanding of system, current events
	Montana Guardian	$117	$1,000	7/90	300	Bi-monthly	State Fund employees, board members, others	Inform employees of current issues/accomplishments & future directions to improve performance/morale
Commerce	Montana State Board of Nursing Newsletter	$4,000	$8,000	6/90	13000	Semi-annual	Nurse licencees/state boards of nursing/others	Inform of Board Action, status of board projects, disciplinary action, updates on profession
	Montana Real Estate News	$1,300	$3,000	?	5500	?	real estate licensees, other state commissions	Updates on industry issues, board information, legislative updates, new regulations

Licensee's Cost?

Agency	Newsletter Name	Avg. Cost Per Issue	Annual Budget	First Issue	Distribution: Number	Distribution: Frequency	Distribution: To	Purpose/Benefit
Commerce (continued)	News Review - Board of Public Accountants	$1,400	$2,800	7/82	2500	Semi-annual	CPA & LPA licensees, state boards, others	Updates on changes in regulation of public accounting, advise of board actions
	Board of Appraisers Newsletter (1st issue in 1992)	$750	$3,000	1/92	400	Quarterly	Appraiser licensees, other state boards	Inform licencees on federal regulation changes and on board actions
	Board of Veterinary Medicine Newsletter	$45	$100	5/83	850	Annually	Veterinary licensees	Update licensees on legislative changes, board actions and programs, disciplinary actions
	Montana Board of Pharmacy	$464	$1,950	7/79	1200	Quarterly	Licensed pharmacists, pharmacies, others	Update on licensee regulations, board actions, relay other significant professional information
	Bd. of Professional Engineers and Land Surveyors Newsletter	$1,230	$600	6/89	2600	Annually	Registered Prof Engineers land surveyors, engineers	Inform licensees on board policies, regulation changes, renewal notices, board calendar
	Inside (Ofc of Research & Info Svcs)	$1,144	$4,500	1/86	2000	Annually	Econ. Dev. Professionals, media, chambers of comm.	Informational /educational tool for those interes-ted in public policy implementation/econ. devel.
	Montana Global (funded by Commerce Dept/MSU)	$4,500	$18,000	9/90	5000	Quarterly	Businesses involve in Intl trade, media, others	Forum for MT's international activities, raises level of understanding of Int'l trade importance
	Report (Science and Technology Alliance)	$810	$1,700	1986	1000	Semi-annual	Grantees, univ personnel, investors, econ dev agen.	Inform of funding recipients, MSTA portfolio companies, legislative updates,alliance activities
	Montana Travel Update (MT Promotion Division)	$1,850	$12,000	5/90	4000	Bi-monthly	All MT lodging facilities, tourist attraction, media	Present current travel promotions at Travel MT, inform of new devel. in tourism industry
	Retailer News (Lottery Montana)	$700	$8,400	6/89	1000	Monthly	Lottery retailers, other lotteries, staff	Winner information, product information, promotions, other lottery updates
	Council Signals (Office of Indian Affairs)	$375	$1,000	12/91	250	Quarterly	Tribal govts,Indian urban centers, govt agencies	Inform readers of highway information, Indian legislation, Indian health, workshop/seminar dates

