

THE MINUTES OF THE MEETING OF THE HOUSE APPROPRIATIONS COMMITTEE  
MARCH 13, 1981

HEARINGS: HOUSE BILL 446.

REP. JERRY METCALF, District 31, Helena, testified as sponsor of HB 446. The purpose of this bill is to appropriate funds to the Department of Health and Environmental Sciences for the purpose of purchasing hazardous materials incident response equipment and training, in the amount of \$175,500 in General Funds for the '83 biennium.

PROPOSERS:

MR. RICHARD PETERSON, Department of Health, stated that there are 138 shippers of hazardous wastes in Montana. He added that in Montana, there had been 215 incidents of waste spill, averaging 54 per year over the past few years. He added that future potential for hazardous wastes incidents presented the need for a response from the Health Department.

Mr. Peterson stated that communications, protective equipment, sampling and monitoring, a hazardous waste library and traffic and pedestrian control. He added that he advocates preparedness via emergency response training and that the qualified staff is there, but needs training.

MR. C.L. GILBERTSON, Administrator, Disaster and Emergency Services, stated that his agency is the central point for emergency services in Montana, for first level response. He stated that his agency would then call upon the Health Department for expertise.

OPPOSERS:

There were no opposers to the bill.

QUESTIONS FROM THE COMMITTEE:

REP. MOORE asked why this was not brought to the subcommittee as a equipment request.

Mr. Peterson stated that he did not know.

REP. HURWITZ asked if the Highway Safety Division and the Health Department duplicated services for hazardous wastes.

Mr. Peterson stated that the Program encompasses the entire Health Department for public protection when spills occur.

REP. DONALDSON asked how effective one vehicle would be for the whole State of Montana in terms of time factors.

Mr. Peterson stated that first response is with local officials with phone advice from the Health Department. He stated that a response vehicle would serve as command post on-site.

REP. DONALDSON asked who has the responsibility and authority to take charge in such situations.

Mr. Gilbertson stated that if the spill is on rail road property or highway property, the local fire departments have air suits which have been borrowed for such incidents in the past. He added that Western Environmental Specialists brought in special equipment for the accident in Belt, Mt., which was paid for by the Burlington Northern, but the State needs its own equipment.

REP. SHONTZ asked why the National Guard helicopters were not utilized in these situations.

Mr. Gilbertson stated that he does have an agreement for air transportation with the National Guard, but that a vehicle was still needed for a command center and other equipment.

REP. METCALF, in closing, stated that the program was not presented to the subcommittee, as this was a one-time appropriation to begin the program.

#### HOUSE BILL 307.

REP. DAN YARDLEY, District 74, Livingston, stated that HB 307 was a request to provide grants for front-end implementation funds for solid waste management and capital equipment, i.e., enabling legislation. He stated that the rest of the bill gives the Health Department the authority for Rules and Regulations and the type of agreement it may enter into with local governments.

REP. YARDLEY stated that Livingston and Park County were building an incinerator plant and that they might receive a grant for this project.

PROPOSERS:

MS. MARIE MACLEAR, County Commissioner, Madison County, stated that the budget for solid waste management in Madison County, included \$40,000 for this purpose, requiring ten container sites, in addition to a hauling truck. She stated that taxpayers won't want to pay large amounts required for the system through Special Improvement Districts and that a State grant was needed for counties and/or districts.

MR. GODFREY, Toole County Commissioner, stated that Toole County is in the same position as Madison County and that he concurs with Ms. MacLear in support of HB 307.

OPPOSERS:

There were no opposers to HB 307.

REP. YARDLEY, in closing, stated that the energy generated by the incinerator in Park County would be sold to Burlington Northern in the Livingston area.

Ms. MacLear stated that Madison County would be working with Gallatin County on an incinerator program, when their original program is operational.

REP. QUILICI asked if some grant dollars would be used to match Federal Funds.

REP. YARDLEY stated that he didn't know if these funds would be available. He added that most landfills will not apply to this legislation, but would include recovery or production of energy.

