

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 10, 1979

The fourth meeting of the Senate State Administration Committee was called to order by Senator George Roskie, acting Chairman, on the above date, in Room 442 of the State Capitol Building, at 10:00 o'clock A. M.

ROLL CALL: All members of the Committee were present.

Senator Story resumed chairmanship of the meeting.

CONSIDERATION OF SENATE BILL No. 28: The Chairman called on Duane Robertson, Chief, Solid Waste Management Bureau of the State Department of Health & Environmental Sciences, to present his testimony on Senate Bill No. 28.

Mr. Robertson handed out copies of testimony summarizing the purpose of this Bill, copy of which is attached to these original Minutes for reference. He then explained that about \$300,000.00 from coal tax money had been made available for solid waste planning projects. Presently, 15 counties and 87 municipalities had planning projects on-going in the state, none of which were yet in their final stages, but several were getting close. In several areas, cities and counties were joining together on such projects due to the economic feasibility. He advised the problem arises from HB 708 passed last session which provided that if a plan is implemented, the money granted to do the planning has to be paid back; if the plan was not implemented, the grant money did not have to be repaid. This Bill would clarify that the money, when granted, does not have to be repaid.

Sen. Hafferman asked what reasons would there be for not repaying the grant. Mr. Robertson answered that this money would then be available for construction of a planned project rather than repayment to the state.

Margaret Warden, former Senator from Great Falls, and Chairman of the Tri-County Solid Waste Planning Commission, comprising Teton, Choteau and Cascade Counties, testified that their committee should complete its study by the end of March. Many communities do not have the money for study planning which the grants allow them to do and this bill would assure they could continue the planning project without fear of losing money. At times like this, snow removal expenses and other costs have increased so that there are no extra funds available to a community; any funds saved in planning could go to completion of the project.

Marie McLearn, Chairman of the Madison County Solid Waste Planning Commission, explained further the problems faced by small communities in trying to solve solid waste disposal problems. Usually, small towns are pushing the mil levy limit already.

If planning grants had to be paid back, they would have a real financial problem in trying to raise the money. She urged that this Bill be passed.

Mike Steven, Research Director with the Association of Counties, felt these grants greatly help a lot of local governments deal with their waste disposal problems and supported passage of the Bill.

Tom Dawson, Lewis & Clark County Health Dept., supported the Bill, stating that, among other consideration, it would help counties take care of the burdensome problem of disposal of garbage in ravines and open pits.

Sen. Ryan question the plan for repayment of the grant money when the original bill was passed. Mrs. Warden replied that it is pro-rated on how many people are in the particular community or area participating and would be paid out of property taxes collected.

Dan Mizner, Mont. League of Cities & Towns, urged a do pass on this Bill.

Chairman Story asked if there were any further proponents of the Bill; there being none, he called for opponents. None were present.

Questions were called for.

Sen. Jergeson stated the present law seemed to operate backwards if it required repayment for completed planning projects, rather than for abandoned plans.

Chairman Story commented that it does create a problem of incentive.

Sen. Hafferman felt there would be a time in the future when renewable resource development programs would make money and felt they should carry this obligation on their books until such time as repayment was possible.

The Chairman commented he understood the purpose of the original bill was to make available to communities the various state agencies and their expertise in order to correct an existing problem.

Mrs. Warden, answering Sen. Hafferman, stated it would be a long time in the future before recovery of waste would be a self-paying process; that it would take several years just to build the plant. In the meantime, resource recovery programs needed to be funded from available sources - property taxes.

Ms. McLear added that these projects are set up so that there is no pay-back or profit; they are based on a user fee system.

Sen. Roskie questioned why this was a new bill rather than proposing an amendment to the previous bill.

Robert Pyfer, attorney with the Legislative Council, advised this would be an amendment to an appropriations bill from last session and the procedure was possibly different.

There was discussion on the propriety of a new bill rather than an amendment, with Dan Mizner stating the important issue was to delete the reference to the pay-back rule, whatever means that might take.

The Chairman directed that the Legislative Researcher check this out and report back to the Committee, and closed the hearing on Senate Bill No. 28.

CONSIDERATION OF SENATE BILL No. 46: The Chairman called on Senator Roskie to present his testimony on Senate Bill No. 46.

Senator Roskie explained this was a Code Commissioner bill and referred to the summarization sheet attached to the Bill for a full explanation of changes from existing statutes.

Questions were referred to Bob Pyfer who was representing the Code Commissioner. He stated this was basically a house keeping bill and that the reason for the repealer was principally that other laws dealt adequately with official misconduct and malfeasance in office penalties so this was repetitious law.

Chairman Story called for proponents of the Bill; none appearing, opponents were called for. None were present.

There being no questions, the hearing on Senate Bill No. 46 was closed.

The Chairman announced the Joint Meeting with the House on Thurs. at 10 A.M. in Room 431 to hear testimony on pension plans

Upon discussion, it was decided to hear Senate Bill No. 48 on Friday also.

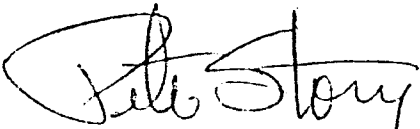
The Chairman explained his conflicting meeting schedule could cause him to be tardy, but to go ahead with starting meetings on time.

Senator Roskie made a motion that Senate Bill No. 46 DO PASS; motion was seconded and carried by unanimous vote.

Eva Spaulding, representing the League of Women Voters, left written testimony favoring Senate Bill No. 28.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:30 A. M.



Pete Story, Chairman

ROLL CALL

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator George F. Roskie, V. Chmn.	✓		
Senator Bob Brown			
Senator A. T. (Tom) Rasmussen	✓		
Senator Patrick L. Ryan	✓		
Senator Greg Jergeson	✓		
Senator William F. Hafferman	✓		

Each Day Attach to Minutes.

SENATE BILL 28

The 1977 Montana Legislature appropriated monies from the Renewable Resource Development Clearance Fund for projects granted under the Renewable Resource Development Program.

Under this appropriation, a grant was funded for a solid waste management planning project.

The project is being administered by the Department of Health and Environmental Sciences. No administrative costs were allowed from this grant.

The department has been issuing planning grants to local government entities for the purpose of developing site-specific, detailed solid waste management plans.

To date, \$185,906 has been released for this planning effort.

Fifteen counties, 87 communities, one Indian reservation, a military installation, a major industrial company, and the National Park Service are formally participating in this planning program.

This planning effort will directly benefit approximately 220,000 Montana citizens.

The original appropriations bill contained a condition that "If money appropriated for a grant is spent for planning purposes and the planned project is constructed, the money used for such planning shall be repaid to the fund from which appropriated; and if the planned project is not constructed the grant money need not be repaid;"

Each local government entity participating in the planning effort through resolutions has demonstrated a good will effort to implement the planned project, if feasible.

However, the pay-back provision of the grant appears to be a major impediment to the implementation of the areawide plans now being developed.

Many government entities now participating in the planning effort will not implement the planned project in order to avoid the pay-back provision of the grant.

*John Duane L.
Robinson
State Dept. of Health*

AN ACT TO APPROPRIATE MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FROM THE RENEWABLE RESOURCE DEVELOPMENT CLEARANCE FUND ACCOUNT FOR VARIOUS PROJECTS UNDER THE RENEWABLE RESOURCE DEVELOPMENT PROGRAM, AND SPECIFYING CERTAIN CONDITIONS UPON THE APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Appropriation. The following money is appropriated to the department of natural resources and conservation from the renewable resource development clearance fund account for the following projects under the renewable resource development program:

(1) (a) a grant for the Boulder River reservoir project: \$250,000 for the fiscal year ending June 30, 1978, and \$250,000 for the fiscal year ending June 30, 1979;

(b) this appropriation is contingent upon appropriate arrangements being made for the maintenance of the proposed recreational facilities;

(2) a grant for the west bench irrigation project: \$90,000 for the fiscal year ending June 30, 1978;

(3) (a) a grant for the solid waste management project: \$200,000 for the fiscal year ending June 30, 1978, and \$100,000 for the fiscal year ending June 30, 1979;

(b) a loan for the solid waste management project: \$2 million; this loan is authorized notwithstanding the provisions of

89-3603(4) and 89-3605(4);

(c) (i) this appropriation is contingent upon no funds so appropriated being used for state administrative procedures;

(ii) this appropriation is contingent upon the development of administrative criteria for the project program by the appropriate state agencies;

(iii) if money appropriated for a grant is spent for planning purposes and the planned project is constructed, the money used for such planning shall be repaid to the fund from which appropriated; and if the planned project is not constructed the grant money need not be repaid;

(4) (a) a grant for the Nevada Creek Dam repair project: \$50,000 for the fiscal year ending June 30, 1978;

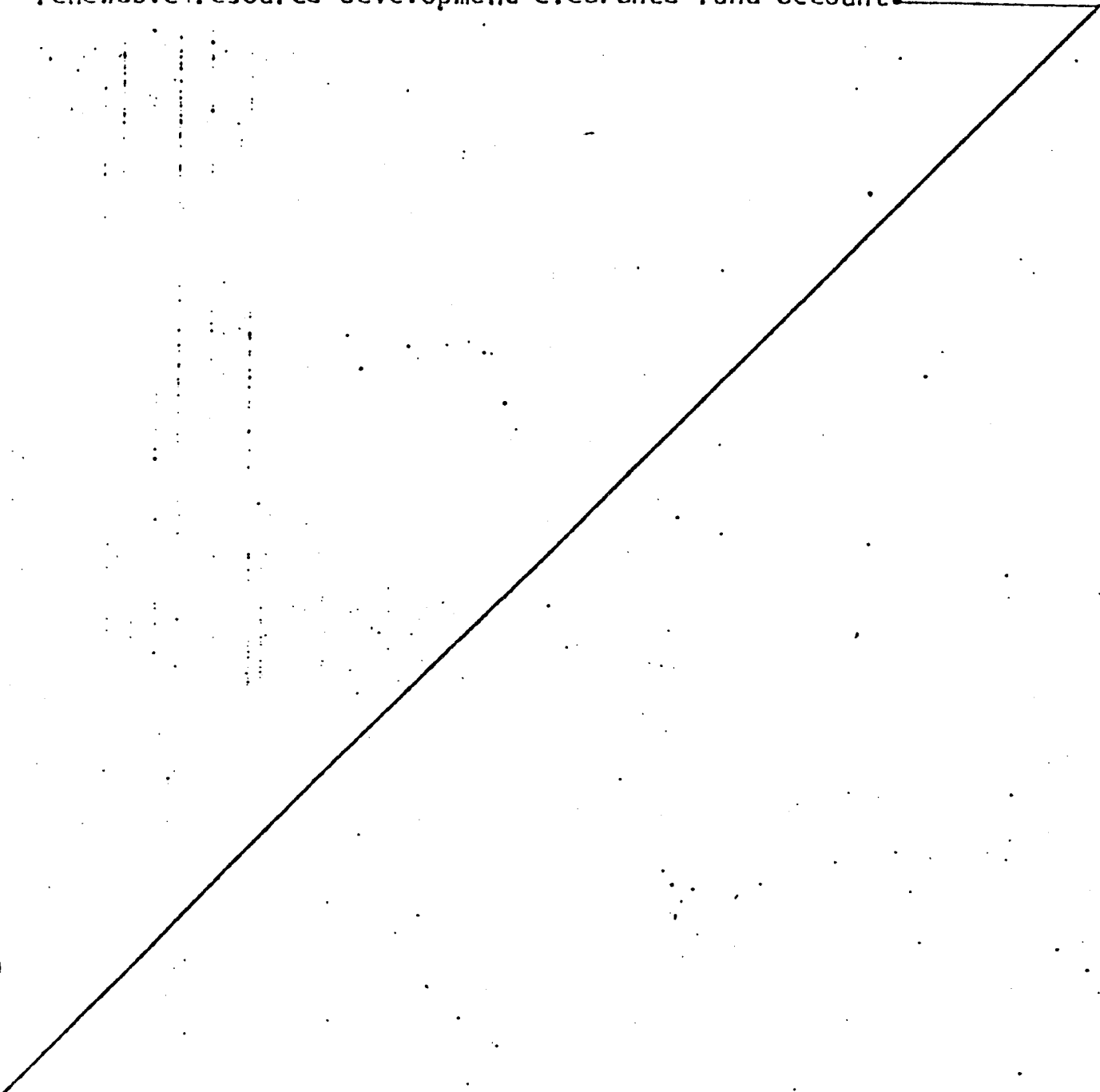
(b) this appropriation is contingent upon the Nevada Creek water users' association securing other funds to complete the project.