Exhibit # 5
7/10/92 HB 32

Agency	Newsletter Name	Avg. Cost Per Issue	Annual Budget	First Issue	Distribution Number	Distribution Frequency	Distribution To	Purpose/Benefit
Commissioner of Political Practices - None								
Consumer Counsel - None								
Corrections/ Human Services	Habit	$440	$2,000	1976	600	Tri-annually	Alcohol/drug st agencies, programs, and specialists	Inform of newest innovative treatments, prevention strategy/techniques, educate Montanans of A&D svcs
EQC - None								
Family Services	DFS News	$623	$2,490	5/88	960	Quarterly	Dept staff, govt youth svc advisory councils	Inform of DFS organization, programs, goals. Most DFS staff is in local/regional offices
Fish, Wildlife, and Parks	News (License Agent) (Conservation Education Div.)	$15	$180	8/91	420	Monthly	FWP hunting and fishing license agents	Inform of changes in regulations,license policies, current events -both agents and license purchasers
	Montana Hunter Education Program Newsletter	$430	$2,500	7/91	1,000	Five/year	Safety instructors & program coordinators, others	Inform about FWP safety programs, teaching techniques, policy interpretation, etc.
	Fish Line - Reading the Waters	$1,250	$5,000	9/89	3,500	Quarterly	Fish. Div. Staff, license agents,Cons.Dist., others	Explain FWP planning process,invite participation, update regulations/legislation, promote activities
	Inside Tracks (FWP Region One, Kalispell)	$380	$2,000	6/91	1,500	Bi-monthly	License agents,outfitters, sportsmen, general public	Inform of FW&P issues, communicate both ways with FW&P constituency
Governor's Office - NO RESPONSE								
Health & Env. Svcs	The Water Column	$658	$9,000	9/90	500	Quarterly	Water users/envir. groups /conserv. districts/staff	Inform of Water Quality Bureau projects, state and nat'l developments, increase bureau visibility

Agency	Newsletter Name	Avg. Cost Per Issue	Annual Budget	First Issue	Distribution Number	Distribution Frequency	Distribution To	Purpose/Benefit
Health & Env. Svcs (continued)	Big Sky Clearwater	$2,000	$4,000	1979	1,800	Semi-annual	Water/Wastewater oper., user assoc., prof. engin.	Inform water/wastewater industry professionals of regulatory updates, current events,troubleshooting
	Montana Health Promoter	$529	$2,468	11/89	1,300	Quarterly	Health prof./depts/ educators/programs	Disseminate info about chronic disease interventions to reduce ilness and premature death
	Nutrition News (Child)	$12	$144	6/91	100	Monthly	Day care centers/homes on Child/Adult Care food Pgm	Provide nutrition service/education in day care settings, program news and updates
	Montana WIC Program News and Notes	$35	$250	11/86	75	Bi-monthly	Local WIC agencies	Provide current status of program rules, policies, mgt, technical nutrition information, cont. educ.
	Montana Morbidity Report	$300	$3,600	1/88	550	Monthly	Physicians, health care prov., public health wkrs	Keep MT health care providers abreast of health care developments, alerts, outbreak notices, etc
Comm. of Higher Educ. - None								
Historical Society	Montana Post	$2,114	$8,500	5/63	7,870	Quarterly	Membership, Historical Society	Inform members of Society activities, events, history, news, other items of interest
	Montana Historical Preservation News	$266	$1,100	8/80	1,200	Tri-annually	Local historic societies, planners, preserv. org.	Solicit comments/provide information to a preservation public, provide tech. assistance(NPS grant)
Judiciary	Montana Judicial Newsletter	$60	$250	1/87	150	Quarterly	Justices, Judges, Clerks, legislators and staff	Keep judicial officers informed about recent developments, policies, legislation, training
Justice	Star Reporter	$20	$80	1965	400	Quarterly	Active/retired Highway Patrol employees	Inform employees of division activities (hirings, promotions, transfers, awards, etc.
	Department of Justice Newsletter	$120	$500	3/90	650	Tri-annually	Dept. Employees	Keep statewide employee force informed on dept. matters, incl. personnel changes, events, training
Labor and Industry	The POST	$237	$950	5/89	1,000	Quarterly	Dept employees, govt agencies, Chmbrs of Comm.	Inform about dept news, empl. recognition, events, job performance tips, quality information/updates