MR. ROBERTSON, Chief, Solid Waste Management, stated that the Department of Natural Resources (DNR) applied for \$400,000 which could only go for renewable resource projects and not capital equipment purchases.

REP. YARDLEY stated that in 1977, \$300,000 was allocated in 23 counties and that 230 cities have participated. He added that the Livingston plant would cost over \$2,000,000.

HOUSE BILL 560.

MR. BARRY YORK, Attorney for Geraldine Strong, stated that this bill was to appropriate funds for payment of judgments against the State of Montana. He added that his client had

a judgment against the Department of Institutions, on an age and sex discrimination complaint, which was awarded in her favor in May, 1978, in the amount of \$242,404.36 including interest and court costs to 4-15-81.

Mr. York stated that the delay in payment was costing the State of Montana \$53.20 per day at 6% to 7-1-79 and 10% thereafter. He added that the award was affirmed on an appeal to the Montana Supreme Court.

MR. CURT CHISOLM, Deputy Director, Department of Institutions, stated that he supported HB 560 and that he had different figures than those presented by Mr. York. He suggested that his figures and Mr. York's figures be provided to the LFA for agreement with a 5-1-81 payment date. Mr. Chisolm's figure is \$246,894.

Mr. Chisolm stated that the Department was suggesting an amendment to this bill regarding Federal Cause 78-98 in the amount of \$11,500 as out of court settlement. He stated that this amount will fully satisfy all claims on the part of Ms. Strong, both in Federal and State Courts, and that the Federal claim would be dismissed without prejudice.

Mr. Chisolm stated that the \$11,500 was not approved by the Board of Examiners, prior to its submission to the legislature. He stated that the dollars amount was based upon the salary that would have been earned if Ms. Strong had been hired at the point of discrimination.

REP. QUILICI stated that usually a payment of this type would not be appropriated until it was approved by the Board of Examiners.

Mr. Chisolm stated that the Board of Examiners does not settle claims, that it just submits them to the legislature.

REP. MOORE moved that Federal action on the \$11,500 be separated from the bill.

MR. FRITZ GILLESPIE, stated that he was the Attorney for Doug Remmick, claimant for \$1500 filing fee paid to the Department of Business Regulations. Mr. Gillespie stated that his client paid a filing fee to the Department on 12-30-77, with the intention of filing application to begin a new bank in Lewistown, Mt. He stated that the

Department of Business Regulations took no action on the application and that it is felt that the application fee should be returned as Statutory duties of the State Banking Board and the Department of Business Regulations were not completed.

Mr. Gillespie stated that there is a Rule to the effect that the application fee is non-refundable. He stated that he assumes this means that the state does something relative with these funds. He added that he can verify that no action was taken by the state regarding this application and requests that the funds be returned to his client.

MR. WILLIAM MCENANEY, Executive Secretary, Board of Examiners, stated that the information was being submitted to Chairman Lund without recommendation and added that no one was present to speak in regard to the claim of the Roman Catholic bishop, Helena Diocese, against the State of Montana.

REP. DONALDSON stated that he feels Mr. Shanahan, attorney for the diocese, would be present before final action is taken on the bill.

Mr. McEenaney stated that no one appeared at the Board of Examiners meeting when the claim was presented and that the Board found that the award was not substantiated.

#### HOUSE BILL 29.

REP. DAN HARRINGTON, District 88, Butte, sponsor of HB 29, stated that the bill was actually the request of the Revenue Oversight Committee to appropriate money from the Constitutional Trust fund earnings, for highway improvements in coal-impacted areas.

#### PROPOSERS:

SEN. TOWE stated that beginning in 1980, no Coal Tax Funds were set aside for roads. He stated that in the coal area there were 300 miles of roads in need of serious attention and that \$15,000,000 in Coal Tax Funds was to match Federal Funds of \$63,000,000, in 1976 for road construction. He stated that the state has never received this Federal match, although SEN. MANNING has worked on the matter for some time.

