

STATE LAW LIBRARY

HOUSE APPROPRIATIONS  
March 4, 1981

MAY 19 1981

OF MONTANA

The meeting was called to order by Chairman Lund, at 8:00 a.m. in Room 104, State Capitol, with all members present.

REP. LORY presented the committee with recommendations of the subcommittee, beginning with a proposed statewide Communications network system. He explained that language for the system was contained in Exhibit 1, which included funding proposals.

REP. LORY explained the subcommittee's recommendation for the office of the Legislative Auditor and the Legislative Fiscal Analyst. (Exhibit 1). There were no questions from the committee for these budgets.

REP. LORY explained that \$54,000 had been included in the subcommittee recommendation for the Legislative Council for out-of-state Travel for the biennium. He added that \$216,000 had been spent by the Council, to date, for the publication of the Constitutional Convention proceedings.

REP. LORY explained the subcommittee recommendations for the Consumer Council and the Environmental Quality Council. There were no questions from the committee for these budgets.

REP. LORY stated that the subcommittee appropriated \$164,700 for MONTCLIRC, in general funds, in the Judiciary budget. (Exhibit 2). He stated that the program was generally funded in 1979, and that prior to that time, it was funded by the Board of Crime Control.

REP. LORY stated that the Montana Report was to be current at the end of the 83 biennium and that \$36,000 had been appropriated for the current biennium for the Report.

REP. SHONTZ added that basic appropriation provided for 300 copies of the Report to be distributed within the state agencies and that private attorneys would purchase their own copies. He added that the funds received from the sale of the Reports would revert to the general fund and that a revolving fund was to be set up, but was not, as State Publishing sells the Reports.

REP. MOORE stated that he feels the revolving fund should be set up to make the program self-sustaining.

REP. BARDANOUVE moved that the LFA make a complete investigation of the Montana Report and provide its findings to the committee. He later withdrew the motion.

REP. MOORE questioned that appropriation of the subcommittee

for the District Courts in the amounts of \$1,537,532 in FY 82 and \$1,545,622 in FY 83. He stated that there may be a special request for an appropriation for the District Courts in the 83 biennium.

REP. LORY stated that the subcommittee felt this was a special item.

REP. WALDRON asked if the two new judges required 5.5 FTE each.

REP. LORY stated that three secretarial positions and four law clerks were added when the two judges came on the court. He stated that there are currently ten law clerks, or two for each judge.

REP. BARDANOUVE stated that there were more law clerks added in the past because of the caseload and that he questioned why additional law clerks were hired when there were more judges to handle the caseloads.

REP. LORY explained the subcommittee recommendations for the Governor's office (Exhibit 1 and 2).

REP. BARDANOUVE suggested that the committee line-item the Old West Regional Commission, if funded by the committee.

REP. SHONTZ stated that \$1,000,000 from the OWRC would be available to the state of Montana in the 83 biennium.

REP. CONROY asked if justification were provided for the Helena-based attorney for Legal Jurisdiction in the Governor's office. REP. LORY stated that the caseload was not itemized for the subcommittee, but that there was a list of cases. REP. LORY provided the committee members with the information requested by REP. CONROY, from this list. (Exhibit 3).

REP. LORY explained the subcommittee recommendation for the Board of Visitors. REP. MOORE stated that travel for the Board would be discussed further in executive session.

Subcommittee recommendations for the State Auditor were explained to the committee. There were no committee questions concerning the appropriations at that time.

REP. LORY stated that Communications and Travel were increased for the Commissioner of Political Practice, for local elections. He stated that the auditor who recently came on board will require travel funds. REP. LORY stated that the subcommittee gave no consideration to placing the Commissioner in the Secretary of State office.

REP. CONROY questioned the publishing of information by the Commissioner, which is already available to the public.

REP. LORY explained the subcommittee appropriations for the office of the Secretary of State (Exhibit 2).

REP. LORY stated that the subcommittee recommended that the Highway Patrol be moved to the general fund from the highway earmarked fund in the Department of Justice, contingent upon the passage of HB 125. He stated that Antitrust was not generally funded, which was the reason for the \$20,000,000 overage above the LFA and OBPP recommendations. REP. LORY explained how gas costs were anticipated for the Highway Patrol, adding that gallons were to remain at current level.

MS. JANDEE MAY, Legislative Fiscal Analyst, stated that as motor vehicle registrations dropped off during the past two years, the \$1 fee per vehicle did not create the anticipated revenue. She stated that Crime Lab, Law Enforcement Network, Central Services, Law Enforcement Academy, Data Processing and Forensic Science Divisions had all been moved to the general fund as a result.

REP. LORY stated that the subcommittee recommended in-state level of activity only for Antitrust during the 83 biennium, and that the three out-of-state suits currently pending would be retained as they would eventually result in a large amount of income to the state of Montana. He stated that if the suits were dropped, the state would not receive the funds.

REP. LORY informed the committee that the subcommittee denied the request of the Antitrust Bureau for \$675,000 for a suit against Burlington Northern.

REP. MOORE asked why Highway Patrol vehicles were no longer sky blue. REP. QUILICI stated that additional costs were involved when the vehicles had to be painted one color and that the different colors have better resale value.

REP. SHONTZ stated that FTE from DCA were transferred to Central Services as the DCA staff had the capacity to audit grants and the Department of Justice was not able to provide this service with current staff.

REP. LORY stated that the 1979 Criminal Act states that the Identification Bureau will provide personnel to local law enforcement officials, as needed. He stated that Mountain Bell increases are reflected in the Communication appropriation for the Department of Justice. REP. LORY explained that the 4 terminals recommended by the subcommittee for the Motor Vehicle Registration Division would cost \$1,874 each and that

line charges for the terminals would be an additional \$18,000. He added that FTE were reduced in the MVD to compensate.

REP. LORY stated that \$100,000 was tentatively requested by the Governor for the Coal Tax Defense Fund.

MR. LORY stated that Crime Control funding by the Federal Government was decreased by 39.9%. He added that current funding is largely from Juvenile Justice Grants, which are currently funded.

REP. LORY explained the subcommittee recommendations for the Department of Highways. There were no questions from the committee concerning the appropriations at this time.

REP. LORY stated that the subcommittee recommended a career ladder for Auditors in the Corporate Tax Division for the Department of Revenue, as auditor turnover was very high, and in view of the fact that the private sector pays auditors considerably more in salaries than does the state of Montana.

REP. LORY explained HB 806, regarding property valuation and stated that the subcommittee funded an extension of the program. He added that the subcommittee moved Central Stores in the Department of Revenue to the Central Stores in the Department of Administration.

REP. LORY explained that three programs from DCA were added to the Department of Administration, increasing the budget \$2,649,000, of which \$1,139,716 is general funds.

REP. DONALDSON asked if the Graphic Arts Bureau were overstaffed and how this could be controlled. REP. LORY stated that the subcommittee proposed that the Bureau be put on the revolving account and that if adequate funds were not received, the Bureau would not become self-sufficient.

REP. MOORE asked what the justification was to retain 12 FTE which were appropriated by budget amendment in 1980. REP. LORY stated that 3 of these FTE were transferred from the Department of Revenue Central Stores to the Department of Administration.

REP. BARDANOUE stated that the revolving account can still use general funds, unless it is earmarked revenue.

REP. LORY stated that in-house janitorial services are considerably less than contracted services. REP. SHONTZ stated that not all state janitorial services were in-house at this time.

REP. LORY explained the subcommittee recommendations for Military Affairs (Exhibit 1 and 2).

REP. MOORE asked why \$20,000 was appropriated to the Air National Board for control of Federal funds. REP. SHONTZ stated that the Adjutant General proposed that the state operate the program and be reimbursed by the Federal government to gain management control and to prevent the Federal government from overcommitting state funds.

REP. LORY stated that \$160,000 was appropriated for armory improvement. REP. BARDANOUVE stated that he did not want this appropriation to overlap the Long-Range Building Plan. REP. SHONTZ stated that the Adjutant General stated that there was no duplication.

REP. QUILICI stated that if the facilities were not maintained now, additional expenditures would be required in the future.

REP. LORY stated that the subcommittee appropriated funds to compensate for problems in communications during the Mount St. Helens disaster alert, which will allow Disaster and Emergency Services to tie into other programs in the state should a future alert be required.

The meeting was opened to questioning from the public.

REP. LORY stated that the subcommittee needed to look at salaries for the Legislative Analyst.

MS. DIANA DOWLING, Legislative Council, stated that the 34% increase was not totally for staff salaries, but that \$321,000 was for various communication costs in the Legislature itself. She stated that over \$500,000 was spent for computer services, \$57,000 for rent, \$50,000 for telephones and \$69,000 for computer terminal rental during the session.

