

MINUTES OF THE MEETING
LEGISLATIVE APPROPRIATIONS COMMITTEE

April 12, 1979
Room 104
State Capitol Building

The meeting was called to order at 8:05 A.M. by Chairman Francis Bardanouve. Chairman Bardanouve took roll and all members of the committee were present. He then stated that we would continue with the presentation of House Bill 824 which was in process when we adjourned on April 11, 1979.

Representative Yardley continued his explanation of House Bill 824 stating that they were increasing the budget appropriation on Glen Lake to \$33,000. He explained that a Court Order sayd that we have to give Link Brothers specific performance. We are also to put the tram in working condition and give it back to the Links.

Chairman Bardanouve commented that if we give Link \$350,000 at 8% interest, there could be \$8,000 interest. It looks like we should settle this case for about \$250,000 rather than rebuild the tram. We would be better off.

Representative Waldron asked for further explanation of the Specific Performance conditions of the Court Order. Representative Yardley explained that the suit asked for it, and the Court gave it to them. We are not only giving them specific performance, we are giving it back to a prior date.

At this point Representative Waldron stated that he agreed with the Chairman. He feels we should rebuild the tram.

Representative Marks wondered if anyone from Architecture and Engineering had ever looked at this problem. Representative Yardley said that the Fish and Game had made an appraisal and that they came up with these figures of rebuilding the tram.

Representative Wood stated that we could probably get the tram only about half rebuilt for the figures stated. He then asked what would happen if they come back in for more at a later date.

Representative Yardley replied that the Department of Fish and Game has said they could rebuild the tram for \$275,000.

Representative Bengston wondered about using some of the money for parks acquisition. She doesn't think we should use the renewable resources money. She asked why they don't take this out of the coal money that was set aside for parks. Representative Yardley explained that most of that money is already used up.

Representative Kvaalen stated that he would like to appropriate them \$100,000 for the settlement and tell them that this is all.

Representative Yardley said that if the Fish and Game Department

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fails to rebuild the tram within two years, they will be held in contempt of court. He stated that he would like to see the tram rebuilt.

At this point Representative Yardley turned his presentation to the Lambeth area.

Representative Hand asked if we are talking about a reservoirs or solid waste. Representative Yardley answered that we are talking about an amount that was re-appropriated before.

Representative Bengtson questioned the Lost Creek and Lambeth areas and asked if their request came through the Department of Natural Resources.

Representative Yardley explained that they were listed in the priority list. The Lambeth request is in House Bill 893. He went on to explain that the Long Range Building committee approved that bill but put the money for it in House Bill 824. He stated that in connection with Lost Creek, they had agreed to that and had also agreed to fund it through House Bill 824.

Discussion was then held on the various projects that were listed under the forestry division of the Department of Natural Resources.

Representative Bengtson stated that she would like to see the amount increased in the Glen Lake Irrigation District.

Discussion was then held on the reason the Department of Natural Resources goes with various irrigation districts.

Representative Yardley stated that the 5% is to get the ball rolling.

Representative Moore stated that the Glen Lake project was number 7 on the list of priorities out of a total of 8.

Representative Yardley then explained House Bill 504, stating that it requests \$86,500 from the general fund to the Department of Natural Resources to study 7 sites for off-main stream water reservoirs. He said that if the committee wants this bill, there should be funds used rather than general funds. He explained further that originally there were 70 sites that were cut down to 7 as the final number to be looked at.

After further explanation of the bill, Representative Hand made a motion that House Bill 504 Do Pass. Representative Marks made a substitute motion that House Bill 504 be amended for the funding to come from the renewable resource funds. After further discussion, Representative Moore made a substitute motion to table House Bill 504. After further discussion, Representative Hand made a motion that we add the funding of House Bill 504 to the funding of House Bill 824. On a voice call, Representative Hand's motion carried.

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HOUSE BILL 542

Representative Moore moved that House Bill 542 Do Pass. Representative Yardley then explained that the Long Range Building Committee left out \$1,000,000 for the present operation.

Representative Waldron commented on the items for construction at the School in Great Falls. He wondered which had top priority, the cottages or the gymnasium.

Representative Tropila responded that the gym has top priority because it would be utilized by more of the children.

At this point Representative Waldron made a motion to amend House Bill 542 as follows:

1. Line 11, strike \$4,983,072
Insert: \$2,897,280.
2. Strike line 19 in its entirety

After further discussion Representative Kvaalen made a motion that House Bill 542 be tabled.

Representative Manuel stated he didn't understand why the Long Range Building committee didn't consider this bill in the first place.

Representative Yardley explained that there are only 3 construction projects in House Bill 417. The rest of the requests are for maintenance items.

At this point Representative Kvaalen withdrew his motion and Representative Yardley made a motion that House Bill 542 Do Not Pass. With Representatives Ellis, Gesek, Hand, Manning, Manuel, Menahan, Moore and Waldron voting No, the motion failed.

Representative Moore made a motion that we move House Bill 542 to the bottom of the list. Motion carried.

Discussion was then held on House Bill 743. Representative Yardley explained that this is the St. Clair Creek Syphon and that they are asking for \$400,000 for that project. He said that the Long Range Committee recommended a Do Not Pass. He said that if you fund an additional amount, we would put it in House Bill 824. He said that there is already \$33,000 in there for this project. At this time Representative Manuel made a motion that House Bill 743 Do Not Pass. With Representative South absent and with Representatives Bengston, Gesek voting No, the motion carried.

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The next bill to be considered was House Bill 761. Representative Yardley explained that the idea is to allow these funds to be within the criteria of the general obligation of the state even though they will not be paid out of long range building funds. He said that this would reduce the interest rates by about 1%. The bill would take a 2/3 vote to pass.

The committee then discussed House Bill 818. Representative Marks made a motion that House Bill 818 Do Not Pass. With Representative Gesek abstaining, with Representative South absent, and with Representatives Ellis, Menahan and Waldron voting No, the motion carried.

Representative Ellis stated that he feels certain that House Bill 818 will be back in a couple of years. He said that he would like to see this building done, but thinks the committee should help with the funding.

The committee then considered House Bill 888. Representative Moore made a motion that we take the bill from the table, and then moved that House Bill 888 Do Not Pass. On a voice call, motion carried unanimously.

HOUSE BILL 889

Representative Moore made a motion that House Bill 889 Do Not Pass. Again on a voice call, motion carried unanimously.

HOUSE BILL 893

Representative Moore made a motion that House Bill 893 Do Not Pass. On a voice call, the motion carried unanimously.

On House Bill 902, Representative Yardley stated that the Long Range Building Committee did not feel that this was necessary. He said that the committee recommended Do Not Pass. At this point Representative Waldron made a motion that House Bill 902 Do Not Pass. With Representative Moore abstain and with Representative South absent, Representatives Bengston, Gesek, Hand, Lund, Menahan voted No, and the motion carried.

Representative Yardley then explained that House Bill 904 had been incorporated into the big Long Range Building bill. He said they deleted \$200,000 from their other projects to help fund this.

Representative Moore then moved that we take House Bill 904 off the table. Motion carried. Representative Kvaalen made a motion that House Bill 904 Do Not Pass. Again with Representative South

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absent and with Representatives Ellis and Gesek voting No, the motion carried.

HOUSE BILL 920

Representative Kvaaalen made a motion that House Bill 920 Do Not Pass. With Representative South absent and with Representatives Bengston, Gesek, Hand, Manning, Manuel and Menahan voting No, the motion carried.

At this time the committee again discussed House Bill 542. Phil Hauck from the Architecture and Engineering Division of the Department of Adminstration stated that he thinks it would be a good idea to incorporate the State Library into the two lower floors of the State Justice Building. This would be a savings over building two separate buildings.

Representative South then made a motion that the committee go on record of being in favor of building the state library in conjunction with the Justice Building. With Representatives Bengston, Gesek, Hand, Manning and Manuel voting No, the motion carried.

Representative Moore made a motion that we re-instate section 9 in House Bill 417. The motion carried unanimously with Representatives Marks and Wood voting No.

At this point Representative Yardley explained that the sub-committee added money to the Justice Building for this. He said that they added 2.2 million and the figure should not be 6.5 million dollars.

Representative Bengston wondered if we could substitute some of the buildings requested in the big bill for the gym requested in Great Falls. Representative Yardley stated that we would not be able to use the two Job Service buildings. They are built with federal funds.

A lengthy discussion was then held on the construction of the gym facilities for the Deaf and Blind School in Great Falls. Questions included the staffing for the school.

Following this discussion, Representative South made a motion that House Bill 417 be amended to include the State Library in the Justice Building. With Representatives Bengston, Gesek, Hand, Manning and Manuel voting No, the motion carried.