Section 2. Water rights study. There is appropriated \$20,000 in fiscal 1978 and \$40,000 in fiscal 1979 from the renewable resource development clearance account to fund the provisions of House Joint Resolution 81.

Section 3. Conditions of grants and loans. Disbursement of funds under this act shall be made only after (1) the projects have been authorized by other financial sponsors, if any; (2) initial funding from other sources, if any, has been committed for construction; and; (3) an agreement between the department of

natural resources and conservation and the applicant has been executed governing the administration and disposal of funds.

Section 4. Failure of contingency provisions. If a contingency provision provided for in section 1 fails to occur, the funds appropriated for the associated project revert to the renewable resource development clearance fund account.



LEAGUE OF WOMEN VOTERS OF MONTANA

January 10, 1979

The League of Women Voters of Montana supports SB28, An Act Providing That Grants For The Solid Waste Management Project need Not be Repaid.

In the 1977 Legislative Session the League supported the Solid Waste Management Act (SB175). The fiscal bill that appropriated the money for it was HB708. There was a small error made in transferring the information from the Solid Waste Management Act to the fiscal bill, HB708. This error made a big difference to local governments that wanted to plan for a solid waste project.

This is a quote from HB708 Section 1, (4) (c) (iii) "if money appropriated for a grant is spent for planning purposes and the planned project is constructed the money used for such planning shall be repaid to the fund from which appropriated; and if the planned project is not constructed the grant money need not be repaid;"

It should have read "money appropriated for a grant for planning purposes need not be repaid to the fund" or Section 1, (4) (c) (iii) should have been left out completely.

When we supported the Solid Waste Management bill last session we were under the impression a planning grant was a true grant that did not need to be repaid.

HB708 covered appropriations for several other bills and one can see how easily an error could be made in the last days of the legislative session when everyone is so busy.

We, The League of Women Voters support SB28 and hope the local governments will be able to continue with their solid waste plans soon.

Presented by--

Eva Spaulding

NAME: Mike Stephen DATE: 1-10-79

ADDRESS: MT Assoc. of Counties
1802 11th Ave.

PHONE: 442-5209

REPRESENTING WHOM? MT Assoc. of Counties

APPEARING ON WHICH PROPOSAL: SB 28

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Support the bill
to assist local government
with their solid waste problems.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Margaret S. Warden DATE: 1-10-79

ADDRESS: 208 3 Ave. N. Great Falls

PHONE: 452-1292

REPRESENTING WHOM? Lower Tri County Solid Waste Com. Chairman

APPEARING ON WHICH PROPOSAL: SB28

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: This is needed for use of money for implementation of plan. Cities + counties do not have extra money for planning.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Duane L. Robinson DATE: 1/10/79

ADDRESS: 727 8th Ave

PHONE: 449-2821

REPRESENTING WHOM? State Dept of Health & Env Sciences

APPEARING ON WHICH PROPOSAL: SB 28

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Pol Ryper DATE: 10/15/8

ADDRESS: ~~449~~ 7418 Madison

PHONE: 449-3064

REPRESENTING WHOM? Legis. Council (Code Commission)

APPEARING ON WHICH PROPOSAL: SB46

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Jan. 10, 1979 SENATE Bill No. 46 Time _____

NAME	YES	NO
Senator Pete Story, Chairman	✓	
Senator George F. Roskie, V. Chairman	✓	
Senator Bob Brown	✓	
Senator A. T. (Tom) Rasmussen	✓	
Senator Patrick L. Ryan	✓	
Senator Greg Jergeson	✓	
Senator William F. Hafferman	✓	

Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator George Roskie moved that Senate Bill
No. 46 DO PASS; motion was seconded and carried by
unanimous vote.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

January 10 19 79

MR. President

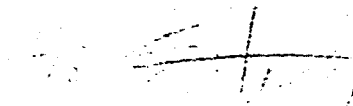
We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 46

Respectfully report as follows: That SENATE Bill No. 46,

Introduced Bill,

DO PASS


Pete Story,

Chairman.

J.C.