#### MINUTES OF THE MEETING FINANCE AND CLAIMS COMMITTEE MONTANA STATE SENATE

March 20, 1979

The twenty-first meeting of the Senate Finance and Claims Committee met on the above date in Room 108 of the State Capitol. Following roll call the meeting was called to order by Senator Himsl, Chairman at 8:00 a.m.

ROLL CALL: All members present.

DISPOSITION OF HOUSE BILL 771: Senator Himsl said this bill would have the legislature establish priority if under funding in SRS. Some of the committee members felt it should not be the responsibility of the legislature, that they were both removed and incompetent to handle the complex problem, and that was what a director was hired for.

Motion by Senator Regan to amend House Bill 771 on page 1, line 21 and to strike subsection two in its entirety and insert a new subsection (2) to read: "If available funds are not sufficient to provide medical care for all eligible persons, the department shall have the authority to set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical care and services made available."

Senator Smith: We are just giving them the power that they already have.

Senator Regan: They have problems with the current language they have now. They may have the power, but they will be challenged in court - they deserve to have their hand strengthened and they need it.

Senator Himsl: These amendments should put them into the position where they can take this responsibility.

Voted and passed. Motion by Senator Fasbender that House Bill 771 be concurred in as amended. Voted and passed. Senator Story to carry the bill on the floor.

CONSIDERATION OF HOUSE BILL 416: Mr. Opitz, Public Service Commission, said that in previous years they had reverted back \$700,000. This year they need \$5,000 plus for travel and legal notices for appeals, etc. If they don't use the money, it will go back to the general fund. He said one of the primary reasons they are going over their budget is because of the increase of postage, etc.

Senator Himsl: This request was not made to the appropriation committee before? Mr. Opitz: We were very close, but were trying to find someplace to tie this onto a bill.

Senator Thiessen: Did you approach the fiscal analyst? Mr. Opitz; I talked to Les Simpkins of the LFA, and told him that I had been down here this morning.

MRPresident		
We, your committee on Finance & @	Claims	
aving had under consideration	House	317
Bardanouve (Himsl)		

....March 19

Respectfully report as follows: That Rouse Bill No. 317

BE CONCURRED IN

STATE PUB. CO. Helena, Mont. Chairman,

Senator Himsl: There are four counties that have put the levy on themselves and have qualified for the \$250,000 in additional funds.

Senator Lockrem: The \$295,000 for SBAS is not really for SBAS upgrade. It is for additional accounting and new workload when the universities came on it? Are these data processing changes?

Senator Himsl: We appropriated nearly \$1 million last time to put the universities on board. Senator Lockrem: The total impact we found was in program transfers and fund transfers. Almost everything went into SBAS.

Questions were asked as to whether the understanding was that the money had been spent, and where; as to whether the universities were not charged for this service; and Senator Fasbender answered that most of the money went into the up-grading of SBAS to handle this extra load, and that part would not be charged back. Senator Stimatz asked if he could get a very brief statement of exactly what was meant by up-grading. Senator Fasbender said the Senate first set up a big improvement. The supply on the data need has a managerial sense. The big question was could it handle the universities, and the up-grading was the program changes necessary to do this.

Senator Stimatz: Where is the main computer located? Senator Fasbender said there are three computers in the basement of the Mitchell building. It is also designed to provide most of the heat for the major building. SBAS is an accounting system - not a computer.

Senator Smith: I have the information on the nine counties that have applied for the emergency and disaster relief fund. They have qualified I understand, or will probably be able to do so. Judith Basin, \$246,000; Teton, \$406,000; Gallatin Valley, \$67,000; and Sweet Grass County. They ended up with the following: Judith Basin, \$156,000; Teton, \$41,000; Gallatin Valley, \$60,000 and Sweet Grass \$46,611 making a total of \$303,611. This is all new - they only had \$60,000 in the old account.

Senator Aklestad: These counties are not eligible for additional funds at this time? Senator Smith: They would have to make a new application. They are not the ones in a flood prone area, at least at the present time. There was one county that was overpaid and they have to pay back some money.

Senator Etchart: I feel it would be pretty hard to sit here and see what is going to happen between now and June.