Representative Waldron stated that his higher priority would lie with the legislative offices than with a new justice building.

Representative Menahan stated that he does not think we should be expanding the legislature any more than just for meeting rooms and committee rooms.

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Representative Moore asked what the total cost would be for the consolidation of the State Library and the Justice Building and Representative South responded that \$6.5 million would be the total cost, but that they can free up \$500,000.

Representative South then made a motion that we amend the bonding portion of House Bill 417 to include completion of the Justice Building and State Library. With Representatives Bengston, Gesek, Hand, Manning and Manuel voting No, the motion carried.

Representative South then made a motion that the greenhouse funding be added to House Bill 824. On a voice call the motion carried unanimously.

Representative South then made a motion that House Bill 417 be amended on page 3, line 23 by taking \$300,000 out. With Representative Marks absent, the motion carried unanimously.

Representative Kvaalen made a motion that the amendments to House Bill 417 be accepted. On a voice call, the motion carried unanimously. Representative Yardley made a motion that House Bill 417, as amended, Do Pass. With Representative Gesek abstaining, and with Representatives Marks and South absent, and Representative Waldron voting No, the motion carried.

At this time Representative Kvaalen made a motion that the committee reconsider its action on House Bill 542. After a lengthy discussion by members of the committee, Representative Moore made a motion that House Bill 542 be amended (Exhibit 1 attached hereto). With Representative Marks absent, and with Representatives Hurwitz, Wood and Bardanouye voting No, the motion carried.

Representative Moore made a motion that House Bill 542, as amended, Do Pass. Again with Representative Marks absent and with Representatives Kvaalen, South, Wood and Bardanouye voting No, the motion carried.

The committee then considered House Bill 824. Representative Bengston made a motion to reinsert lines 24 and 25 on page 1 and also lines 1 and 2 on page 2. With Representatives Marks and Waldron absent and Representatives Bengston, Ellis, Gesek, Hand and Manning voting Yes, the motion failed.

After further discussion Representative Bengston made a motion that House Bill 824 be amended on page 2, line 17 by inserting \$100,000 or 25% of all funds. Again with Representative Marks and Waldron voting No, and with Representatives Bengston, Gesek, Hand, Lund and Manuel voting Yes, the motion failed.

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At this time, Representative Yardley made a motion that the amendments to House Bill 824, plus the funding for the Greenhouse, be accepted. On a voice call, motion carried unanimously.

Representative Yardley then made a motion that House Bill 824, as amended, Do Pass. Again on a voice call, the motion carried unanimously.

The next bill to be considered was House Bill 761. Representative South made a motion to amend House Bill 761 (Exhibit 2 attached hereto) by adding Eastern Montana College in the scope of the bill and adding 1.5 million and \$800,000 private funding authorization. On a voice call, the motion carried unanimously.

Chairman Bardanouye then explained that no general fund money will be obligated until the bonds are sold. Representative South made a motion that the project would not spend any money until the bonds become available. Again on a voice call, the motion carried. At this time Representative South made a motion that House Bill 761, as amended, Do Pass. On a voice call, the motion carried unanimously.

There was no further business to come before the committee, and the meeting was adjourned at 11:00 A.M.

The meeting was reconvened at 3:05 P.M. with Chairman Bardanouye presiding.

At this time lengthy discussion was had on the tramway at the Lewis and Clark caverns. Representative South explained to the committee that a tentative settlement had been reached with Link Brothers. He said that we will pay \$275,000 to restore the tramway. We are presently paying \$13,000 a year for the tramway. He has offered the attorney for Link Brothers \$400,000 to settle the case and they have accepted that figure. Representative South went on to explain that it will cost the State \$274,000 general fund money.

At this point John LaFaver, the Fiscal Analyst, explained the Senate Amendments to House Bill 483 as contained in Exhibit 3 attached hereto.

Chairman Bardanouye then explained the proposal that has been reached for the problem at the prison. He said that the Department of Institutions has agreed to allow \$1,000,000 over their appropriation to be used for this project. He further said that the plan has flexibility. They plan to build the Stillwater Camp. The figure for this project would be \$2,483,335. In addition to that facility there will be \$552,394 initial dollars to be appropriated to the

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Department of Natural Resources for the supervision of the prisoners and equipment. This will pay for 3 or 4 months of operation in 1981. They figure to open the camp in May of 1981. He further stated that this will be a year-round camp. Chairman Bardanouve went on to explain that, under contracted services, there will be 20 beds in Billings at a cost of \$219,000. There will be \$390,000 for additional beds at a location that has not yet been determined. Chairman Bardanouve explained that the Department of Institutions does not object to using one of the smaller units at Warm Springs, and that they could put another 40 beds there. He commented that they would like to use convict labor for the construction of these facilities. We can not authorize this, but they could do it and it would save us about \$600,000. He said that they will also double up in the old prison. They are using every available room at a cost of \$427,000. He said that the total figure for this proposal is \$4,000,000. This will give us an additional 212 beds.

Discussion was then held on the projected population of the prison through June of 1981.

Chairman Bardanouve stated that they will first double bunk the prisoners and the counselor rooms. They will then try to use the 20 beds in Billings, and if the need arises for additional space before the Stillwater camp is completed, they will use the 40 beds at the undetermined location. He went on to say that the Department of Institutions will keep the legislature informed on how the money is spent in every program. Chairman Bardanouve stated that he feels this is a better proposal than what the Senate has presented.

At this time Representative Waldron spoke on the pre-release centers. He stated that he doesn't think they are so bad, and can not understand the objection to them.

Representative Yardley explained the type of prisoner that is available for pre-release centers. He said that they would be ones that are serving the last bit of their prison sentence.

Representative South asked what authority the Department of Institutions has to force a city to take a pre-release center. Chairman Bardanouve stated that they can not do it.

At this time Representative Marks made a motion that the House members of the Conference Committee recommend that the pre-release centers be identified before the legislature adjourns. With Representatives Hurwitz, Manning, Marks and Moore voting Yes, the motion failed.

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Discussion was held on why the communities object to the pre-release centers being put in the different towns.

The committee then discussed the School for the Deaf and Blind in Great Falls. Representative Hurwitz made a motion that we support the motion to build the 40 bed cottage in place of the smaller cottage contained in the legislation. Motion carried.

At this point Mr. LaFaver resumed his explanation of the Senate Amendments to House Bill 483.

Following this explanation, a motion was made that we reconsider action taken on House Bill 417, and Representative South made a motion that we add \$90,000 for the Louis Cooley Laboratory at MSU. On a voice call, motion carried unanimously.

Representative South made a motion to add \$117,000 bonding provisions for the School for the Deaf and Blind in Great Falls. Again on a voice call, motion carried unanimously.

Representative South then made a motion that we give Link Brothers \$400,000 to buy out the contract for the tram. With Representative Menahan absent and with Representatives Bengston, Hand, Hurwitz, Kvaalen, Manuel and Bardanouye voting No, the motion carried.

Representative Waldron made a substitute motion to amend Page 9, line 8 by striking "justice" and inserting "legislative". At this time Representatives South and Yardley spoke against that motion. With Representatives Hurwitz, Hand, Waldron and Bardanouye voting Yes, the motion failed.

There were no further amendments to House Bill 417, and Representative Moore made a motion that House Bill 417, as amended, Do Pass. With Representatives Waldron and Bardanouye voting No, the motion carried.

Discussion was then held on the recommendations the full committee felt the Conference Committee should make on House Bill 483.

Chairman Bardanouye stated that he would entertain any motions pertaining to this bill.

Representative Kvaalen moved that we recommend that personal services money be reinstated to the Legislative Council amounting to \$50,000 per year. Motion carried.

Representative Kvaalen recommended that \$10,000 be line itemed for Indian studies. Representative Manning made the motion to this effect and the motion carried.

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Representative Ellis moved that we put the dues back in for the National Council for State Legislatures. Motion carried. Representative Marks made motion that we also put the travel back if we go for the dues. Motion carried.

Representative Moore stated that he doesn't know why Montana is the only state that doesn't belong to this association.

At this time Representative Gesek made a motion that Legal Services be added back into the SRS budget. With Representative Yardley absent and Chairman Bardanouye abstaining, and with Representatives Ellis, Hand, Hurwitz, Kvaalen, Lund, Marks, Moore, South and Wood voting No, the motion failed.

Representative Wood stated that he was against the Senate adding 18 FTES to the Building Code Inspector's budget. He made a motion that we delete these 18 FTES. Representative Moore concurred with Representative Wood. With 5 representatives voting No, the motion carried on a voice call.

There was no further business before the committee, and the meeting was adjourned at 6:05 P.M.

Chairman

Robert Stipak
Secretary