SEN. TOWE stated that the Federal government spent the Federal funds for coal-haul roads, which Montana does not have. He stated that Montana has commuter roads and that it still has the \$15,000,000 in Coal Tax Funds. He added that the Highway Dept. identified \$20,000,000 in problem areas and that 99 of the 300 miles have been completed by the Highway Dept. He stated that there are still 202 miles to complete at a cost of \$92,700,000. He stated that HB 29 proposed that \$10,000,000 be taken from the Constitutional Trust Fund to address highway improvements in coal-impacted areas.

SEN. GRAHAM, District 29, stated that Big Horn County borrowed ahead on road funds and now has zero funds until 1983. He stated that the County is unable to resurface Decker-Busby road and that funds are needed for this purpose, as there is heavy traffic on the road. SEN. GRAHAM added that he feels the Highway Dept. has other priorities and won't be working on this road.

MR. JIM BECKER, HIGHWAY DEPT., stated that he supported this bill and requested that the appropriation request be amended to \$30,000,000 for this purpose.

SEN. DAVE MANNING, District 25, stated that he wrote the original bill on this in 1975, and that the Secretary of Transportation designated 12 stretches of highway to be repaired and rebuilt. He added that, in Federal legislation, states with larger representation that were involved in coal development were able to get these funds.

SEN. MANNING stated that the road is narrow and has been named a primary road. He stated that the death rate is 31 per 100,000 miles, compared with six per 100,000 miles nationally. He stated that Congress is sympathetic, but does not provide the necessary funds.

#### OPPONENTS

There were no opponents.

SEN. MANNING, stated in closing, that he hoped the committee would give the request their careful insight.

MS. JUDY RIPPINGALE, Legislative Fiscal Analyst, stated that Trust Fund interest for 1980 was \$2,322,000 and that it was anticipated to be \$6,417,000 in FY 81, \$10,077,000 in FY 82 and \$15,234,000 in FY 83. She stated that there will be between \$34,000,000 and \$35,000,000, if no funds are spent from the Coal Trust Fund, by the end of the '83 biennium. Ms. Rippingale stated that she questioned whether these funds could go into the general fund and added that there is no statutory language in this regard. She added that the Governor proposed that some of the fund be used for the District Courts and that the request was still pending before the Committee.

REP. HURWITZ stated that he supported HB 29.

REP. WALDRON stated that there is a bill in the Senate to allow transfer of funds between budgets in counties.

SEN. MANNING stated that in the next 10 years, \$27,000,000,000 would be paid to the Federal Government in Windfall Oil Profit Tax.

Rep. CONROY stated that the road is question is in bad condition and that a State Park along the road is unaccessable at this time.

SEN. TOWE stated that a 5.5 mile stretch is estimated to cost \$5,500,000 as of 8-21-80. He added that a bid was let in November, 1980, on a 11 mile stretch at \$7-8,000,000 and that a bid was to be let in June, 1981, on a six mile stretch at a cost of \$6,000,000 for a total of \$18,500,000. He added that the \$15, 117,821 in Coal Trust Funds doesn't cover the \$20,000,000 needed to complete the project, creating a need for an additional \$3,400,000.

HB 655.

REP. ANDERSON, District 16, Flathead Valley, stated that his bill would provide reimbursement to school districts in Montana for school bus transportation, raising the amount from 55 cents to 70 cents in FY 82 and from 70 cents to 85 cents in FY 83.

REP. ANDERSON added that original transportation would increase from 18 cents to 20 cents, with an increase in room and board from \$4 to \$5 per day for one student and from \$2 to \$3 per day for each additional student. (EXHIBIT attached).

#### PROPOSERS

MR. BOB STOCKTON, Office of Public Instruction, stated that 92 cents was the base-line cost increase, with a state average of \$1.25. He stated that with 68 passengers on a bus, the cost is essentially the same in both bills and that with less students on a bus, costs would be more in HB 500. He stated that OPI would support REP. ANDERSON'S bill.