MS. DOWLING stated that \$35,710 was budgeted for reapportionment studies and does not include separate funds for the staff. She stated that she feels Contracted Services at 10 person months are needed to staff the committee on reapportionment.

MS. DOWLING stated that the Con-Con publication should be completed by the end of 1981 and that each set will sell for \$350. She added that she feels 1,000 sets will not be sufficient to meet demand and that all work is completed except indexing and some proofing. Ms. Dowling stated that Con-Con has been fill-in work and that no extra staff services were involved.

MS. DOWLING stated that re-codification is not complete and that 14 out of 50 are left. She stated that four attorneys and four proof readers are working on the project at \$150,000 annually.

REP. QUILICI stated that any questions concerning Consumer Council could be presented in executive session.

SEN. MATT HIMSL stated that since a bill had passed to set up a revolving fund for the Legislative Auditor, seed money was needed for billing and collections from agencies. He requested an amendment for this purpose, to be accounted for at the end of the 83 biennium.

MR. JOHN NORTHEY, Attorney, Office of the Legislative Auditor, stated that biennial audits could affect bond ratings and cause a new bond issue. He stated that HB 519 reads that the agencies will be billed as audit costs are incurred.

MS. JUDY RIPPINGALE, Legislative Fiscal Analyst, stated that the LFA will not increase budgets for audits until funded by the legislature. Mr. Northey stated that travel increases will substantially increase operating costs.

REP. LORY stated that the subcommittee put these in and that they were line-itemed. He recommended that the committee check with other subcommittees on audit fees.

SEN. HIMSL stated that in the last legislative session, audits for Federally funded agencies were not recommended, and as these agencies were not audited, Federal funds were withheld by the Federal Government until the audits were completed. He stated that he felt the Legislative Auditor did an admirable job in completing these audits with the funds obtained.

MR. MIKE ABLEY, Administrator, Supreme Court, stated that only 1.5 FTE was requested for the 83 biennium and that the other FTE were requested in the past biennium.

MR. ABLEY stated that he hopes the legislature will take action on the Montana Report. He stated that, by law, 300 copies must be purchased and distributed within state agencies. He stated that the Montana Report is comprised of approximately ten volumes and that an alternative would be to stop printing the reports or to turn the matter over to the Legislative Council.

MR. ABLEY stated that only 200 other volumes are being printed for sale and that at the present time, most are so far out of date that attorneys do not purchase them (2 1/2 years behind at this time). He added that if the Reports were up to date, the attorneys would use them.

MR. ABLEY stated that currently, the Western Pacific Report is used, but that it is relatively expensive, just to receive up-to-date information on Montana law. He recommended that funds

from purchases of the Report be reverted.

MR. ABLEY stated that District Court Emergency Funds are strictly the Governor's program and are not in the Supreme Court budget.

MR. ABLEY stated that microfilming approved in the 81 biennium is a continuing program and will be caught up at the end of the 83 biennium. He stated that the Court originally asked for \$50,000 for microfilming, which the committee approved and asked for funds for District Court Reporting Systems, which the committee denied. He stated that the court received approval to go to the Board of Crime Control for seed money for this purpose, in the Senate.

MS. CLAIRE ENGEL, State Law Librarian, stated that Westlaw is not duplicated by Western Library Network and that it is a data-based contingency law and research information center. She stated that the book budget is continuation of current operations of \$100,000 in FY 80.

The meeting was recessed until 1:00 p.m.

MS. ENGEL stated that in the Revised Codes of Montana an exchange was allowed for the Montana Codes Annotated with other states and that the legislature had wiped out the exchange. She stated that the library doesn't have the funds to purchase MCA for the exchange and requested that the committee clarify this issue.

MS. ENGEL stated that currently, other states haven't received MCA (\$120 annually) and annotations (\$240 each) for 34 sets and that \$8,160 was needed for this purpose. She added that funds were needed for the 1981 Code in the amount of \$4,080, for a total of \$12,240 for FY 82. Ms. Engel stated that the cost would be \$5,000 annually thereafter, (average costs), and that she would submit a written request for these funds.

REP. LORY stated that the subcommittee needed to add a sentence to the appropriation for the Governor's office to the effect that \$70,000 may be used in FY 82 or FY 83 for replacement of engines for the Duke, (Governor's airplane).

REP. COZZENS asked if the Board of Visitors was the only means by which patients and/or others may voice dissatisfaction with Montana Institutions. MS. KELLEY MOORSE, Board of Visitors, stated that the Board visits nearby institutions on a regular basis.

REP. WALDRON stated that the Board also utilizes consultants who have national recognition in regard to Board matters. Ms.

Moorse stated that the Board was established in 1975 to review facilities annually for patient care and treatment in accordance with Montana law and that the Board checks registrations, medication and admission documents. She added that it was found that there were persons in state institutions who did not belong in them and that the Board has made it their objective to prevent this situation from recurring.

There was no testimony from the office of the State Auditor and there were no questions from the committee.

There was no discussion on the Commissioner of Political Practice.

MR. LARRY AKEY, Executive Assistant to Secretary of State, Jim Waltermire, stated that \$76,000 was cut from the budget request of Frank Murray, outgoing Secretary of State, at the time Mr. Waltermire took office. He stated that many duties of the Secretary of State are statutorily required and gave Uniform Commercial Code and Corporations as an example.

MR. AKEY stated that the office was 10-20 days behind the Statutory deadline in the UCC and Corp Divisions when Mr. Waltermire took the office over. He stated that there was an anticipated increase in UCC and Corp activity in the future.

MR. AKEY stated that the Records Management request was withdrawn by the Secretary of State. He referred the committee to a letter from SEN. TURNAGE regarding Administrative Codes and Computer Operations, which he stated make up 83% of the budget.

MR. AKEY stated that the office had been reorganized and that additional responsibility had been delegated, which was the reason the 15 exempt positions were requested. He stated that \$6,000 was requested to increase the salary of the Civil Functions Administrator to a comparable level of pay. Mr. Akey added that salaries were adjusted on 10-12 staff positions.

CHAIRMAN LUND asked what the cost of the Administrative Codes Manual was. Mr. Akey replied that it was about \$96 each.

REP. MOORE asked what was cut in the \$76,000 reduction from Mr. Murray's budget request. MR. AKEY stated that he would check this. He stated that the cuts were in printing, communications and one-time expenditures and that Mr. Murray had requested 1 FTE and that Mr. Waltermire had requested 2 FTE. Mr. Akey added that an additional 3 FTE were requested for the Administration Code Indexing Project.

REP. COZZENS asked what the non-conventional business activities in the Secretary of State's office were.

MR. AKEY stated that they were UCC-1's and added that the exempt status was requested to make the staff more responsive. He stated that the Department of Administration had given approval to the Secretary of State for the 5 additional exempt positions, for a total of 15 exempt positions.

MR. BOB KUCHENBROD, Administrator, Central Services, Department of Justice, stated that the LFA used \$45,000 to \$50,000 less as a base on Field Services. He stated that he was requesting permission from the committee to present the correct figures for Personal Services in Field Services, prior to work session. Mr. Kuchenbrod stated that two Highway Patrol officers were still in Driver's License Examining and that they would be moved to Field Services soon.

No testimony was presented by the Board of Crime Control.

REP. LORY stated that the subcommittee appropriated \$385,000 for the Burlington Northern suit in conjunction with HB 94. He added that Ms. Feaver, Director, Department of Revenue, recently stated that \$150,000 in additional funds were needed for consultant services. (\$120,000 in the first phase and \$30,000 in the second phase.)

MS. FEAVER stated that the Department of Revenue planned to use the unitary appraisal method, utilizing expert witnesses in the suit. She stated that this involves more than \$6,000,000 in taxes, disputed by the BN and that it might result in a different tax structure for BN.

MS. FEAVER stated that the Department would be using witnesses from Philadelphia who had evaluated the Penn-Central Railroad at a much higher fee. She stated that the witnesses would be flying over the entire BN track system in Montana and would then work up a preliminary estimate (phase 1). She stated that the maps are obtainable only from BN at a cost of \$30,000 and that consultant fees will be \$65,000 and helicopter fees \$15,000. Ms. Feaver stated that the project can be completed within 2 months or by June 30, 1981. She stated that the Department would then enter phase 2 and prepare for the court case. MS. FEAVER stated that a total of \$275,000 was required for phase 2 and that \$195,000 was for consultant fees, \$60,000 for attorney general staff time, and \$20,000 was for witness time in court.

MS. FEAVER stated that the Department has been told that BN will try to tie up expert witnesses to increase costs in hope that Revenue will bail out of the case. She stated that the Dept. may need over \$100,000 in eventual witness fees.

MS. FEAVER requested that the committee appropriate an additional \$150,000 for this purpose and stated that she feels if the contract is signed for phase one now, the Department would not have to pay for the services until FY 82, but that she feels this is in violation of good accounting principles. She requested that this amount be appropriated for expenditure in FY 81.

REP. LORY stated that an amendatory veto of HB 500 would be the most expedient route.

REP. MOORE asked if 6 more FTE were really needed in Income Tax Division. Ms. Feaver stated that there were currently a large number of employers who withheld income tax from the employee and did not remit these funds to the State. She stated that the situation needs to be corrected and that this was the reason for the requested increase in FTE.

REP. LORY stated in HB 482, wording provided that the county commissioners provide space, if possible, for appraisers. He stated that language in this vein needs to be added to HB 500.

MR. GARY WICKS, Director, Department of Highways, stated that minor areas of disagreement were present in Operations but that overall, he was satisfied with the budget recommendations of the subcommittee.

MR. WICKS stated that the appropriations don't address long-term highway needs and that the recommendation for Highway Patrol funding from the general fund is excellent. He added that this would leave more earmarked revenue for Highways. Mr. Wicks stated that if the HP remains on the earmarked fund, a reduction will be necessary in the Highway Program or gas tax will need to be increased.

MR. WICKS stated that he feels \$22,000,000 could be appropriated by the legislature to the HP and that the Dept. of Highways could be funded by Highway earmarked funds or via Rules formed by the committee in the House.

MR. WICKS stated that Pres. Reagan's proposals could drastically affect Highways. He stated that steps were needed to make tax dollars go further and that an employee performance evaluation system would be implemented, and that travel would be limited. He stated that he feels Construction and Maintenance Management Systems is a better way to budget and that this system will be implemented within 2 years.

MR. WICKS stated that he has a problem with the legislative time frame established for the Department and that he feels more time is needed. He stated that the Governor proposed a solution, in that 90% of interest earned from the Coal Tax would be dedicated to Highways.

MR. WICKS stated that of the \$30,000,000 appropriated, \$26,000,000

would be for primary (70%) roads and secondary (30%) roads and that the remaining \$4,000,000 would be for local roads.

MR. WICKS stated that \$600,000,000 was available over a 10 year period from Coal Tax funds for primary and secondary roads, and for other areas, depending upon action at the Federal level. He stated that he hopes the committee will consider the request of the Department as the subcommittee has. Mr. Wicks stated that a language request would be given to REP. LORY.

REP. SHONTZ asked if the plan met the needs of critical areas first. Mr. Wicks stated that proposed language would take care of this problem.

REP. BARDANOUE cautioned that an accurate revenue cash flow analysis was needed if the Department went on a cash basis in Construction. He asked if Montana dollars would be more than Federal dollars for match purposes. Mr. Wicks replied that they were and that the \$10,000,000 Coal Tax funds are part of the \$30,000,000 referred to earlier in his testimony.

MR. HAROLD PAULSON, Vice President, Montana Highway Users Federation, stated that the Fed. historically opposes diversion of funds from the Highway Trust Fund, away from Construction. He stated that the Fed. is concerned with the deterioration of Montana roads and urges the committee to seriously take this matter under consideration. He stated that the Fed. does not support the Highway Patrol under earmarked revenue funds.

MR. LARRY HUSS, Attorney and Representative of Mt. Highway Users Fed. stated that the Contractors are concerned with the erosion of funds for Constructions and maintenance purposes. He stated that the Fed. wants the funds dedicated for Construction and Maintenance and Repairs and requested a return to the original purpose of the funds.

MR. LARRY TOBIASON, Executive Director, MT Auto Dealers Assn., stated that the Association was requested that the committee adopt the recommendation of the subcommittee for the funding of the Highway Patrol.

MR. KEITH ANDERSON, Montana Taxpayers Assn. stated that the Association feels the Highway Patrol should be generally funded and that the gas tax should go to the Highway Department.

MR. BEN HAVDAL, Montana Motor Carriers, MR. BEN ROVICK, MT Auto Dealers Assn., and MR. JIM HUGHES, Mountain Bell, testified in favor of general funding for the Highway Patrol and stated their support of the subcommittee recommendations for the Department of Highways.

REP. BARDANOUE stated that Revenues have dropped to about 4%

in increases per year, while inflation costs for Highways have increased at approximately 25% per year. He stated that the problem was augmented by the loss of railroad service in Montana and problems with air service in the State.

REP. LORY stated that there was an error on the part of the subcommittee in that Rail Planning was not removed from the Construction Division Budget. He stated that the figure on Exhibit 2 needed to be changed to \$118,263,389.

MR. MORRIS BRUSETT, Director, Department of Administration, questioned the emergency funding for the District Courts.

REP. SHONTZ stated that a bill would be introduced to cover this and that the situation did not need to be addressed at this time.

MR. BRUSETT requested that he receive permission to provide the committee with a letter on Revenue fund divisions, (small amounts) and stated that a separate bill was needed for Audit and Accounting Division for self-support unit to change the fee structure and provide revolving funds.

MR. TOM DUNDAS, Administrator, Research and Information Systems Division, (formerly DCS), stated that he was concerned with funding for the local government finance assessment model, which included the Boards of Hard Rock Impact and Coal and Gasification Impact.

MR. DUNDAS stated that the employee who formed the model had recently left the Division and that additional funds were needed from revenue for the position. He stated that the position was 49% generally funded and 51% non-general funded.

MR. DUNDAS stated that private firms want to obtain the file for the model to use to their advantage. He stated that he feels the position should be generally funded as the position works for the Division and not at the pleasure of the Coal Board.

MR. DUNDAS stated that the position was held by a PH.D Economist and that \$40,000 was needed for the 83 biennium to fill the positions. He added that the Coal Board uses this model although it is not required.

REP. LORY stated that the Division was in the general operations of the Department of Administration and that it was not line-itemed.

REP. BARDANOUE asked if funds could be appropriated from the Coal Board for the position. Mr. Dundas stated that the model was formed via a Coal Board grant.

CAPTAIN COTTRILL, Administrator, Centralized Services, Department of Military Affairs, stated that the \$160,000 for Maintenance and Repairs to facilities is not a duplication of the long-range building plan. He stated that the \$20,000 in General Funds requested for the Air National Guard was to be discussed in Executive Session. These funds were for the support of the Air National Guard program and are a match for Federal Funds.

REP. MOORE requested information on the grounds worker requested for the Air National Guard facility in Great Falls. Capt. Cottrill stated that the grounds were in bad condition compared to other grounds in the area and that it was felt that one FTE could adequately care for 40 acres.

COL. GILBERTSON, Disaster and Emergency Services, stated that he had prepared a justification of the Communications request and that this was submitted to the LFA and OBPP on 3-2-81. He requested that \$11,082 be added in FY 82 and \$9,216 in FY 83 for Travel, of which half would be General Funds.

COL. GILBERTSON added that the Communications problem referred to earlier this date in committee, is taken care of (for emergency services).

The meeting was adjourned at 4:00 p.m.

  
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REP. ART LUND, CHAIRMAN

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# State Law Library of Montana

Capitol

• Helena, Montana 59601 •

(406) 449-3660

March 4, 1981

In the past state statute 12-317, R.C.M. provided that the Law Library could exchange up to 100 copies of the Montana code with other institutions. Unbeknownst to the Law Library or the agency actually responsible for providing the exchange copies, this provision was repealed. It is, therefore, necessary to provide monies to either continue this exchange of state codes or allow for the continuing purchase and upkeep of these codes.

## OPTIONS

A. To continue the exchange.

An additional \$4080.00 (34 states x \$120.00) will need to be appropriated in FY 82 to the Law Library or the Legislative Council. This will cover the cost of the 1981 MCA.

B. To discontinue the exchange but maintain the code collection.

This would require an additional \$6,500.00 - \$10,000.00 be appropriated to the Law Library each fiscal year.

## RECOMMENDATION

To continue the current exchange.

The Law Library is currently obligated to provide a set of annotations (\$240.00) to each of the 34 states with which we currently exchange codes. This is due to our receipt and use of these other state codes in the past year while we believed the exchange was in effect. An appropriation of \$8,160.00 (34 x \$240.00) will be required. This money can be appropriated to either the Legislative Council or the Law Library.

## FISCAL REQUEST

An additional appropriation of \$12,240 be added to the Law Library's budget for FY 82. This will cover costs for providing annotations and the new 1981 MCA to the 34 states with which we currently exchange.

*The Big Sky Country*



## MONTANA STATE HOUSE OF REPRESENTATIVES

Rep. Art Lund  
District No. 2  
Scobey, MT 59263  
783-5566

Committees:  
Speaker — Pro-Tempore  
Chairman, Appropriations

March 3, 1981

Mr. Carroll South, Director  
Department of Institutions  
1539 11th Avenue  
Helena, MT. 59620

Dear Mr. South:

House appropriations requested the department to explain the type and amount of work being performed by residents of Swan River youth forest camp. Would you provide me with a list showing:

1. Location and amount of work performed in fiscal 1980 and fiscal 1981.
2. Projected work details in the 1983 biennium.

Sincerely,

A handwritten signature in cursive script, appearing to read "Art Lund".

Representative Art Lund, Chairman  
Appropriations Committee

# MONTANA HIGHWAY USERS' FEDERATION

P. O. Box 374, Helena, MT 59624



## Position Statements

The following Position Statements were adopted by the Montana Highway Users Federation at their Annual Meeting, November 17, 1980.

### HIGHWAYS AND FINANCING:

The Federation, in recognition of street and highway needs for maintenance and projected revenues, opposes any use of highway funds for purposes not now specifically provided for by state and federal law.

The Federation is deeply concerned about the deterioration of Montana's primary road systems and urges the legislature to review the application of existing highway funds for non-construction and maintenance uses and to oppose funding of the State Highway Patrol from the Highway Trust Fund as a first step to address dwindling resources.

Incorporated in the new Montana Constitution is a section which allows diversion of our Highway Matching Funds by a vote of three-fifths of the members of each house of the Legislature. The Montana Highway Users Federation seeks restoration of a total anti-diversion amendment of our State Constitution.

### HIGHWAY SAFETY:

Mechanically safe vehicles and proper highway design are recognized as essential to highway safety, but equal emphasis should be on programs pertaining to the driver, where the major problem in highway safety exists and where the states can be effective. The Federation urges the Montana Office of Traffic Safety to increase its efforts to promote and emphasize local-level involvement in highway safety programming.

### ENERGY:

Since petroleum is and may well be in short supply for many years, the Federation is deeply aware of the necessity for the conservation, development, research and utilization of all sources of energy. While fuel must be conserved, Federal regulation programs should not handicap the nation's mobility; and such programs should recognize the need to review environmental restraints in such areas as off-shore drilling, refinery locations, exploration and production on Public Lands, and vehicle emission controls to assist the nation in becoming energy self-sufficient. The Federation supports carpooling and transit patronage as responsible conservation methods.

In future energy crises, if they exist, it is recommended that representatives of the highway users community be consulted in the decision-making process before any sweeping and drastic controls are established. The Federation is opposed to any and all forms of divestiture, dismemberment or divorcement of the petroleum industry.

### SIZE AND WEIGHTS:

The Federation supports only those highway restrictions which are consistent with safety and the free movement of commerce. State highway officials, with the cooperation of users, are urged to periodically review size and weight limitations for the purpose of recommending adjustments that conform with technological advances in highway engineering, the increased standards that are required in highway construction, the increasing demands of an expanding economy for a constantly greater transportation service, and the need to conserve energy.

The Federation supports reciprocal agreements among states for the uninterrupted flow of traffic throughout the nation.

### ENVIRONMENTAL CONSIDERATIONS:

The Federation and its members share the universal concern over environmental problems involving highways and vehicles. Corrective regulations and legislation to abate these conditions will receive full Federation support provided that proper research and full factual presentations are made as to costs, benefits and total impact of all such proposals. The Federation recognizes that motor vehicles contribute to air pollution and supports practical and responsible programs and controls to achieve its elimination. However, the Federation opposes attempts to achieve this objective by punitive taxes or restrictions upon the motor vehicle.

### ECONOMIC CONSIDERATIONS:

The Federation supports objectives that would assure proper research on all matters related to all modes of transportation, with the provisions that full and factual presentations be made public as to costs, benefits, and how the total impact of such legislation, regulations and programs would affect our State and Nation's economy. The Federation is actively opposed to measures that would deter continuing the concepts embraced in Free Enterprise System philosophies.

1. Audit Revolving Fund "Seed Money"

House Bill 519, passed by both houses and on the Governor's desk, creates an audit revolving account and requires non-general fund programs to pay their audit costs. Audit costs will be billed to the agencies as they are incurred. This procedure creates a time lag between the time expenses for salaries and operations are incurred by the legislative auditor and reimbursement for audit costs is received. A one-time "seed money" appropriation is needed to provide operating funds during the time lag. Based upon a three pay period time lag, seed money required is as follows:

Financial/Compliance biweekly payroll	\$39,597 x 3 =	\$118,793
Operating expenses for 3 pay periods	=	<u>\$ 30,366</u>
Total seed money required		<u>\$149,159</u>

Costs are based upon the budget approved by the joint subcommittee. Seed money was not formally considered by the subcommittee pending action on H.B. 519.

2. Appropriating Funds for Audit Costs to Agencies

The purpose of establishing an audit revolving account is to transfer audit costs from the general fund to non-general fund sources. To insure that funds are available to pay audit costs, line item appropriations for audit costs are required. These costs should be line-itemed in each agency's appropriation, or listed under the legislative auditor's appropriation as was done in H.B. 483 in 1979.

3. Department of Commerce Audit Costs

The fiscal analyst has been furnished updated audit costs figures to include the proposed Department of Commerce. This revision increases total agency audit costs by \$500.

4. Salary Increases

The subcommittee approved budget for the legislative auditor does not include salary increases. Information regarding the effect of salary increases on the legislative auditor's budget has been furnished to the fiscal analyst.

5. Travel and Legislators' Compensation

We understand that the legislative fiscal analyst will be adjusting agency budgets to account for increased travel per diem rates and compensation to interim committee members.

## VISITORS' REGISTER

HOUSE

Appr

COMMITTEE

BILL

HB 866

Date

3/4/81

SPONSOR

WALDORF

NAME

RESIDENCE

REPRESENTING

SUPPORT

OP

M. GULLICKSONLIVINGSTONUNITED TRANSPORTATION UNION✓Bennett D ClarkWicks CityUNITED TRANS union✓Joe BrandDeer LodgeSELR✓Chris HansenGreat FallsMont. Federation✓Pat PomeroyBozemanMSU✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME Olav Johansen BILL No. 866  
ADDRESS Great Falls DATE 3-4-81  
WHOM DO YOU REPRESENT Mont. Farmer Union  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

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HB BILL NO. 866

INTRODUCED BY Walton

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FROM THE GENERAL FUND TO THE ATTORNEY GENERAL FOR EXPENSES OF CERTAIN LITIGATION BETWEEN THE STATE OF MONTANA AND BURLINGTON NORTHERN, INC."

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

Section 1. Appropriation. There is appropriated to the attorney general from the general fund the sum of \$171,089 for each year of the biennium ending June 30, 1983, for the necessary expenses of litigation in the case of State of Montana versus Burlington Northern, Inc., cause number 80-58 GF, in the United States District Court for the District of Montana, Great Falls Division.

-End-

44-81

Projected Costs for Biennium for Burlington Northern Antitrust Action

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	<u>1981-82</u>	<u>1983-84</u>
Damage Study by the Railroad Economic Study Team at MSU - Phase I	\$ 53,289	\$ 53,290
Attorneys:		
A.	25,000	25,000
B.	18,000	18,000
Investigator	18,000	18,000
Employee Benefits	18,300	18,300
Travel	30,000	30,000
Supplies	2,500	2,500
Communications	2,500	2,500
Equipment rental	3,000	3,000
Miscellaneous	500	500
	<u>          </u>	<u>          </u>
Total project costs for biennium	<u>\$171,089</u>	<u>\$171,090</u>

NAME M. GULLICKSON BILL No. HB 866  
ADDRESS LIVINGSTON MT. DATE 4/4/81  
WHOM DO YOU REPRESENT UNITED TRANSPORTATION UNION  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I BELIEVE THAT THERE WAS <sup>COLLUSION</sup> ~~CONSPIRACY~~ IN THE MANAGEMENT  
OF THE MILW R.R. IN 1973 THERE WAS A NUMBER OF  
BN MANAGEMENT THAT WENT TO THE MILW. THIS  
INCLUDED A FORMER BN VICE PRESIDENT THAT WENT  
TO THE MILW AS THE PRESIDENT. I FEEL THE MILW R.R.  
WAS SYSTEMATICALLY <sup>AL</sup> DOWNGRADED TO BANKRUPTCY. WE FEEL  
THAT HB 866 MIGHT EXPOSE THIS  
M.W. 2/