

MINUTES OF THE APPROPRIATIONS COMMITTEE
HOUSE OF REPRESENTATIVES
State Capitol Building, Room 225

March 10, 1977

The Chairman called the meeting to order at 7:05 p.m. Roll call was taken and a quorum was present (see attached roll call). Also at the meeting were John LaFaver and Dave Lewis.

The Chairman explained that the hearing on House Bill 250 will be held around 8:00 p.m. as the time listed in the paper was incorrect and some people wishing to testify may not be here at this time.

HOUSE BILL 797: To ensure effective utilization of potential of state lands in trust to obtain funds for education. . . by the Department of State Lands.

Representative James T. Mular, District #85, explained that this is an act to ensure effective utilization of state lands held in trust to obtain funds for education by reserving a limited amount of water. A select committee was established in this session to study the problem of water retention from downstream states. Without this water, the land can't be developed to its full potential, Rep. Mular said. Without mentioning figures, he stated the income from the sale of these lands would be substantial. An impediment to future development of these lands would be the lack of appropriated water. An amount of water used per year to irrigate crop land would be reserved from use by downstream water users by this bill; the reservation is not automatic. Page 6, line 3 and pages 4-5, line 18 of the bill set this out specifically. Recent Supreme Court decisions in Washington have made it possible for the state to act to reserve water for state trust lands. Representative Mular stated that we are the water chest, as well as the treasure chest, of the west. The entire package, he concluded, is \$80,000 from earmarked revenue and \$40,000 from general fund.

Proponents:

Leo Berry, Commissioner of State Lands, stated the State Land Department supports this bill. They have reserved water for state lands on the Yellowstone River Basin and also appropriated water in the Powder River Basin. This bill would reserve water rights to allow full development of state lands to support state school systems.

Mr. Orrin Ferris, Department of Natural Resources and Conservation, spoke of that department's support of the bill, making the comment that there would need to be an adjustment in H.B. 708 heard earlier by this committee to cover this bill.

Opponents: None

Questions: None.

Representative Mular closed by saying he hopes the committee will give the appropriation as this is your last chance to save Montana water.

House Bill 780: Money to deal with the problems of battered spouses and their families.

Representative Steve Waldron, District #97, stated that the battered wife syndrom is a subject only recently discussed openly. He stated it is usually the woman who is the victim of assault within a marriage. In 85% of the domestic homicides, the police had been called on occasions previous to the crime because of assault. There are legal ramifications in this area which all law enforcement agencies have problems dealing with. Women frequently free they must stay in this type marital situation or starve, particularly if there are children involved. They feel this way because there are no readily available alternatives, such as emergency housing.

Proponents:

Carol Borchers, representing the YWCA, Great Falls, the Task Force for Emergency Housing, and the Area Church Association in Great Falls, rose in support of H.B. 780. She distributed the attached copy of a news release from the Great Falls paper, which speaks to emergency housing for battered and transient women. She stated that emergency housing is an urgent need for battered women and their children, and the task force was organized to work on the problem. Ms. Borchers urged the passage of H.B. 780.

Amy A. Woody of the Crisis Center, Rape Action Line and Focus on Children, Great Falls, spoke in support of this bill, stating that the Crisis Center receives many calls from women needing the type of assistance this bill would provide.

Richard Vandiver, Criminologist and Professor at the University of Montana, Missoula, proponent, stated that the problem is made more difficult from a legalistic standpoint because of the belief in our culture that the home is inviolate and the government should not intervene. This creates a problem for the criminal justice system. Places to refer these people on an emergency basis are badly needed.

Ann Frangos, Social Worker, Bozeman, spoke in support, stating that she has encountered the problem and realizes how scarce our resources are to help these people. She presented testimony for the record from Patty Callaghan, Program Development, Action for Eastern Montana, which is attached. She further stated that there is widespread concern and lack of information of this problem.

Sister Edith Head of Great Falls spoke in support representing the Task Force for Emergency Housing for Women in Great Falls. She stated women faced with this problem need a place to go even for a short period of time; they need to be taken from their homes. This is seen as buying time - a time for counseling, support, and to take a deeper look into their problem. She stated that they have been offered the space and are ready to go. She hopes H.B. 780 passes so they can follow through.

Julie Henderson, Helena Womens' Center representative, spoke in support also, stating she has been in the position of being a battered wife and that a program such as this would have been a great help to her. Once the program is started, you will find there is a greater problem than you think.

Also rising in support were:

Patricia Tucker, Women's Place, Missoula (Testimony attached)
Lynne Scott, Helena Women's Center (Testimony attached)
Linda Sandman, Montana Women's Political Caucus (Testimony attached)
Gloria Brinkman, SRS
Joan Duncan, Director, Women's Bureau, Helena

Opponents: None

Questions:

Representative Estenson asked what division would be responsible, social services of SRS? Is SRS in the position of tending to any of these cases now? Ms. Brinkman replied yes, if there are children, and counseling is available. ADC is one way to help if the wife intends to leave her husband. Ms. Brinkman was asked if SRS as an agency has addressed the problem in regard to lending support to group sessions here in Helena; she responded no, they have not.

