

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

March 15, 1977

Chairman Bardanouve called the meeting to order at 7:00 P.M. Roll call was taken and a quorum was present (roll call attached). Representatives South and Ellis were excused.

Also present for the meeting were John LaFaver, Legislative Fiscal Analyst, and D. Booker, Office of Budget and Program Planning.

House Bill 725: Act to establish a veterans' home at Twin Bridges. Representative Joe Brand, District 28, sponsor of the bill, explained that this bill would establish a veterans' home in the now-vacated childrens' home at Twin Bridges, and additionally provides for the construction of 60 additional units. H.B. 725 would provide room and board for approximately 100 veterans. Rep. Brand's testimony; Twin Bridges Veterans Home Proposal and Budget, prepared by the Office of Budget and Program Planning; and cost sheet on Veterans' Domiciliary Home were passed out and discussed. A copy of each is attached to these minutes.

Proponents:

Mr. Bob Durkee, Veterans of Foreign Wars, rose in support.

Amy Erb, Sheridan Montana, spoke as a proponent. Ms. Erb testified that people in the area had been contacted to be sure there was support for this home at the former childrens' center. She submitted a list of 386 names stating support in the community (attached). The feeling in the community is that the veterans deserve this home; they have been the backbone of every community in which they reside, and there is a need for this type of home. The budget has been presented to you, Ms. Erb stated; costs to the state would be about \$385,000 for a complex that would serve 60 men. She urged the use of federal funds because if they are not used in Montana, some other state will use them. Additional fringe benefits to having the home in this community include a new recreation building built by private donations which is available; there is a gym, work shop, home ec room, auditorium, all equiped and well maintained which are available. There is a good library, and two large rooms downstairs in the present facility that will accomodate 40-50 persons; these could not be considered anyplace else. The land should sell for \$12,000-\$16,000 an acre; 25 acres comprise the complex, and 100 additional acres are available. Ms. Erb introduced others from Twin Bridges attending the hearing who are in support of this proposal.

Representative Kerry Keyser, District 81, spoke as a proponent; this is not a port barrel, he stated, but a good, substantial program that will fly. The area needs this and the vets need this, as many here will testify. I fully support the program, he concluded.

Hugh Cumming, State Adjutant of the American Legion, submitted questionnaires which had been filled in and returned to the American Legion showing

support of the people in the area for this use of the facility (attached). Mr. Cumming left a slide presentation for the committee to look at at a later date. This is really our chance to have a fine facility, and may be our only chance, Mr. Cumming stated.

Marie McAlear, Twin Bridges, Chairman of the Utilization of Facility Committee, spoke of community support in Twin Bridges for the concept, and stated that Rep. Brand had cleared up the items she felt were incorrect in the bill in his testimony. This is a domiciliary, not a nursing facility, as Rep. Brand testified.

Ms. McAlear presented statements to the committee from William F. O'Donnell, Dan Brockman and Charles M. Reis, all veterans residing in Twin Bridges area, setting forth their support of H.B. 725 (attached).

Mr. Bob Durkee spoke as a proponent, and explained there is an item he wished to correct in the Veterans Administration State Home Program, Questions-Answers (attached); question 9 indicates the domiciliary care contribution is \$4.50 per day; that is now \$5.50. The government wants to get out of the business of domiciliary veterans homes and has increased its contribution to states having these facilities. The resident contributes to his own care also. A formula is being worked out with SRS and Dept. of Institutions that goes up to a maximum of \$124 per month, but allows the vet to retain at least \$100 of his pension; the contribution of the resident is figured on a sliding scale. Veterans now draw from \$185 per month, up to \$300. In some cases the actual contribution of the state for the veterans care could be zero. The federal government pays \$5.50 per day for care, or up to one-half of the cost. There are, of course, indigent vets, but not many, Mr. Durkee explained; the VA considers a veteran permanently disabled at age 65 if he is not working.

Mary Seccombe, Headwaters RC&D, Butte, spoke as a proponent. When this concept was first proposed, committee members brought it to the attention of the 7-County Council, who approved the proposal to try and make some use of the Twin Bridges Childrens' Center. Most people in the 7 county area back this useage. Ms. Seccombe further stated this would put the facility to the best use; many of our veterans live out of the state because there is no place for them to reside in Montana. "I feel they should be able to live in their own state with their own families," she concluded.

Others leaving prepared testimony in support were:

Ann Harkins, Silver Star, Montana (testimony attached)

Mary Louise Balkowetz, Twin Bridges, Montana (testimony attached)

Gwendolyn M. Nordberg, Twin Bridges, Montana (testimony attached).

No opponents.

Questions:

Representative Bradley referred to the reference to a waiting list;

how many are on it? Rep. Brand answered there are 50 on the list for nursing home care, and 20 for domiciliary care at Columbia Falls. Rep. Halvorson stated that Columbia Falls is in her district, and they have to have a nursing facility; what will you do when the residents at Twin Bridges need nursing care? Rep. Brand stated there will be no nursing care at Twin Bridges, but it will have to be provided somewhere.

Rep. Estenson questioned page 3, section 5 "per diem charge to parents" and other sections relating to youth. Will these be left in? Rep. Brand explained that these questions are answered in the resume attached. This bill covers Mountain View, and other areas of institutional care. Rep. Ageson asked how many Montana veterans are domiciled in institutions in other states, and was told the state service officer in Butte estimates over 300 Montanans are domiciled out of the state, specifically in Camp White, Oregon, and Hot Springs, South Dakota. Rep. Ageson asked if the law would allow these to be moved back in to Montana because the law states a 2 year residency in Montana is required for admittance. The Chairman also questioned the wording on line 13, page 2, of the bill; this could require that the facility be a nursing home, could it not? Rep. Brand replied that vets domiciled outside of the state are still residents, even though they reside out of the state. In reply to the Chairman's question, he stated he would be agreeable to amending that wording. But if you amend it out, it might affect other institutions, commented the Chairman.

Rep. Bradley asked how many veterans on the waiting list want to come back to Montana; Rep. Brand replied there is a difference in the numbers; 100 veterans have been mentioned in South Dakota, although the letter attached indicates 300. Rep. Bradley asked how many are you certain want to return to Montana, and does the number include those already on the waiting list at Columbia Falls. Mr. Durkee replied they are relying on information supplied to them which indicates there are many waiting to go into a domiciliary residence, and eligible, if space was available. He did not have a precise figure.

Rep. Gerke questioned line 15, section 3, subsection 3, page 2; you may have a problem with "have resided"; this could be interpreted to mean "resided" and not a resident. The Chairman commented this is brought about by trying to make present law fit two different situations and there may indeed be a conflict.

In closing, Rep. Brand stated this facility is very badly needed; the time is now. The facility is available, and he would appreciate a Do Pass recommendation.

There being no further discussion or questions from the committee, hearing closed on H.B. 725. (Visitors' List attached).

House Bill 707: Provide that locally based Indian teacher-training programs be administered by local school districts or Indian non-profit corporations in cooperating with the units of higher education in Montana.

House Bill 820: Appropriate money to the Board of Regents to fund the Indian teacher-training program.

Hearing on the above two bills will be held at the same time, as H.B. 820 is the appropriation bill for H.B. 707.

Representative Robert Sivertsen, District 7, sponsor of the bills, explained this program was first funded in 1972 by the federal government, and has since been picked up by the state. The program has had a history of success. The program has been expanded to include all the reservations, plus the landless Indians in Great Falls. Under Article X of the new Constitution, provision is made for equal educational opportunities for all. The cost of the program averages \$5,500 per student over the biennium. Some of the money is spent for stipends, but most goes for education of the students. Rep. Sivertsen cited a graduate of the program working in Havre in the school system, and commented that though there were some problems and difficulties in the beginning, now the student really enjoys her work. The program is working well, he commented.

Rep. Sivertsen further commented that the appropriation bill is in error; the amount needed is \$450,000 in both FY78 and FY79, for a total of \$900,000 for the biennium. Page 5 of the bill specifies what the Commissioner of Higher Education would be required to do to administer the program; specifically line 8 through 25. This requirement makes for good accountability of the program. Millions of dollars are spent on welfare programs for both Indians and whites, Rep. Sivertsen said, and those programs only sustain people. This program is the direction in which we should be going; it makes productive people, and will save taxpayers' money in the long run.

Proponents:

Mr. Darryl M. Gray, Montana United Scholarship Service, Inc., Great Falls, submitted "Training of Indian Educators in a Public School and College Setting," final evaluation report of the landless Indian education program. (Attached). This was an extensive evaluation of the program funded in the last biennium. Mr. Gray summarized the program and listed accomplishments of this and other similar programs. The evaluation report explains what the program is and does, he stated, and sets out primary purposes and subsidiary objectives.

Mr. James Granzow, Inter-tribal (Fort Belknap), Lewistown, Montana, spoke as a proponent, commenting on Mr. Gray's explanation of the

program in Great Falls. Each program has the same basic direction, but each has evolved to meet specific needs.

Mr. Granzow passed out a letter from the Stanford Center for Research and Development in Teaching concerning the program in Hays-Lodge Pole, Montana, and spoke briefly on the 4 points on page 1 of the letter, commenting that the last two pages is a summary of the program accomplishments (letter attached).

Mr. Granzow stated that the problem of teacher turnover on the reservations has been a serious one. In his first year with the program at Ft. Belknap, the turnover rate was 70%. Most non-Indian teachers use these positions as a place to look for more congenial teaching conditions. It is a stop-over place. After a year or so they move on. As a result of the program being discussed, the turnover rate is down. Native American teachers return to the reservations to teach. (Testimony attached)

Mr. Merle Lucas, Coordinator, Indian Affairs for the State of Montana, distributed a telegram setting forth the position of the Fort Peck Tribes as supportive of H.B. 707 (attached). Mr. Lucas further stated that the language on page 1, lines 23 and 25, section 1, is confusing, and should be amended.

Lora Demaray, Lame Deer, Eastern Montana College, spoke as a proponent, commenting on the cost of sending students through the program. It costs approximately \$3,000 to send a single person to college per year; nearly three times that much for a married person with a family, she stated. Under this program, a student has to be working in a school to be eligible to participate. Ms. Demaray submitted a letter in support of the program from Dr. Wilson F. Clark, Department of Physical Sciences, Eastern Montana College (attached).

Letters in support were submitted from the following:

Crow Tribal Council;
Tribal Council of the Northern Cheyenne;
2 letters from the United States Department of the Interior addressed to Mr. Harold Gray, Director, Chippewa-Cree Research, Rocky Boy School; Mr. Gray commented that these two letters prove the BIA is unable to help fund the Indian Teacher Training Program.

Copies of each of the above are attached to these minutes.

Copy of letter to Rep. Ann Many Dussault concerning the position of the Commissioner of Higher Education on H.B. 707 was submitted, and is attached.

No Opponents.

Questions:

Rep. Halvorson stated she thought teaching positions on the reservations

had to be filled by civil service appointment. Rep. Sivertsen explained that BIA operated schools have this requirement, but not other schools on the reservations.

Various committee members commented on the program. Rep. Moore asked concerning the funding of this program two years ago; that was to allow the approximately 40 students on the program to graduate, and was approximately \$240,000. Rep. Kvaalen commented why during the past interim are there freshmen involved in the program, if the funding last biennium was to finish the education of those in the program at that time? Rep. Sivertsen explained that the money had been scraped up to start others in the program, and now our support is asked to continue.

Rep. Aageson asked concerning the Commissioner's responsibilities under this bill; is the funding for this in that office's budget? Do we know what the dollar figure would be? Mr. Noble, of the Commissioner's office, replied that the exact dollar figure is not known; some administrative staff time would be involved and probably a part-time position would be required additionally.

The Chairman commented that he could see a possible legal problem with the wording on page 3, lines 13, 14 and 15; you may run into a problem in the eyes of the law because of civil rights. There is a problem within the tribes when you define "Indian" as only a tribal member. We can't discriminate between tribal and non-tribal Indians, he commented.

The definition of "Indian" as recognized by the Secretary of the Interior was mentioned, and the list prepared in 1934-1936, and recognized by the Secretary of the Interior which defines "Indian".

Rep. Sivertsen concluded the hearing, saying some of the new students came into the program through federal funds that were available because of termination of some other programs; they need assistance now to continue. It is up to the state whether to fund this type of program or not, but it is a successful program.

Hearing closed on H.B.'s 707 and 820. Visitors' List attached.

House Bill 564: To eliminate state retail liquor stores. Rep. Fred Barrett, District 48, sponsor, gave a history of the bill. This was prepared by the interim legislative committee and is the result of a two year study in relation to retailing of liquor and wine. The bill was heard in the business and industry committee, and passed out of that committee. It is in the appropriations committee because of the fiscal impact it might have on revenue.

The basic purpose of the legislation is to get the state out of an enterprise that it is felt could be handled more efficiently by private

enterprise.

Addressing the fiscal note, a \$1.7 million reduction in revenue is projected for FY78, and \$3.3 million reduction in FY79. There are a number of things which might be relevant as to this note, Rep. Barrett explained, none of which can be absolutely verified, but might be worth jotting down and considering later. It is difficult to project the effects on revenue; you should consider that the inventory in private liquor stores and taverns would be taxed, and this is not the case with state liquor stores. There could well be a return of tax money to the state from that difference. The overall cost of administering the state liquor stores is a consideration. This is estimated at \$5 million for the coming biennium. This bill only eliminates retail sales of liquor by the state, so you would not eliminate all of the \$5 million cost projected. Increase in expenditures to local government of approximately \$900,000 was commented on; some of this could possibly filter back into the state to decrease the state's loss. The six state liquor warehouses mentioned in the fiscal note are not an absolute requirement; this figure could be as low as 2, or conceivably even none. This amounts to \$1 million of the fiscal note. Costs of transportation of liquor now borne by the state possibly could be eliminated by passage of this bill.

Proposed amendments to H.B. 564 were presented by Rep. Barrett. One amendment deserving mention is on page 15, line 17; the amendment proposes that the fee be increased for the initial application from \$1,000 to \$10,000. This is not a stop-gap to bring back revenue; it is an attempt to make private package liquor stores compete on an equitable basis with taverns. (Amendments attached).

Amendment #8 strikes that portion of the bill which allows for a quota system on package liquor stores. The number is too high. A concern of Rep. Barrett's is that this amendment will decrease the accessibility of people in small, out-lying areas to obtain liquor. This may have to be revised or put back in. He would leave that to the committee to resolve.

Proponents:

Mr. Ross Cannon, on behalf of the Montana Food Distributors Association, appeared as a proponent, and submitted proposed amendments. 450 members of the association who own and operate single unit grocery stores support these amendments. Mr. Cannon continued, saying that they had supported SB 85; that bill failed 27-22 in the Senate, and on reconsideration, failed on a tie. H.B. 565 is the other bill offered by the interim study committee studying liquor buying alternatives in Montana. Some felt decontrolling of wine was not sufficient. The title contemplates decontrol of distilled spirits and wine. When the bill was lost in the Senate, the sponsor of this bill was approached because the title of this bill was broad enough to accomplish the desires of SB 85, and the association asked if they could get behind H.B. 564 to try to salvage retail sales of wine in grocery stores. (Testimony attached).

In conclusion, Mr. Cannon stated that the testimony distributed explains what is most important. We come to you for another run at this proposal because we have the best study of Montana's monopoly which has ever been made. There are feasible alternatives to selling wine and liquor which were seriously explored, and the citizens would pay less if the state retail system were abolished; this would also provide greater convenience for the consumer. Mr. Cannon displayed a box of petitions with signatures of 45,000 persons supporting the sale of wine in grocery stores.

Mr. Cannon distributed copies of editorial opinions appearing in various newspapers supporting this concept (attached). The product could be sold in this manner and not jeopardize the state's revenue; we submit that this serves the best interest of all, Mr. Cannon concluded.

Rep. Lynch asked if this is not a violation of the rules, to look at the wine bill put in this bill, when the Senate has killed the wine bill. When this procedure was attempted in the past, it was found to be in violation of the rules, he stated.

The Chairman commented that he had mentioned this to the Rules Committee, and their opinion was that possibly if this proposal should pass the House, it would be up to the Senate to accept or reject. There was no formal ruling from the Rules Committee.

Rep. Lynch stated he would like to formally request that this be sent to the Rules Committee before we make a decision. The Chairman said we will complete this hearing, and accede to your request later on.

Mr. Cannon then asked Mr. LaFaver if he would explain the fiscal neutrality of this bill as the amendments are proposed.

Mr. John LaFaver, Legislative Fiscal Analyst, spoke as neither opponent nor proponent. The original study had both a higher volume of wine sold and a higher per unit cost. The particular amendments as they relate to wine, though he had had only a few minutes to look them over, indicate that the fiscal impact of the bill as amended would be less than shown on the original fiscal note.

Rep. Lynch asked what would be the fiscal impact now? Mr. LaFaver replied a loss of revenue of around \$400,000 per year.

Mr. Dennis Dowling; Mr. Frank Capps, Helena; Mr. Tom Haines, Missoula; rose in support of H.B. 564.

Opponents:

Mr. Bob Durkee, representing Montana Tavern's Association, rose as an opponent (memorandum attached).

Senator Thiessen, District 27, spoke as an opponent, and particularly to the amendments offered by Ross Cannon. Sen. Thiessen stated he has

always been opposed to decontrol of liquor in the state; he believes in control. Senator Thiessen disagrees with Mr. LaFaver's report on revenue loss; he does not think it includes the costs to the state that alcohol brings about. Our institutions, prisons, and law enforcement officers are affected by the problems alcohol creates. He had asked Mr. LaFaver to include these costs in his report, but Mr. LaFaver had declined to do so, he stated. The additional consumption of alcohol talked about this evening would add additional costs to the state that we have not considered.

Sen. Thiessen cited revenue per capita collected by Montana as a controlled state (\$24.23) opposed to the 18 licensed states collecting \$18.80 per capita; the Montana operation is an effective revenue collecting operation. We need that return to cope with the responsibilities to finance all the problems that alcohol consumption creates.

Sen. Thiessen spoke in opposition to the petitions presented by Mr. Cannon. His experience with petitions has been that people don't always read what they are signing, and he feels sure many people who signed the petitions were not aware they were putting 24% alcohol on the grocery shelves. "I most strongly oppose passage of this bill," Sen. Thiessen concluded.

Mr. William A. Groff, Director, Department of Revenue stated he has no interest in the amendments, but has a strong interest in the alcohol revenue. Mr. Groff explained the percentages of the tax on liquor to the committee. It is taxed at 16% and 5%. The 5% goes to the counties, minus 1% for alcohol treatment. There was a problem with the federal government in 1959 concerning a tax on alcohol profits. At that time the 16% tax was originated. The intent was not to raise the price of liquor because you have to be competitive in price with surrounding states or people will bring liquor in to the state. Mr. Groff explained the liquor mark-up. We have raised the price of alcohol to the point where we are out of line with neighboring states, Mr. Groff commented. He explained how takeovers of small bars would be possible, and stated this bill will make law enforcement of liquor almost impossible. You can price liquor out of the business in this state. Any bill taking hard liquor out of state control of Montana will create a problem.

Mr. Lonny Mayer, Tri-State Council of Retail Clerks, spoke as an opponent. The Retail Clerks interest in this bill is that there would be a loss of over 300 jobs of people represented by the Clerks caused by this bill. The Retail Clerks Association have passed a resolution going on record as opposing any effort of the state to get out of the control of liquor. Liquor is the 5th largest form of revenue to the state, with \$14 million plus in revenue coming in in 1978-79. "With passage of HB 564, we could lose \$10 million plus of state revenue," Mr. Mayer stated.

Beverly Reinhart, Retail Clerks #684, Helena, spoke in opposition to HB 564 and to the wine amendments as proposed by Ross Cannon, citing loss of revenue to the state and loss of jobs for retail clerks as reasons for her opposition. Montana has been a controlled state and this has worked well. Organized labor opposes this bill and the wine amendments; she urges that the bill be given a Do Not Pass.

Mr. Ken Wynn, Administrator, Liquor Division, Department of Revenue opposed the bill. 10 million bottles of liquor sold last year were stamped through the state warehouse, and this bill requires that procedure to continue. Who will stamp the liquor? If the state is decontrolled, they can't do the stamping at the warehouse. Cases have to be broken and then the liquor is difficult to ship. He mentioned the 126 unincorporated cities and towns in Montana; of these, 13 have populations of 5,000 people or more. Closing the state liquor stores in the small communities would cause them to lose a big asset. He cited the closing of the state liquor store in Geyser as an example.

Mr. Phil Strobe, Montana Tavern Association, Helena, spoke as an opponent. The loss to the state of \$3 million has been discussed, but not mentioned is the economic loss caused by the reduction in value of their liquor licenses. Mr. Strobe commented that they have quarreled with Mr. LaFaver in the past year during preparation of his report because he has failed to come forward with a report showing what losses would occur to their one-product industry. Tavern owners have a substantial investment in their assets. He further commented that the newspaper industry has treated this proposal in a manner which makes him ashamed, and suggested they had been one-sided through fear of losing advertising.

As to the petitions presented tonight by Mr. Cannon, Mr. Strobe discounted these, saying with his permission his 13 and 15 year old children had signed these petitions to draw attention to the fact that anyone could sign, regardless of their understanding of the petitions. Mr. Strobe does not believe the people preparing the petitions told the signers it would cost the state \$3 million in lost revenue; he believes the Senate knew what it was doing when it killed SB 85.

Mr. Strobe then spoke concerning the study conducted in the interim, the LaFaver report, and commented on the many changes made in what was proposed by the study and what is before the committee tonight in the form of HB 564. He further noted that his industry's losses were not considered. If you take out of a business none of its fixed costs, but remove a substantial amount of its volume, that business is going to lose. Our industry needs the wine business to stay in business, he said. Mr. Strobe concluded by saying if it was appropriate to study this idea, then what was recommended by the interim committee, SB 85, should have been good enough to withstand the first go-around of testimony.

Mr. Vern Reinhart, Retail Clerks Union, submitted written testimony in opposition (attached).

Mr. Durkee rose again and said he wished to call the committee's attention to the sheet handed out earlier which shows retail licenses for sale of distilled spirits in all states. Montana currently has one liquor license for every 470 people; Utah has one license for each 8,000 people. It is his opinion that Montana has enough licenses now to serve the population.

In closing, Rep. Barrett commented in his opinion and in the opinion of many others, Montana has become so dependent on alcohol as a source of revenue that we can't let go of that source. He feels this is a sad situation for Montana. He asked the committee to consider the bill with the amendments he proposed. Rep. Barrett complimented Mr. LaFaver for the preparation of his report. "I do not particularly accept this as my bill, but am neutral on this," he concluded.

Representative Moore interjected that he would commend Mr. LaFaver on the report; Mr. LaFaver was asked to prepare a report with guidelines established, and he felt that was what Mr. LaFaver had done. Rep. Lund concurred.

Questions:

Rep. Ageson spoke to Mr. Strobe, stating that some of the conclusions Mr. Strobe had drawn in assessing the interim committee that dealt with the study were personal opinions and not fact. Stating that the interim committee did not take into consideration the loss to the tavern industry would not be an accurate statement if the minutes were checked, Rep. Ageson stated. The tavern industry was asked to submit information, and did not do so.

Mr. Strobe replied that he had not intended to make that statement. His belief is that the committee considered this element, but the LaFaver report did not. I have talked this over with Mr. LaFaver and he did not think that area was in his purview; we differ on this, Mr. Strobe explained.