Senator Thomas: Doesn't it have to be paid out of the year in which it happened? Senator Regan: I don't think that it makes much difference. It will revert back to the general fund if nothing happens to have claims against it.

Senator Story: This year I've seen us appropriate for the '75 biennium in the supplemental and actually go back and pick up from before the last biennium - it was paid last biennium, but occurred in the previous one. It is a simple record keeping system but it does affect how much we will actually show is available for other

Senator Aklestad: Did the subcommittee give authorization for the 3 FTE? Mr. Opitz: The three were on, but are not hired. It is a \$10,000 savings of salary and fringes, between now and June. I feel they should be rehired as soon as the current biennium is over. This \$5,000 was for travel and legal notices. There is about \$17,000 a year for legal notices. We are supposed to do these things by law, the notices and travel are a necessary part of carrying out the law.

Senator Smith: We recognized there was no way we could implement this in - we have dictated by law that they do these things. If they don't get the money, I don't know what they will do.

DISPOSITION OF HOUSE BILL 874: Motion by Senator Etchart that House Bill 874 be concurred in.

Senator Smith: Can you explain to me why you feel the change is necessary?

Senator Etchart: It started out at the Mountain View School. We found there were racks of clothes of an obsolete style. These were clothes the kids didn't wear through the regular purchasing means. Two years ago Rep. Lund got a bill through that they could purchase and not stand out as an institution kid. In checking back this year we find you have a better control of their inventories and spend no more than before. This bill would expand it to include Boulder.

Senator Lockrem: Is the same need at Boulder as at Mountain View? They are a different type of patient, but on the other hand they are harder to fit. I don't see where it can hurt to try it.

Voted and passed.

DISPOSITION OF HOUSE BILL 416: Senator Himsl said that as a refresher they would walk through the bill, and explained the reasons for the various appropriations. Discussion followed.

Senator Aklestad: I don't seem to recall the testimony on the alcohol and drug abuse. Why did they over spend so much? Sen. Etchart: When funding House Bill 627 we did not know how much it would generate Part of the dollars were rematched by what the committee could spend. The intent was to give them the revenue. They generate more money than the rematch.

Senator Aklestad: Is this mainly the Glasgow center? Senator Etchart Mainly. They put out 65% after determining their revenue and 35% which they knew they could honor as soon as the additional revenue was honored by the legislature.

On the Disaster fund it was stated the \$75,000 has been spent plus the commitment of \$250,000 more. This is an additional \$750,000 which equals \$550,000 more than what has been spent and committed.

Senator Thiessen: We had these before our subcommittee late in January. We allowed that \$750,000 at that time, although there was no emergency or disaster area created at the time

Page 5 March 20, 1979

Senator Himsl: We will probably have to address it outside of this bill.

Senator Lockrem: What about the \$1 million request on the Universities Senator Fasbender: We set it down to the guidelines we had set last year. We funded them for the students they had over and above what we had estimated and for some errors we made.

Senator Story: On the Department of Health and Environmental Sciences, I would like to make four points: This was a combination of several programs in which they were over about \$100,000 for the subdivision program so they asked for \$100,000. The controversy is around what they are doing. (1) They said they wanted different standards from those of EPA - more in some and less in others - but actually whenever ours are easier we have to use the federal standards of they will take over. (2) Whether or not this money is actually spent. believe it is and without the \$50,000 they would simply not continue to run certain contracts until the end of the year. I don't think we would be forcing them to eat it. (3) As Rep. Marks explained, they are coming up with different standards on different pollutants than required under the EPA. The cost of coming up with standards represents more than \$50,000. By telling them to quit studying those particular standards and not create standards for anything the federal government does not require - it would be a savings of that amount of money. He went on to explain this was a philosophical question - we could put a crimp in ASARCO and wind up with East Helena like Butte. What if they come up with the idea that it is not a safe place to live? Do we pay for moving them? The same could be true in East Helena. After the tremendous amount of money ASARCO was asked to spend it would be premature to ask them to set new standards. The majority of the subcommittee decided they could get along without it.