Representative Lynch questioned the \$41,000 for the two year period and a like amount for another pilot program; this could be some \$70,000 if you planned on funding 5 centers. Representative Mular said the grants would be to provide nonprofit organizations for setting up model projects. It says "to to 5 projects;" the number would be left up to SRS. Ms. Brinkman stated you might have to hire one person to supervise setting up the program.

The question was asked if the state would have a legal problem with liability if the wife was given help to remove herself from the home. The consensus was there would be no liability, if the wife volunteered to go. Having no place to refer persons asking for this type of help now is a serious problem.

In closing, Representative Waldron said he did not realize how serious this problem was until he introduced the bill and the response has been overwhelming. It is a dangerous situation for the police to enter into; we need a place that can offer immediate assistance to those suffering from this problem. Representative Waldron then told the committee that his wife had asked him to speak on her behalf; she was a battered spouse in a previous marriage and even during the divorce proceedings had hidden from her husband out of a fear of physical violence. He reiterated the statistic that in 85% of the cases of domestic homicide the police had received previous calls to the home to intervene in violent situations. Having a place to go at this time would be of immeasurable help to battered spouses.

Visitors' Registry is attached.

The hearing was closed on H.B. 780 since there were no further questions or comments.

House Bill 250: Appropriating money for a health effects study of air pollution in the Butte-Anaconda, Missoula, Billings - coal development area.

Testimony on House Bill 250
March 10, 1977

Representative J.D. Lynch, sponsor of the bill, explained that the bill was the result of a request by the Board of Health that such a study be made. It would require approximately \$1,000,770 to fund a study of the causes of air pollution in the Butte-Anaconda, Missoula, and Billings coal development areas. Representative Lynch mentioned that he had received many letters in favor of this study since the bill was introduced, particularly from the Missoula area, probably because pollution is so evident there. In the Butte area, pollution is not so visible, but it is very real. Several industries are in support of this bill, including the Anaconda Company and the Montana Petroleum Association. This is a high priority item, Representative Lynch stated, because people are fighting for their very lives. It is a matter of statewide concern as the health of so many citizens of Montana is involved, and this is more important than the money involved.

Dr. A.C. Knight, Director of the State Board of Health, rose in support of the bill, stating he has long been involved in the treatment of chest disease, and feels many answers are in the area of prevention. There has been an increase of air quality problems in recent years, and a corresponding increase of chronic chest problems, particularly in areas such as Missoula. Montana has a higher than national average incidence of chronic obstructive pulmonary disease. There is a need for monitoring the total suspended particulant. He further stated that the Department of Health hopes to conduct a study combined with other agencies in various areas of the state to come up with some solutions.

Mr. Steve Brown, Chief Counsel for the Department of Health, rose in support, stating that this bill should be a priority item. He said the answers we are trying to find by presenting this bill to the legislature affect many people. Everyone involved with the problem should share in the cost of finding good, sound, and reasonable solutions by determining the causes. Mr. Brown further stated that they know industry does contribute to pollution, but maintain they may not be as guilty as is supposed. Therefore, the department feels and is requesting a general fund appropriation to conduct this study.

Representative Gary Kimble rose in support and stated this is a commitment the state can make to the areas affected by this legislation. We have to determine the source of the pollution before we can arrive at solutions.

Mike Roach, Department of Health, presented a letter from Dr. Knight (attached), stating the study is proposed to better define relationships between the health of Montana residents and air pollution. Referring to Dr. Knight's letter, Mr. Roach said our decisions will be more difficult in the future. The bill is timely. At this time pollution standards are being exceeded. We are on the verge of significant developments in dealing with this problem. The department is trying to develop and maintain standards of air quality. All pollutants to be monitored are health hazards. Both the public and industry are responsible for the problem.

Dr. Richard S. Buswell, Helena, Montana, rose in support of the bill, stating his practice deals with pediatric and adult asthma and allergy problems, and respiratory disorders. Air pollutants emphasize respiratory disorders. The air quality here does initiate respiratory diseases. This bill is relevant to the problem, and he urges it be supported.

Rita Sheehy, State Board of Health, stated she has spent the last ten years wishing we had this kind of study. The Board of Health has been establishing regulations and limits and issuing permits for industry. There is no data on health problems that might be created by pollution, and this could be a very important start for a study.

Ernest Post, Montana state representative of the AFL-CIO, representing Jim Murry, spoke in support of the bill, stating the AFL-CIO favors the bill because workers and their families are affected by air pollution, but no one can pinpoint the exact cause. He cited various studies that had been conducted showing that Silver Bow and Deer Lodge counties had respiratory disease rates higher than national averages (comparison sheets on death rates attached).