Exhibit # 5
7/10/92 HB 32

Agency	Newsletter Name	Avg. Cost Per Issue	Annual Budget	First Issue	Distribution Number	Distribution Frequency	Distribution To	Purpose/Benefit
Labor and Industry (continued)	QUIPS (Quality Unemployment Insurance - People & Service)	$28	$340	8/89	110	Monthly	Unempl. Ins. Div. empl., Job Svc staff, DOLI mgrs	Inform staff re: quality work, division events, staff recognition, performance improvement tips
Legislative Auditor - NO RESPONSE								
Legislative Council	The Interim	$170	$2,780	12/77	300	Monthly	Legislators, elected officials, agencies	Inform legislators of legislative work during the interim, calendar of meetings, notices
Legislative Fiscal Analyst - None								
Military Affairs - NO RESPONSE								
Natural Resources and Conservation	Montana Oil and Gas Statistical Bulletin	$412	$1,200	1953	700	Quarterly	Oil and gas companies, mineral owners, attorneys	Statistical compilation of oil and gas production, comparative information, refined product volumes
	Energy Source	$1,000	$1,150	6/88	2,000	Semi-annual	Comm'l/Institutional building operators	Promote bureau services, video library, workshop series. Motivate part. in DNRC energy cons. pgms.
	Well Developments	$235	$1,000	6/87	500	Quarterly	Water well contractors, drillers, cty sanitarians	Keep licensees/county sanitarians informed on law/rule changes, industry updates/stds, cont. educ.
	Waterlines	$1,036	$4,500	1/90	3,200	Quarterly	Water user organizations, water planners, others	Inform of important state, nat'l, int'l water re--source issues/updates on status of water projects
	High Water	$250	$600	?	500	Quarterly	DNRC staff, govt planning bds, floodplain admin.	Provide information on floodplain mgt in MT (part of FEMA contract to inform various audiences)
	Conservation District Bureau Notes	$50	$500	1978	525	Nine/year	Conserv. districts, SCS, range mgrs, others	Inform cons. districts about law updates, grant funds available, district activities

Exhibit # 5
7/10/92 HB 32

Agency	Newsletter Name	Avg. Cost Per Issue	Annual Budget	First Issue	Distribution: Number	Distribution: Frequency	Distribution: To	Purpose/Benefit
Office of Public Instruction	Montana Schools	$2,800	$14,000	1957	13,500	Five/year	Teachers, administrators, trustees, others	Link educators across state and with OPI; Inform of educational topics, e.g. curriculum, activities
	School Food Services Food Distribution Bulletin	$320	$960	1987	325	Three/year	School food mgr., cooks, administrators, govt ofcs	Inform food mgrs. of updates in food dist. program regs, commodity specs, nutrition notes, recipes
	AIDS Communique	$180	$720	9/91	1,500	Quarterly	School administr., health educators, nurses, others	Provide HIV/AIDS education info/matls, inform of events/workshops/training/meetings, provide stats
	Talk of the State (Vo-Ed newsletter)	$270	$1,200	1974	95	Quarterly	85 FHA/HERO Chapers in MT Nat'l hdqtrs, others	Promote purpose of FHA/HERO chapers, communicate, promote youth leadership and capabilities, events
	Montana Chapter 1 Newsletter	$285	$850	1984	750	Tri-annual	Chapter 1 auth. reps, directors,teachers, aides	Published by federal reqmt. to provide technical assistance to local education agencies
Public Education (Board of)	The Adviser	$700	$700	9/90	6,000	Annual	MEA, MFT, SAM, and school board conventions	Inform about current Council issues, calendar of events, process for placing issues before Council
Public Service Commission	Utility Consumer Complaints Report	$10	$40	4/91	60	Quarterly	PSC staff, regulated utilities, Cons. Counsel	Inform commissioners/staff/utilities of types of complaints utility customers are filing
Revenue - None								
Secretary of State	Business Services Bulletin	$1,500	$6,000	1984	4,500	Quarterly	Attorneys, Bankers, CPAs, Corporate Agents	Inform office service users with updates on legislative changes and office policy for better svc.
SRS	SRS Express	$1,550	$6,200	?	2,000	Quarterly	Legislators, providers, etc.	Public relations and information on dept programs, budgets, etc.
	Women Leaders in Montana Government	$3,875	N/A	9/91	20,000	One-Time	Statewide	Public service information, to inform about women in leadership roles in state government
	Health Care For Montanans	$1,489	N/A	1991	5,000	One-Time	Legislature, hospitals, general public	Public information on project to address problems of access to health care for the uninsured