MR. DON WALDRON, Supt. of Schools, Libby, Mt. stated that in Libby schools, costs for tires and batteries had increased 84%, cost of labor, 37%, buses, 84%, and grease and oil, 120%. He stated that the average transportation increase is 18.4%, at \$1.49 per mile and that the Montana Conference on Pupil Transportation supports HB 655. Mr. Waldron stated that he feels the Board and Room figures need to be increased to \$6 per day.

MR. ROBERT LOMMAR, Supt., Boulder Public Schools, stated that the on-schedule rate has nothing to do with contract rates. He stated that Boulder schools are behind in actual costs, even with good roads, and that he feels on-schedule payments

provide much cheaper transportation. He added that the State would have to pay \$54,000 even if a high school district paid zero for transportation and stated his support of HB 655.

MR. WAYNE BUCHANAN, Montana School Board Association, stated his concern with the effect on local property taxes. He stated that if HB 655 were not funded, the good in HB 610, as passed, will be off-set. He stated that he feels HB 655 is an excellent bill.

#### OPPONENTS

There were no opponents.

REP. ANDERSON, in closing, stated that he feels busing is one of the most economical types of transportation available and that the safety aspect in Montana is excellent, with no lives lost.

REP. ANDERSON stated that the increased cost to the State is \$554,000 over the LFA recommendation for the first year of the '83 biennium and that it is directly tied to property tax relief.

MR. JOHN BEBEE, Assistant Fiscal Analyst, LFA, stated that there was a \$2,039,695 difference in totals for the biennium. MS. JUDY RIPPINGALE, LFA, stated that the LFA staff felt the fiscal note was overstated by slightly over \$1,000,000.

#### SB 118.

SEN. CHET BLAYLOCK, District 35, Laurel, Mt. stated that the bill would require Mental Health Centers to enter into contracts with restrictions on the amount of State funds which can be appropriated. He stated that with the loss of Federal funds, increased State funding was needed.

#### PROPONENTS

MR. JOHN NESBO, County Commissioner, Toole County, and President of the Montana Association of Counties stated that he was a member of Region 2 and that the Association supported SB 118.

MR. DAVID BRIGGS, Director, Southwest Regional Mental Health Center, Helena, Mt. stated that Montana is one of the few states with statewide community Mental Health Care Centers and that national recognition has been received for Montana's efforts in deinstitutionalization.

MR. CLIFF MURPHY, Montana Health Assn. Board and Legislative Officer, stated that in Region 2, 69 persons were referred to Warm Springs in 1980 and that in Region 4, 239 persons were referred. He added that the annual cost per patient at the Institution was \$36,000.

MR. MURPHY stated that the centers are sending more patients to



Warm Springs which adds to State costs by over \$1,000,000. He stated that the cost per patient for Region 3 is \$15,000 to \$16,000 annually, which is much less than Warm Springs costs. He stated that he was concerned that with cuts for the centers, more patients would be referred to Warm Springs.

MR. HAROLD GERKE, Council of Montana Mental Health Center Board, stated that the Council supported SB 118.

MR. CARROL SOUTH, Director, Dept. of Institutions, stated that with the proposed system of contracting with the Regional Mental Healthcenters, priorities would be established and that with full funding, 4.5 of the 6 centers could be retained.

MR. SOUTH stated that if State participation and counties won't allow services to be carried out, some of these funds would revert to the general fund. He proposed that bogus budgets could be adopted within the confines of the law, but added that he did not wish to play this game. He stated that he would rather see State funding than do this and that he feels a ceiling is not necessary as current law should suffice.

CHAIRMAN LUND asked Mr. SOUTH about the 50% figure. Mr. South stated that the Governor's budget called for more funds than Institutions received and that two years from now the Dept. will know much better, the actual costs of services provided. He stated that the Dept. purchase services for the State from the Centers and negotiate a rate for the services. He added that the State could fund an out-patient program.

The meeting was adjourned at 12:30 p.m.