Mr. George McArthur, Anaconda Company, rose in support of the bill. He mentioned various studies that Anaconda Company has been involved in, particularly arsenic level, respiratory problems, cancer and smelter stack studies. The company's policy includes studies of the impact of industry on the worker and the community. There is a greater need in determining pollutants, he stated, and specific causes need to be identified.

Don Allen, Montana Petroleum Association, rose in support of the bill, stating there has been talk of a high assessment against industry and the communities for this type of study, and he feels this is a better concept. Industry has spent extensive amounts in complying with pollution requirements. In excess of \$25,000,000 was spent just to comply with federal EAP regulations regarding low lead. The public needs to be aware of this. Interpretation of the data should be evaluated very closely. Industry has been and will continue to be a good citizen so far as pollution is concerned.

Representative Mike Cooney, Butte, rose in support, thanking Representative Lynch for sponsoring this bill, and further stating that it is shocking that we have to think about air pollution, but it has come to Montana. He would urge support of this bill.

Representative Jim Courtney, Silver Bow County, rose in support, calling the committee's attention to a recent newspaper story which reported that tests have shown that Anaconda children living near the Anaconda Company smelter have increased levels of arsenic in their bodies. He further stated we are legislating not only for now, but for the future.

Dr. Richard Sheridan, Missoula, stated Missoula is up against the line as to air pollution standards. We must understand the source. We don't have any idea of the concentration of pollutants in Missoula. Acid mists are a problem and we need a study to determine the effects of this problem. We can't study what we don't understand. He presented to the committee a paper entitled "Environmental Action Committee, Preliminary Outline," which is attached. We need to study the effects of vehicular traffic, dust, and industry. This study will allow us to assess sources of pollution and make decisions as to those specific sources.

Dr. Kit Johnson, Missoula, former Missoula city-county health officer, told the committee that too many air pollution control actions are taken out of ignorance. If the health department doesn't have data, we have to assume the worst. The people are our first priority. We need more valid data which will stand scrutiny.

Dr. Thomas Schimke, Missoula, specialist in respiratory ailments, stated that Missoula has a serious health problem, which worsens as air pollution continues. We must look at this seriously and face the dilemma. He stated virtually every physician in Missoula agrees that the area has a serious health problem which will only worsen if we continue current air pollution control practices. He further feels the state should fund the study, and that such a study is imperative.

Dr. Walter Kooststra, Chairman of the Board of Health and a professor of microbiology at the University of Montana rose in support, stating he had attended a meeting in Denver on air pollution. He cited Colorado's air pollution control commission as allowing them to have a better understanding of air pollution problems upon human health. Air pollutants interact, he stated, and are greater in effect than any air pollutant acting alone. There is a synergistic reaction. He urged funding of the study.

Representative Ann Mary Dussault, Missoula, spoke in support, stating she knows the committee has to make decisions of priorities, but this one is at the top of her list because it is a matter of life and death. She told the committee she has an asthmatic sister and a study like this might lessen the damage to other young people.

Representative Bob Palmer, Missoula, urged support of the bill.

Mrs. Martha Burke, Butte, Montana, spoke next, stating she is the mother of 12 children and an asthmatic herself. We need this bill to find the sources of air pollution. Mrs. Burke passed a notebook around for the committee to see, with newspaper clippings concerning air pollution throughout the state.

Representative Steve Waldron, Missoula, spoke in support of the bill, and expressed his concern that Hoerner Waldorf, which has a kraft paper mill near Missoula, had not taken a position on the bill, stating that it would be inappropriate.

Jackie McKittrick rose in support of the bill.

William Tomlinson, Director of the Environmental Library in Missoula, presented testimony in support (attached).

A petition was presented from the citizens of Hamilton, Montana (attached).

Mr. Jim Zara, President of Clean Up the Air Drive in Missoula, spoke in support and presented petitions with signatures of 10,000 Missoula citizens which were collected in one month. He told the committee the signatures represent legally registered voters, not a public opinion poll.

Chairman Bardanouve then stated he had had many letters and calls in support of the bill, and read into the record a letter from Connie Krautter, Missoula, which she had asked to have presented (attached).

There were many other present in support of the bill who did not speak (visitors' list attached).

There being no opponents, the hearing was opened to questions from the committee.

Representative Marks asked if there has been any effort on the part of the communities to do this sort of a test on their own. Dr. Carson answered yes, there have been limited studies due to lack of funds. It has only been done on a piecemeal basis and what is needed is a complete study, such as this proposal.

Representative Wood asked to what extent we had to assess the effects of these pollutants. Representative Lynch replied this bill is to find out "what is causing what." Specifically, we need a study that combines cause and effect.

Representative Ellis asked if any portion of this funding would be helpful or would it require the full amount of the appropriation. Representative Lynch replied that this is the minimum number of dollars for which the study can be done; there might be funds other than general funds available, but we need a minimum of this amount. Possibly we might drop one area from the study and reduce the dollars. We could delete the health effects' study, but we would like to see the health effects study completed, particularly in Missoula and Butte.

The Chairman then stated that there is a member of this committee who is an employee of Hoerner Waldorf, and that if this would cause embarrassment to the committee, Representative Hansen had stated he would withdraw from this consideration.

The Chairman then commended Anaconda Company and the oil industry for their social awareness and acceptance of responsibility in this area, commenting that times have changed in this regard.

In closing, Representative Lynch expressed his appreciation for the attention of the committee during the long hearing and his appreciation to those people coming from long distances to give testimony in support. People are fighting for their lives, and the price tag is secondary. Representative Lynch stated this is the most important piece of legislation he has introduced.

The hearing on H.B. 250 was then closed.

House Bill 569: To establish pilot service programs for displaced homemakers.

Representative Steve Waldron, sponsor of the bill, explained that this bill is to provide counseling and job training for displaced homemakers who are not eligible for unemployment compensation or social security. They are displaced through death or divorce and are usually women in their middle years. The pilot projects would be in Missoula and Yellowstone counties. The appropriation is \$352,500 and the estimated proportions outlining how the money would be spent are explained on the pie chart which is attached.

Proponents:

Tracy Bier, YWCA Counselor, Missoula, spoke in support of the bill.
(Testimony attached)

Bruce DeRosier, Executive Director of the Governor's Employment and Training Council and appearing on behalf of Dave Fuller, Director of the Department of Labor and Industry, testified on behalf of the bill.
(Testimony attached)

Joan Duncan, Chief of the Women's Bureau, Helena, presented the attached prepared testimony supporting the bill.

Linda Sandman, Montana Women's Political Caucus, testified in support (testimony attached).

Arlene W. Dale, Executive Director of the YWCA in Missoula, rose in support; testimony attached.

Suzanne Sincell, Coordinator, Focus on Women, Montana State University at Bozeman, presented the attached prepared testimony in support.

Beulah Cole, Missoula, spoke in support, stating she was widowed at 53, had no talents to enable her to get a job and had eight children to raise. She had no training to enable her to get a job but now through the Farmer's Union Green Thumb Program she is working. It is her hope that this program will help other women in her situation to receive the counseling and job training they need.

Written testimony was also submitted from:

Ms. Alayn VanDyck, Missoula (Testimony attached)
Dorothy E. McCormick, Missoula (Testimony attached)
Mrs. Bertha H. Russell, Missoula (Testimony attached)
Mrs. Vera Shelton, Missoula (Testimony attached)

Maggie Black of Missoula explained the difficulty in finding jobs available during the hours she can work. She had two pre-schoolers at the time of her separation, after 14 years of marriage. She has worked at baby-sitting in her home and cleaning restaurants to supplement her child support. Her written testimony is attached.

Representative Robert Palmer, Missoula, rose in support, stating this proposal passed unanimously from the Problems of the Elderly Committee and he supports the bill.

Others present in support but not testifying were:

Amy Woody, Crisis Center, Great Falls
Sister Edith Howard, Emergency Housing Task Force, Great Falls

Opponents: None

Questions:

In reply to a question from Representative Kvaalen concerning the need for this service, Representative Waldron stated there is a very real need for counseling, for example. Many of these women are middle aged and have been out of the job market for many years, or were never in the job market. They would receive peer counseling through outreach programs. If the centers were there, he believes, the women would flock to them. No agency presently deals with the problems of mature women who are in this position. The first attempt to establish the program was in California two years ago. It was an instant success. The centers are mandated to do those things set forth on page 4, line 20 of the bill. Women will be helped to utilize the skills that homemaking has developed.

Chairman Bardanouve asked why so much of the appropriation would be required for administration. Representative Waldron explained that administrative costs are everything that could be administrative rather than services; this includes things that the Department of Labor must do to report back to the legislature.

Mr. DeRosier explained further that the bill calls for evaluation and monitoring; that takes staff, time and costs as this is a pilot program.

In closing, Representative Waldron pointed out the bill requires 5% in-kind contributions from the grantees or communities served to assist in the operation of the centers. The grants to fund these centers are to go to nonprofit agencies whose major emphasis of service has been to serve women. Among women over 40 years of age, 37% are unmarried. There is a great deal of national interest in this type of bill.

There being no further discussion or questions from the committee, the hearing was closed on House Bill 569.

Representative Lynch moved that the meeting be adjourned. Seconded. Meeting was adjourned at 9:45 p.m.

Francis Bardanouve, Chairman