Senator Himsl: The state standards must be equal on most or more. Montana standards that we have now for particulate, I am sure are less than EPA. Ambient air is higher. The state will have to go through an EIS hearing process in order to get this standard use with EPA. Senator Regan: That process addresses such things as fluorides and I feel this is important. If you believe that an individual has the right to a reasonably safe environment, we had better take a look at it.

Senator Story: My fourth point was that by adopting Federal standards we could have something we can live with. They could then go through an auditor's process. More discussion was held on the figures involved in the bill, possibly automobiles that contribute to the particulate standards, etc., and the \$50,000

Senator Himsl: As I understand it, we have to do it. The question is, are we going to appropriate money for what is obligatory. If we don't do it the Federal government will. They also said where the state had different standards some of the programs had been allowed to be modified in some of the states.

Senator Story: Again the Department of Health did it the more expensive way. The cheapter way would be to adopt the EPA and then

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things we want to do and still come up with a balanced budget.

MOTION by Senator Smith that we add to the emergency disaster fund the \$600,000.

Senator Aklestad: We are getting so close to the original amount that we are not doing anyone much good. The money won't be there for the disaster, and it won't be there for any of the other areas. I would make a SUBSTITUTE MOTION we put \$450,000 in the emergency disaster fund.

Senator Thiessen: When the counties implement the two mills and present the bills to the state, the state pays 80% and has to hold 20% waiting for an audit. They then pay what the audit says. When we came in, the balance in the fund was the 20% that was being held waiting for the audit, so that the fund is really nothing.

Senator Lockrem: Are our expenditures county or other? Senator Smith: Counties and cities. Senator Lockrem: Wasn't some of this emergency money used for snow plows? Senator Etchart: The money spent for snow plows was money spent by the Highway Department for this fund. Senator Story: How does it account with what Senator Thiessen said about accounting for the 20%? Senator Smith: The one county (Wibaux) requested more than they spent. They over estimated their cost and did not take into account an advance that was made to them. They will have to pay it back.

Senator Nelson: On the years I was chairman of the ASC committee I was also a member of the disaster committee for that county and we spent \$200,000 in the month of April in 1967. We were in here for \$150,000 - one county in the month of April. I think we are tieing this down too tight for the whole state.

Senator Smith: Are we going to be able to have an accounting for the amount of hours spent in defense? Their records are just not complete, and I am very suspicious of how much money is spent and the amount of hours in it. (This in regard to defense of a case.)

Senator Lockrem: The fiscal review committee is working with the attorney general's office. There is Ross Cannon, Bill Christianson, and a professor on this. The \$750,000 may be high. They may not even need it if the court should get a dismissal. This is being reduced from \$150,000 - if nothing happens, that money will revert.

Senator Smith: In regard to the law academy - does this obligate us as legislators, as to what is done there? Do we then automatically sanction what they did there?

Senator Regan: We are already obligated. The lease can be terminated by the legislature giving no money for the lease. She said she had been to the Attorney General's office and they had told her that an audit had been done.

Senator Lockrem: I had requested an audit. There was a \$20,000 reversion. If you don't fund the rent - whether you like it or not - they will just fund it out of another program.

# VARIOUS APPROPRIATIONS BILLS PENDING WITH PARKS AND CULTURAL COAL SEVERANCE TAX FUNDS AS OF 3/20/79

- - pursuant to 15-35-108(2)(h) - -

## (ERA Account Number 02036)

1.	HB417 - LRBP/Capitol Projects	1980-81 BIENNIUM	
	Department of Fish and Game	\$ 57,500	
2.	HB483 - General Appropriations Act		•
	Department of Fish and Game	159,997	
3.	HB556 - Makoshika State Park Road		
•	Department of Fish and Game	72,600	
4.	HB754 - Montana Folklife Project		
	Montana Arts Council	40,000	
5.	HB905 - Commemorative Wall Pictures		
	Montana Arts Council	5,000	•
6.	HB913 - Supreme Court Murals		
	Montana Arts Council	125,000	
	TOTAL 02036 ERA to be Appropriated	\$460,097	
Sur	nmary by Type of Appropriation	•	
	Park Acquisition and Maintenance	\$290,097	63%
	Cultural and Aesthetic Projects	170,000	37%
	TOTAL 02036 ERA	\$460,097	100%

# REVENUE PROJECTS FOR 02036 ERA — COAL SEVERANCE TAX FUNDS 15-35-108(2)(h)

	(LOW)		(HIGH)	
1980-81 Biennium Total	\$408,000		\$438,000	100%
Parks	\$272,000		\$292,000	66%
Cultural Projects	\$136,000	_	\$146,000	<b>3</b> 3%

#### LONG-RANGE BUILDING PROGRAM

#### SUPPLEMENTAL APPROPRIATIONS

#### Science Building, University of Montana:

\$1,016,062

The forty-fifth session of the Montana legislature appropriated \$4,000,000 to construct a Science Building at the University of Montana, which was substantially reduced from the university's original request of \$5,500,000. In the spring of 1978 the Legislative Interim Finance Committee heard arguments that the entire project could not be completed within the existing funding. Since that time the Science Building itself has been bid and awarded. However, a 440-seat lecture hall, which was bid separately, has not been awarded and cannot be unless additional funding becomes available.

#### Two New Housing Units, Montana State Prison: \$ 30,000

The forty-fifth session of the Montana legislature appropriated \$3,800,000 for construction of two new housing units at the Montana State Prison. Included in this appropriation were several utility projects such as: new sewage lagoons, an enlarged water system, and miscellaneous distribution improvements. While the portion of the appropriation pertaining to the housing units is currently under construction, the portion including the utility projects is not. This work has been bid and cannot be awarded without additional funds. Specifically, it would require a supplemental appropriation of \$30,000.

The forty-fifth session of the Montana legislature appropriated \$775,000 to construct a new lodge at Pine Hills School. The construction documents were completed and the project was bid in the summer of 1978. Since the bids received were over the available funding, the project was not awarded. Instead, the project was redesigned and reduced in scope to meet the program requirements of the new superintendent. The project was recently rebid and can be awarded on the base bid plus three alternates. However, the funding will not allow the inclusion of an alternate which will substitute brick for stucco as an exterior finish. Inclusion of this alternate, which will reduce maintenance, will require a supplemental appropriation of \$20,000.

#### Renovate Crockett-Terrill Galen

\$ 100,000

This project is in the regular Long-Range Building Program, but is being recommended for funding in the supplemental bill in order for renovation to be completed in fiscal 1980. Early completion of this project will allow movement of patients from Warm Springs to Galen in the first year of the biennium. This project was originally recommended at \$490,000 to convert acute hospital space to intermediate care, for mentally retarded (ICFMR) standards, however, current plans would convert the space to intermediate care (ICF) standards at a cost of \$100,000. In general this project will make a number of minor modifications to the hospital facilities so they can be certified for reimbursement as an intermediate nursing facility.

This project will supplement a prior appropriation of \$211,685 to make life-safety modifications in the non-ambulatory unit of the Boulder River School and Hospital. These modifications are necessary to maintain the facilities certification for federal reimbursement.

#### Physical Plant, Eastern Montana College:

\$ 62,000

The forty-fifth session of the Montana legislature appropriated \$510,000 to construct a Physical Plant at EMC. Since the authorized funding was substantially below the school's original request, the program requirements were reduced and design documents completed. The project was bid and available funding was exceeded. Without additional funds to cover the base bid as well as alternate #1, which is a badly needed dust collection system, the project cannot be awarded. This will require a supplemental appropriation of

#### Eastmont Furnishings

\$34,000

These funds are needed to supplement a 1977 appropriation of \$54,000. The total of \$88,000 will provide enough funds to totally furnish and equip the new facility. No moveable equipment has been purchased to date, due to the uncertainty as to what types of residents the facility would house.

Keith

RE HB 771 - on Medicaid priorities (now in Senate Finance & Claims)

If the Senate does not want to <u>require</u> the Legislature to put priorities into the appropriations bill, that could be dropped. It is important, however, to still change the present statute to eliminate the confusion regarding existing priorities.

Suggest the following as a substitute Sec. (2):

"(2) If available funds are not sufficient to provide medical care for all eligible persons, the department shall have the authority to set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical and remedial care and services made available."

I have reviewed this with Ann Glendenning who says it is fine. She warns, however, that the minutes of the committee should reflect that the legislature is not turning down our list of priorities — or else, if we adopt those priorities at a later date, a court case could show that we were not following legislative intent.

Jun 19

## ROLL CALL

## SENATE FINANCE AND CLAIMS COMMITTEE

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SENATOR REGAN	V		
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SENATOR THIESSEN	V		
SENATOR THOMAS	V		
SENATOR STIMATZ	V		

ask for the amount to study those areas that the federal standards do not cover. Senator Regan: I think we are wasting our time talking about "what might have been". The House rejected the Federal standards. Therefore, this is what you have before you.

Senator Lockrem: MOTION the Department of Health be granted the \$217,000, striking lines 19 and 20.

Senator Regan: I would make a substitute motion the \$100,000 be stricken and the \$50,000 be reinstated.

Senator Thiessen: I really resent this - their going in in the middle of the year instead of waiting for the legislature.

Senator Stimatz: If we cut them back are we going to hurt any of the programs?

Senator Story: What will happen is that they won't spend \$23,000 with a contract with MSU to make a movie of Madison River drying up. They would not get the information they wanted.

SUBSTITUTE MOTION was voted and passed.

The section on the public service commission was discussed, and Senator Smith asked whether there was actually an error or if there was more travel than anticipated. Senator Himsl said that there was an error.

MOTION by Senator Fasbender that they add \$5,634 in travel and legal fees to the public service commission in section 5 of the bill. Voted and passed. Senator Thiessen explained his "no" vote since he felt his Senate Bill 70 would have saved them a lot of trouble, but they had not backed him on the bill.

MOTION by Senator Smith that House Bill 416 be concurred in as amended. Voted and passed. Senator Himsl to carry the bill on the Senate floor.

A motion was made to adjourn, voted, passed, and the meeting was adjourned.

Senator Himsl, Chairman

SENATE COMMITTEE

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SENATE COMMITTEE

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#### STANDING COMMITTEE REPORT

March 20, 1979

MR. President			
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We, your committee on Finance and Claims	• • • • • • • • • • • • • • • • • • • •		************
having had under consideration	***************************************	Bill Na.	116

Respectfully report as follows: That House third reading bill, be amended as follows:

1. Page 2, line 22. Following: "Disaster"

Strike: "750,000" Insert: "600,000"

2. Page 3, line 20. Following: line 19

Strike: "100,000" "50,000" Insert:

Page 4, line 7.

Following: line 6

Insert: "DEPARTMENT OF PUBLIC SERVICE REGULATION

Public Service Commission

Travel and Legal Notices \$5,634"

Page 4, line 8.

"2,750,200" Strike:

\*2,555,834" Insert:

And, as so amended, BE CONCURRED IN

STATE PUB. CO. Helena, Mont.

SENATOR HIMSL

#### Amendment--416

1. Page 2, line 22. Strike: 750,000 Insert: 600,000

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2. Page 3, line 20. Strike: 100,000" Insert: 50,000"

3. Page 4, line 7.

Following line 6

Insert: "DEPARTMENT OF PUBLIC SERVICE REGULATION

Public Service Commission

Travel and Legal Notices \$5,634"

4. Page 4, line 8. Strike: "2,750,200" Insert: "2,555,834"

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## STANDING COMMITTEE REPORT

	March 20	1979
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MR. President	•	
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having had under consideration	House	Bill No. 874
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BE CONCURRED IN

Respectfully report as follows: That.....

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Senator Himsl

Chairman.

## STANDING COMMITTEE REPORT

March 20

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MR. President		
We, your committee on Finance and Claims		
naving had under consideration	House	Bill No <b>7.73.</b>
Dussault (Story)		

Respectfully report as follows: That Bill No. 771, Bill No

1. Page 1, line 21 through line 9, page 2. Strike: Subsection (2) in its entirety

Insert: "(2) If available funds are not sufficient to provide medical care for all eligible persons, the department shall have the authority to set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical care and services made available."

And, as so amended, BE CONCURRED IN DOCASSX

Chairman.