  
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REP. ART LUND, Chairman

jc

WITNESS STATEMENT

NAME Donald B. Williams BILL No. HB 655

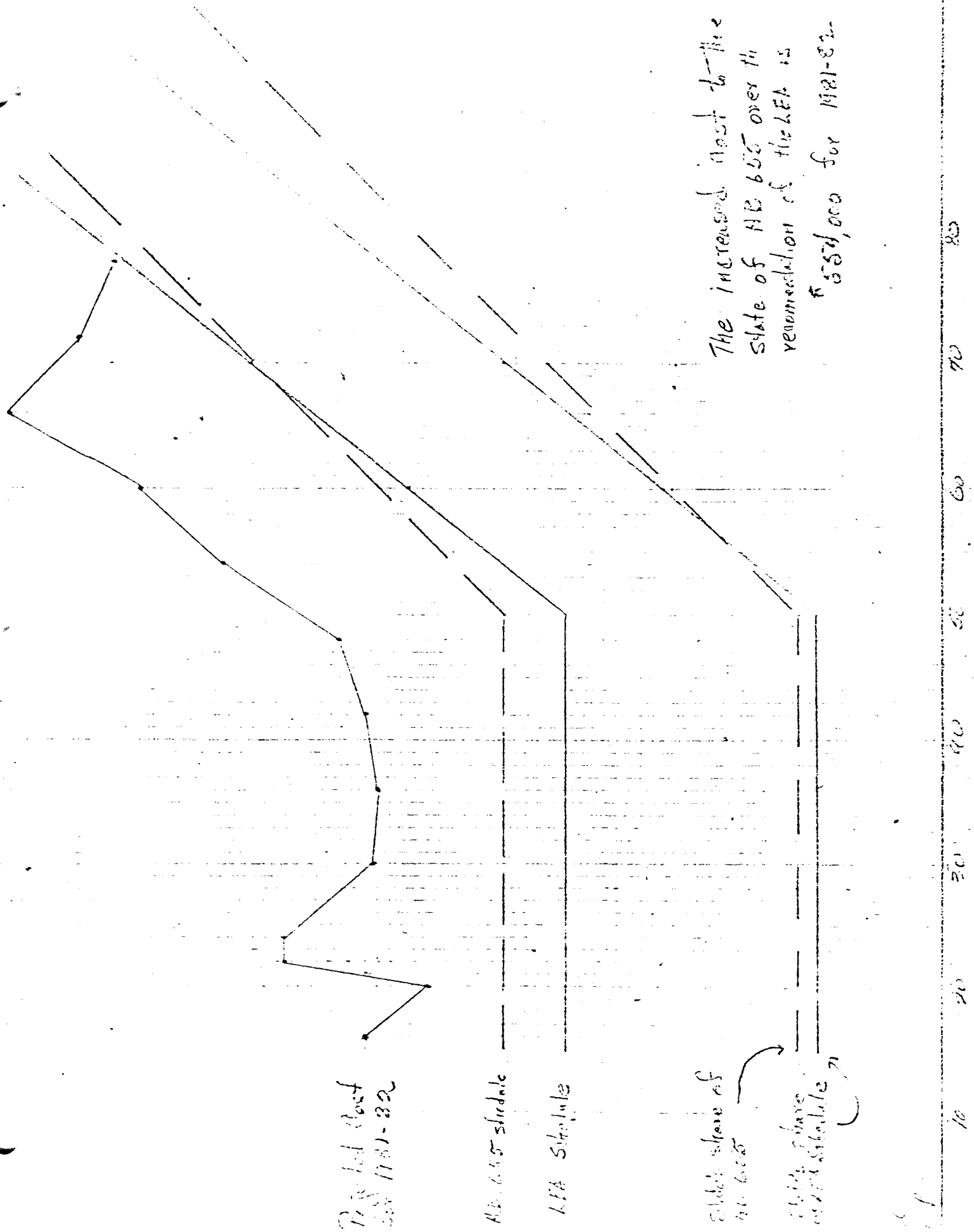
ADDRESS 111 East Lincoln Blvd. Little Rock DATE 3-13-51

WHOM DO YOU REPRESENT Little Rock Dist #4 + West. Conf. of R.R. Eng.

SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



Proposed Cost  
for 1181-32

HB 655 Schedule

LFA Schedule

Added share of  
to 655

Added share  
of LFA Schedule

The increased cost to the  
State of HB 655 over the  
recommendation of the LFA is  
\$55,000 for 1181-32.

pt 100  
1181-32

WITNESS STATEMENT

NAME DICK PEDERSEN BILL No. HB 446  
ADDRESS 7451 YORK RD HELENA DATE 3-13-81  
WHOM DO YOU REPRESENT DEPT of HEALTH & E.S. STATE of MONT  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME BARRY L. ISORT BILL No. 560  
ADDRESS 524 DEARBORN DATE 3/13/81  
WHOM DO YOU REPRESENT GERALDINE STROVAY  
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Richard E. Gillespie BILL No. HB 560  
ADDRESS 103 N. Hebaek DATE March 13, 1981  
WHOM DO YOU REPRESENT Douglas Remick  
SUPPORT X OPPOSE  AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME C R Gilbertson BILL No. 446  
ADDRESS 1521 Madison Helene DATE 3-13-81  
WHOM DO YOU REPRESENT State Director of Energy Service  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



STATE OF MONTANA

Office of the Legislative Fiscal Analyst

Room 109

STATE CAPITOL

HELENA, MONTANA 59601

406/449-2986

JOHN D. LaFAVER

LEGISLATIVE FISCAL ANALYST

March 13, 1981

TO: House Appropriations

FROM: JanDee May, Associate Fiscal Analyst *JanDee*

SUBJECT: Price of Cars

Last fall the purchasing division was requested to "project" costs for cars and trucks in the 1983 biennium. At that time their projections were:

	<u>1982</u>	<u>1983</u>
Four Door Sedan	\$5,645	\$6,097
Four Wheel Drive Pickup	8,049	8,693
Two Wheel Drive Pickup	5,990	6,469

During subcommittee hearings, many requests for individual car purchases were acted on. It was determined by the legislative, judicial and administrative subcommittee that purchasing division quotes were too low.

Consequently, the committee recommended anywhere from \$6,000 to \$7,500 per car.

The highway department was the last department heard. The motor pool division indicated they could purchase similar vehicles for considerably less, with prices more in line with purchasing's estimates.



	<u>1982</u>	<u>1983</u>
Four Door Sedan	\$5,800	\$6,380
Four by Four Blazers	8,100	8,910
Pickups (assume 4 wheel)	8,000	8,800

Questions of course arose as to which projections were correct.

The purchasing division now indicates that their original projections were too low. Current bids are running \$5,800 to \$6,000 for a passenger car. It would appear that the motor pool is too optimistic. Though the motor pool orders in bulk other agencies as well can take advantage of reduced price for large orders. Bids are let for cars two to three times a year with between 200 to 300 cars ordered per letting. Unless specifications by a department were different, they would receive the same bid price.

JDM:jt:b

## VISITORS' REGISTER

HOUSE

## Appropriations

COMMITTEE

BILL HB 446

Date 3-13-81

SPONSOR METCALF

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Appropriations

COMMITTEE

Date March 13, 1981

SPONSOR lund

Richard E. Gillespie	103 N. Hoback	Douglas Remick	X
Barry L. Aiken	529 DEARBORN	Gerardine Strong	X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE

2000

COMMITTEE

BILL 29

Date \_\_\_\_\_

SPONSOR

Wesley Lau

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE APPROVED

COMMITTEE

BILL S. B. 118

Date 3/13/51

ONSOR Blaylock

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Walter Buchanan BILL No. 655  
ADDRESS 501 N Sanders DATE March 13, 1981  
WHOM DO YOU REPRESENT Mt. School Boards  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: