

MINUTES OF THE MEETING  
LEGISLATIVE APPROPRIATIONS COMMITTEE

April 4, 1979  
Room 104  
State Capitol Bldg.  
Subject:  
Senate Bill 370  
Senate Bill 319  
Senate Bill 429  
Senate Bill 448

The meeting was called to order at 8:30 a.m. by Chairman Francis . Bardanouve. All members of the committee were present with the exception of Representative Esther Bengtson who was excused.

Chairman Bardanouve introduced Senator Etchart, who sponsored Senate Bill 370. Senator Etchart stated that the purpose of his bill was to revise the mileage allowance for noncommercial airplace travel for state business. He said that the intent of this increase is to permit adequate compensation for state aircraft when used for state business. Senator Etchart stated that if we go to air miles, we will have to raise the rate. The bill was originally figured at 20 cents per mile. He would rather have automobile mileage. The rate for automobile mileage is changed by the Internal Revenue Service. He explained that it will be done as the price goes up. This bill will also be on a sliding scale basis. He feels the allotment should really be twice. Senator Etchart stated he would like to see the bill amended back to its original wording. He went on to give an example stating: If you take a \$20,000 airplane, which travels 150 miles per hour and uses 13 gallons an hour, you would be getting 11 and one-half miles per gallon. This would be 11 and one-half cents per mile. On a trip from Glasgow to Helena, on a round trip by air, you would have one days travel, and by car it would take you two days. By car, at 270 miles you would end up with a total cost of \$167.55 for the round trip. By air, the total cost would be \$136.66. The cost really is less overall by air, if you figure the time of the individual involved.

Senator Etchart introduced Mike Ferguson, the Administrator of the Aeronautics Division who spoke on behalf of the Aeronautics Division in favor of the bill. Mr. Ferguson wanted to emphasize that in their case, at the present time it is more costly to bring in their 7 member board by automobile than by airplane. If they fly they can attend a one-day meeting and be home the same day. By automobile, the members would have to paid for an extra day. Mr. Ferguson also commented that it would be better to have the "double" mileage allotment. He closed his presentation, stating that they strongly support the bill.

There were no further proponents to the bill and no opponents. At this time the committee was allowed to ask questions.

Representative Moore commented on the acceptable practice of the

April 4, 1979

Page Two

day is to use nautical miles. He asked if they would have any objections to converting this bill to nautical mileage. Senator Etchart responded that if the committee desires nautical miles, the bill would have to be amended to include that language.

Further discussion was held on the feasibility of whether or not we should change the bill to read twice the amount for car mileage. The hearing was then closed on Senate Bill 370.

Chairman Bardanoue then presented Representative South who was the co-sponsor of Senate Bill 429. Representative South stated that he would give the presentation for the bill on behalf of Senator Fasbender who was unable to be present at the meeting.

Representative South stated that this bill requires loans from the general fund or the University unrestricted subfund to University funds to bear interest and to deposit that interest in the general fund. It also prohibits negative balances in certain funds and subfunds. Representative South went on to explain that the bill provides that no entity may have a negative cash balance at the end of the fiscal year. The Department of Administration may allow any entity to carry a negative balance at any point during the fiscal year subject to certain restrictions. He stated that any loans made from the general fund or the university current unrestricted subfund shall bear interest and that any interest received from these loans shall be deposited in the general fund.

Dave Lewis from the Department of Administration rose in support of the bill. Mr. Lewis stated that he commented that he had nothing to add to Representative South's presentation and that he was there to answer any questions the committee might have.

Representative Hand asked if it was irregular for an agency to borrow from the general fund and Representative South stated that it is not too irregular inasmuch as they have now modified SBAS to run negative cash. He went on to explain the negative cash theory. Representative Hand then stated that there was not too much chance of this getting out of hand and Representative South concurred with his statement.

There was no further discussion on this legislation and the hearing was closed on the same. At this time, Representative Lund made a motion that Senate Bill 429 be concurred in. Motion carried.

Chairman Bardanoue then stated that John Fitzpatrick from the Office of Budget and Program Planning was present and that he had a proposal to explain regarding the prison problem.

Mr. Fitzpatrick gave his presentation to the committee on the buildings that are available at Warm Springs. He stated that the General hospital is not occupied at the present time. It is basically full of furniture. He said that there was probably enough furniture available to handle this proposal, or for that matter for any proposal that the committee decides on. Mr. Fitzpatrick went on to say that the proposal by the OBPP would provide them to go in with Phase 1 and use half of the General hospital building. If they find later that they need more room, they can then open up the second wing of that building. He said that we would have to add a perimeter fence around the Boulton Hall building to make it more secure. He explained that the Scanland Building is currently an employee building. The office feels that this could be used for administrative offices and possibly the pharmacy could be housed there. He commented that there would be no major renovations necessary for any of the buildings at Warm Springs. Basically, we would only have to do minor clean up work, and put fences around the buildings.