Agency	Newsletter Name	Avg. Cost Per Issue	Annual Budget	First Issue	Distribution Number	Distribution Frequency	Distribution To	Purpose/Benefit
SRS (continued)	Personnel News	$1,500	$6,000	9/90	900	Quarterly	SRS Employees	Personnel/Employee News
State Auditor	Montana State Auditor Newsletter	$5,139	$10,000	1986	8,500	Annual	Insurance/securities regulated businesses, others	Provide information about regulatory and other services of the State Auditor's Office
State Lands - None								
State Library	Bits of Gold	$400	$1,800	7/70	2,400	Quarterly	Patrons of Library for Blind & Phys. Handicapped	Inform patrons about library svcs,books available, other services for blind & phys. handicapped
	Montana State Library News Update	$234	$1,500	1/88	1,200	Bi-monthly	Librarians, library directors, trusteees	Inform of deadlines, events, available library materials, personnel news
	Montana State Library News	$649	$4,000	1965	1,450	Bi-monthly	Librarians, library directors, trusteees	Provide info about all types of libraries in state, calendar of events, announcements of programs, etc.
	GIS News (Natural Resource Information System)	$388	$1,500	7/89	900	Quarterly	State/Fed govt agencies, others interested in GIS	Informs those interested in GIS in MT of statewide developments/meetings, is forum for for GIS issues
Livestock - None								
Transportation	The Interchange	$660	$3,300	1930's	2,100	Bi-monthly	Dept. Employees	Inform employees of personnel changes, awards, safety and training issues
	Montana and the Sky*	$1,093	$13,116	11/50	2,700	Monthly	Registered Pilots, govt. aviation agencies, others	Keep MT aviation community informed on aviation issues, apprise pilots of safety programs offered
Total Annual Cost			$251,402					

* Approximately 50 percent of the cost of the newsletter is recovered through subscription fees.

Ep-6 copy
HB

Exhibit # 6
7/10/92 HB 32

7-10-92

Montana SCHOOLS

May/June 1992

Nancy Keenan • Superintendent
Office of Public Instruction
Vol. 35, No. 5

Renewal Units 2
Update on certification renewal units.

School Wellheads 2
School wellhead protection demonstration projects are underway.

Landmark Decision 3
What the U.S. Supreme Court's Title IX decision will mean for schools.

Library Media 3
Initiating a library media program in your school.

What Works 4
A tale of two Montana schools.

COUNTDOWN TO SUMMER. See you next fall! (Bob Myles, photo)

Montana coaches learn to steer

Exhibit # 7
7/10/92 HB 25

STATE OF MONTANA

Office of the Legislative Fiscal Analyst

STATE CAPITOL
HELENA, MONTANA 59620
406/444-2986

TERESA OLCOTT COHEA
LEGISLATIVE FISCAL ANALYST

July 7, 1992

Representative Dorothy Cody
House of Representatives
Seat #21
Helena, MT 59620

Dear Representative Cody:

Attached is a memo from the Department of Revenue providing information on the out-of-state travel by department auditors. It shows the number of out-of-state audits, the total cost of the travel, and the assessments and collections resulting from those audits. Please note the *'s at the bottom of the letter--assessments(the amount billed to the taxpayer) are lower than the amount finally collected.

In gathering this information, I found that a portion of the information we had provided you in our June 30 memo was incorrect. While the statewide totals for travel were correct, **the table showing out-of-state for the Department of Revenue was incorrect.** The correct figures for fiscal 1991 audit-related travel are shown in Table 1. In Table 2, out-of-state travel for the entire Department of Revenue is shown.

Table 1
Out-of-State Travel Expenditures
Department of Revenue Auditors

Fiscal Year	DOR Audit Travel	
	General Fund	Other Funds
1991	$72,724	$2,642

Exhibit # 7
7/10/92 HB 25

Table 2
Department of Revenue Travel (entire agency)

Department of Revenue	Total FY88 Expenditures	Total FY89 Expenditures	Total FY90 Expenditures	Total FY91 Expenditures
2411 Out-of-State Personal Car Mile	626.74	326.76	551.07	2,260.04
2412 Out-of-State Commercial Trans	76,302.58	66,296.48	66,521.07	36,427.08
2413 Out-of-State Aircraft Rental	0.00	0.00	0.00	0.00
2414 Out-of-State Motor Pool	0.00	0.00	0.00	206.23
2415 Out-of-State Other	1,994.77	1,781.18	1,575.40	1,541.68
2416 Out-of-State Away from Home Al	0.00	0.00	16.60	62.25
2417 Out-of-State Meals	24,863.50	6.50	74.00	528.00
2418 Out-of-State Lodging	57,910.16	60,557.36	56,406.85	55,979.98
2419 Out-of-State Car Rental	12,357.07	10,478.70	10,362.74	8,888.22
2430 Out-of-State Meals-Overnight	1,613.50	25,891.00	21,594.50	19,490.00
	$175,668.32	$165,337.98	$157,102.23	$125,383.48

I very much apologize for the incorrect information and hope that it has not caused you any inconvenience. Please call if I can provide anything further.

Sincerely,

Teresa Olcott Cohea
Legislative Fiscal Analyst

TOC3G:mb:RC7-7.ltr
bcc: Lois Steinbeck

Exh 8
Hse Approp
July 10-92

Exhibit # 8
7/10/92 HB 25

Amendments to House Bill No. 25
First Reading Copy

Requested by Rep. Cody

Prepared by John MacMaster
July 8, 1992

1. Title, line 5.
Following: "BY"
Insert: "MOST"

2. Page 1, line 12.
Following: "2-18-512,"
Insert: "except for officers listed in Article VI, section 1, of The Constitution of the State of Montana and their employees,"

3. Page 2, line 3.
Following: "employee"
Insert: ", including those excepted from the requirement of subsection (1),"

4. Page 2, line 11.
Following: "agency."
Insert: "The authority approving travel by an officer or employee excepted from the requirement of subsection (1) shall report to the house appropriations and senate finance and claims committees of the 53rd legislature each case of authorized travel and the cost of and reason for the travel."

Exhibit # 9
7/10/92 HB 6

Amendments to House Bill No. 6
Introduced Reading Copy

For the Committee on Long Range building

Prepared by Jim Haubein
July 8, 1992

Exh 9
Reapprop
July 10-92

1. Title, line 5.
Following: "TRANSFERRING"
Strike: "$1,198,000"
Insert: "$1,133,624"

2. Page 1, line 22.
Following: ","
Strike: "$1,198,000"
Insert: "$1,133,624"

This transfers the balance of the capital projects funds appropriated for planning for the two universities buildings to the general fund.

HBX02253.AL2

Exhibit # 9
7/10/92 HB 6

MSU ENGINEERING/SCIENCE BLDG

Funding Source	Current	Proposed	Available for Gen. Fund
Cap. Projects Fund(Planning)	$1,165,290	$452,765	$712,525
General Fund	367,000	0	367,000
Private Funds	2,301,200	3,380,725	
G.O. Bonding	18,401,510	18,401,510	
Totals	$22,235,000	$22,235,000	$1,079,525

UofM BUSINESS ADMIN. BLDG

Funding Source	Current	Proposed	Available for Gen. Fund
Cap. Projects Fund(Planning)	$604,705	$183,606	$421,099
Private Funds	1,858,320	2,279,419	
G.O. Bonding	13,022,975	13,022,975	
Totals	$15,486,000	$15,486,000	$421,099

Total $1,500,624

Exhibit # 10
7/10/92 HB 8

Amend H.B. 8 as follows:

Page 2, line 2, after "spending" insert:

", including state aid amounts authorized by Title 20, Chapter 9, Part 3,"

Page 4, strike lines 3 and 4.

Explanation

This amendment makes the state contribution to primary and secondary education subject to a gubernatorial rescission in the same fashion as is the state contribution for higher education.

Withdrew Motion 7/10/92

#1

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE TIME 1:56 P

DATE July 10 92 BILL NO. HB 3 NUMBER ~~HB 3~~ #1

MOTION:

Am to #10 Menahan

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY			✓
REP. JOHN COBB	✓		
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY		✓	
REP. ED GRADY	✓		
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON			✓
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY	✓		
REP. WM."RED" MENAHAN	✓		
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
TOTAL	10	6	2

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE TIME 11:57

DATE 7-10-92 BILL NO. HB3 NUMBER 2

MOTION:

Do pass 9

Do pass as amended

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY			✓
REP. JOHN COBB	✓		
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON			✓
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM."RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT		✓	
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
TOTAL	13	3	2

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE TIME

DATE 7-10-92 BILL NO. 25 NUMBER 3rd + 4th

MOTION: Thoft - Table -

Passed as Amended Vote

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY			✓
REP. JOHN COBB		✓	
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY		✓	
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON			✓
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY		✓	
REP. WM."RED" MENAHAN		✓	
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	7	9	2

Reverse Vote for
DePass as Amended
7-7-92

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE TIME

DATE BILL NO. ~~2032~~ 32 NUMBER 4

MOTION: ~~Lab~~ Cobb

w/ table

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY			✓
REP. JOHN COBB	✓		
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON			✓
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY		✓	
REP. WM."RED" MENAHAN		✓	
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI		✓	
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	6	10	2

failed

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Appr COMMITTEE BILL NO. 30

DATE 7/10/92 SPONSOR(S) Kadas - Cobb

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Roger Hagan 1505 [illegible]	Enlisted Assoc. of the Nat'l Guard of MT		X
Florence Michaelson 1005 Waukesha, Helena	Self		X
Carol J. Lassila 2500 Villard Ave Helena	self, spouse, fellow guardsman		✓
Harold Johnson 3370 Von Rauch Helena	Self		X
Howard L. Vander Vos 221 South 8th Bozeman	mt state Employee		✓
Jim Martin 1900 Townsend Apt 3 Helena	U.S.A.R. (Self)		✓
George Holgate 4620 Independence Dr.	U.S.A.R. (Self)		X
Ray Hoffman 997 Cheyenne Helena	Self, 396th Sta Hosp		X
Tom Schneider	MPEA		X
Clyde Lindell PO Box 5872 - Helena, MT	Army Montana National Guard		X
Cliff Youngman 21 S. Raleigh, Helena	Self		✓
Valerie Wilson 415 Knight St Helena	[illegible] public employee		X
Kim Dryman PO Box 1364 E. Helena	[illegible]		X
Steve Garrison, Helena	US Army Reservists, etc.		X

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

1 of 2

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Approp COMMITTEE BILL NO. 20

DATE 1/10/92 SPONSOR(S) Raney, Weeding

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
GARY LANGLEY	MONTANA MINING ASSN		✓
[illegible]	~~SELF~~		
Sandra Ottinger	Montana Assn of Counties		✓
John FITZPATRICK	Pegasus Gold Corp		✓
Blake Wordal	Lewis & Clark County		✓
Jim Jensen	MEIC	X	
Janet Ellis	Montana Audubon Council	✓	
John Youngbar	Montana Farm Bureau		✓
Don [illegible]	MT. Wool Growers Assn		✓
Steve Pilcher	MT DHES	✓	

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2 of 2

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Approp. COMMITTEE BILL NO. 20

DATE 7-10-92 SPONSOR(S) Raney

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Mike Pichette	MT. Power		✓

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Agriculture COMMITTEE BILL NO. 25

DATE 7-10-02 SPONSOR(S) Cole

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
[illegible]	[illegible]		X

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

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Army COMMITTEE BILL NO. 32

DATE 7-11-03 SPONSOR(S) Gdy

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jack [illegible]	OPI		✓

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