Rep. Ageson replied that in his opinion, as a member of the interim committee, at no time did he believe Mr. LaFaver or his office was acting without the direction of the interim committee; criticism directed to the study should be directed to the interim committee, and not to the staff who conducted the study.

Rep. Marks asked Mr. Strobe if it was correct that 30% of the business of his industry is in wine. Mr. Strobe answered that the testimony was that 30% of the volume in a package store in the Holiday Village was in wine. Would you estimate that the average tavern owner would have this high volume of wine sales, Rep. Marks asked. Mr. Strobe replied he did not have that information.

Representative Marks asked Mr. Wynn, Dept. of Revenue, how stamping of liquor bottles is handled in other states, and was told in control states

the liquor stores stamp the bottles; in Wyoming, where they have a wholesale system, no state stamps are affixed. The tax is collected at the warehouse level when sold to licensees.

There being no further questions from the committee, hearing closed on H.B. 564. Visitors' List attached.

House Bill 278: Appropriate \$3,500,000 for removal or architectural barriers to the handicapped at units of Montana University system.

Rep. John Driscoll, District 91, sponsor, explained that this is probably his favorite bill of those introduced this session. This will tap long range building for \$3.5 million; the purpose is to modify 5 units of the university system so handicapped students can take all courses. "You might think of this as a \$3.5 million building in which building handicapped students could receive the same education they would if they were not handicapped," he commented.

Rep. Driscoll distributed a Campus Consolidation Form showing how the money would be spent at each unit (attached).

Rep. Driscoll explained a survey had been made to determine what would be necessary to remove barriers at the various units of the system. The original estimated cost was \$16 million, which has been reduced to the \$3.5 million this bill requires. Western Montana College was removed from consideration because central to that unit's system is an old building that would be difficult to remodel. Other decisions of this type were made which reduced the dollars required, and this proposal is the result.

He would mention two items; there are building standards that relate to architectural barriers for new construction, but no requirements for old construction. Serious ramifications could occur to the state of Montana from the question of whether a person is discriminated against because of being handicapped. Rep. Driscoll explained that he could have brought many people to testify, but had limited the number he had asked in the interest of the committee's time. He introduced Mr. W. Lannan, Commissioner of Higher Education's Office, and mentioned that the Commissioner's office had coordinated the task force which had studied the architectural barriers problem; Mr. Al Stiff, retired CPA, who had polio at 17, is now retired but works in public service areas such as this, and Mr. A. A. Van Teylingen, Montana State University. These three gentlemen won't testify, Rep. Driscoll explained, but will be available to answer questions.

Proponents:

Jackie Hanson, Montana Student Lobby, Helena, rose in support, stating that the Student Lobby is composed of 24,000 students, and she is appearing for them as a proponent of this bill. Article 10, Section 1 of the 1972 Constitution called on the people to establish a system of education to develop the potential of each person. This right is

guaranteed to each person, but is denied to people who can't get up stairs, through doors, or because of some other physical handicap, are denied access to areas of the buildings. The Student Lobby urges passage of this bill.

Sylvia Stevens, CCH, RSAC, MCHI, university student, University of Montana, spoke of the problems students with ambulatory problems have on the university campus. A very real, particular problem is the lack of bathroom facilities available to persons confined to wheelchairs. (Testimony attached)

Ms. Stevens also represents Montana Coalition of Handicapped Persons, a group just "getting its wheels going", and which is growing throughout the state.

Dennis Klewin, Advisor to "Wheel Chairs, Crutches, and People" group on the MSU campus stated he represents 120 handicapped students. He stated he has been working on the barriers problem and has completed a first writing or leaflet which will be sent to high schools in the state so students outside of the system are aware of what they can and can't do at MSU if they have ambulatory problems. Mr. Klewin mentioned that it appears there may be 5-6 paraplegics and 2 quadraplegics enrolling soon; we have a commitment to them, and it will take a lot of planning work and renovation to make their education feasible.

Ned Tamscheck, University of Montana, commented that the handicapped want independence, particularly in the financial area, and getting an education is the best way to attain this independence. (Testimony attached)

Patricia Pomery, Montana Student Lobby, Vice President Associated Students of Montana, spoke as a proponent, explaining that "handicapped" has many definitions and includes not only those in wheel chairs and on crutches, but football players with bad knees; skiers with sprained ankles; pregnant women; and faculty members who have had heart attacks. Statistics available show that out of a population of 200,000,000, nearly one-quarter would benefit from barrier free buildings. (Testimony attached)

Representative Budd Gould, District 98, representing Montana Association for the Blind, spoke in favor of this bill, and added that he is a member of the Rehabilitation Advisory Council, which is on record as supporting this bill. Rep. Gould stated an important point to consider is that the field of technology has greatly increased the mobility of handicapped persons and is changing the lifestyle of these people drastically. Five years ago this bill would not be needed as much as it is today, due to the increased mobility technology has provided handicapped persons. He asked that the committee please give this bill strong, favorable consideration.

There were NO OPPONENTS.

Questions:

Representative Moore asked in the 5 units we are speaking of, how many handicapped persons are in these units, and was told there are 326 within the 5 units.

Rep. Aageson commented that the federal government has rules and regulations making it a requirement that buildings receiving federal funds be accessible to all. He mentioned a building built recently on Northern Montana's campus which will have to be updated; when did these regulations go into effect, and why is it necessary to upgrade these buildings at this time?

Mr. Van Teylingen replied that this is a fuzzy area. Some programs administered by the federal government do have to meet certain criteria; there is nothing in the state statutes at this time to deal with the problem. There have been statutes concerning this on the books, but in the last session, or the one previous to that, what provisions we had were wiped off the books.

Representative Hansen asked who had made the estimates for the work necessary, and asked if they are firm. Mr. Van Teylingen replied that the universities came in with the requests, asking that the whole job be done; it was scaled down to the proposals in the bill. Plant people from the universities met with the committee; there are problems in establishing priorities. As to the firmness of the requests, inflation would be a factor here.

The Chairman offered a few comments, stating that in some cases it might be better to build a new building than to try to remodel to meet these specifications. There are quite a number of buildings in the system not supported by general fund dollars; fees accumulate on these. Could the university units devise a policy to take these fees and do some of this renovation without having to come in for a general fund appropriation? There are accumulated fees in some of these accounts, he added. Mr. Van Teylingen replied that at MSU, student building fees are and have been plowed right back into the buildings to improve instructional facilities. However, ramps and elevators have been put in with some of these fees.

The Chairman noted that it might be possible, and politics is the science of the possible, that one unit of the system could put a first priority on this type of renovation and concentrate money in this area. Then most handicapped persons could attend this unit until all other units could comply with provisions in this bill.

Rep. Driscoll agreed this would be better than nothing; perhaps one of the students present could comment.

Pat Pomeroy discussed the student survey on barriers and that in tackling some of the basics first, topography of the campus was considered; Missoula is pretty much all on one level; they will be looking where the

most good can be done for the most people. Certainly the Chairman's suggestion could be considered.

Mr. Van Teylingen added that the task force addressed this question; if you make one campus the number 1 priority in this area, you limit the number of programs available to those students who can only attend one unit. The task force did not feel it could make this kind of decision.

Discussion was concluded with the Chairman stating this will be referred to long range building; however, if there isn't enough money for all, he would suggest that you "pick a priority from these priorities and give that suggestion to long range building."

Rep. Hansen expressed displeasure with the amount of time that was taken by the universities in providing privacy in bathroom facilities made available to non-ambulatory students. If this project was not concluded for nearly two quarters, and was of such a minor matter to do properly, he would find that inexcusable. The Chairman agreed, adding we will have to get on the back of the operations/maintenance crew of the university.

In closing, Rep. Driscoll mentioned there is a 1% per month inflation factor which should be kept in mind; this project should be started as quickly as possible.

There being no further discussion or questions from the committee, the hearing closed on H.B. 278. Visitors' List attached.

The meeting adjourned at 9:55 P.M. The committee will meet tomorrow, March 16, at 3:30 p.m.

FRANCIS BARDANOUVE, Chairman