Mr. Fitzpatrick stated that the Department of Institutions has not voiced any specific objections to this proposal. However, they have stated that this is not their highest priority.

Representative Gesek asked if there would be any legal problems involved in having the two populations so close together and Mr. Fitzpatrick stated that if we put language in the bill that would probably cover us legally.

Representative Lund asked where Unit 85 is located. Mr. Fitzpatrick stated that it is up behind the kitchen. They are designating that as a reserve unit.

A lengthy discussion followed on the merits of using the Stillwater Camp as the site for the needed prison space.

Representative South suggested that the committee make a decision and send it to the Senate Finance and Claims Committee. He then said that he would go with the Warm Springs proposal and if the prison population does not continue to build to where they have projected, they can always walk away from this proposal and not lose anything.

Representative Moore agreed with Representative South as did Representative Manning. Representative Yardley spoke in opposition to this proposal saying that he feels that we are perhaps acting too hastily in making a decision of any kind.

Representative Marks questioned the total capacity at the Warm Springs complex and Mr. Fitzpatrick stated that it is can accommodate 236 beds. This figure would include all three buildings.

April 4, 1979

Page Four

Representative Marks then asked if the committee thought it would be feasible to select an interim committee to study the long range needs of the prison. Mr. Fitzpatrick endorsed the idea for the interim committee. He stated that there is a need for continuous dialogue with the legislative and executive branches and he feels that interim committees are beneficial in all instances.

A lengthy discussion was held on the various alternatives that the committee has in connection with the prison and Representative Gesek asked about the recreation facilities at Warm Springs.

Mr. Fitzpatrick explained that the facilities are there at the present time. All they have to do is work up a schedule for times for the prisoners to use the facilities and times for the patients to use the facilities.

Representative Wood again questioned the necessity of renovation to make the facility work for prisoners. Mr. Fitzpatrick stated that these facilities will house the minimum security prisoners. We should not have to install bars on the windows or put in metal windows or things of that nature. Their office is not looking at any type of major renovation.

Representative Marks questioned the possibility of an educational program at Warm Springs and Mr. Fitzpatrick stated that we put money in so that they could offer some basic education programs to the prisoners.

Representative South made a motion that we recommend using the facilities at Warm Springs for the temporary quarters for the prisoners. With Representatives Bardanouve, Menahan, Yardley and Gesek abstaining, the motion carried.

At this time Mr. Fitzpatrick asked that language be put into the bill requesting the Department of Institutions to start looking at some long range alternatives well in advance of the next legislative session.

This closed the presentation on the prison proposal.

After a discussion of possible amendments to Senate Bill 319, Chairman Bardanouve selected a subcommittee consisting of Representatives Manuel, Hand and Hurwitz to take a look at this bill and to make a recommendation to the full committee. Representative Manuel was named Chairman of the subcommittee and they were instructed to report back to the committee within two days.

The committee then took executive action on Senate Bill 370.

Representative Hand made a motion that Senate Bill 370 be concurred in. At this time Representative Moore made a motion that we amend the bill on page 2, line 12, by inserting "nautical" in

April 4, 1979  
Page Five

front of air miles, and also by striking the figures 1 and one-half on line 13, and inserting the word "twice". The vote in favor of the amendments was unanimous and Representative Moocre then moved that Senate Bill 370, as amended, be concurred in. Motion carried.

The committee then considered Senate Bill 448. Representative Manning moved that Senate Bill 448 Be Concurred In. Representative South made a motion that the bill be amended to include Senator Fasbender's proposed amendments (attached hereto as exhibit 1). Representative Lund moved the amendments. The vote was unanimous. At this time Representative Lund made a motion that Senate Bill 448, as amended, be concurred in. With Representatives Hurwitz, Kvaalen, and Moore voting no, the motion carried.

Representative South stated that since there seemed to be some reservations about the intent of this legislation, perhaps a letter of intent should be written defining who will be the administering agency for the program. Discussion was held on the feasibility of this. Representative South then made a motion that such a letter of intent be written. Motion carried.

There being no further business before the committee, the meeting was adourned at 10:00 A.M.

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Chairman

Rebecca Stjepanovich  
Secretary