

MINUTES OF THE MEETING OF THE APPROPRIATIONS COMMITTEE  
February 17, 1983

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The Appropriations Committee met at 7:40 p.m. on February 17, 1983, in Room 104, with Chairman Francis Bardanoue presiding and all members were present. HOUSE BILLS 136, 185, 326, 449, 548 and 694 were heard. EXECUTIVE ACTION was taken on HOUSE BILLS 136, 185, 326 and 449.

(Tape 1: Track 1:1710)

HOUSE BILL 694: "A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE GOVERNOR TO ENTER INTO AGREEMENTS WITH THE STATE OF NORTH DAKOTA AND RELEVANT FEDERAL AGENCIES FOR RENEWAL OF SERVICE OF AMTRAK NORTH COAST HIAWATHA ROUTE SERVICE FROM FARGO TO SPOKANE; PROVIDING AUTHORITY TO ENTER INTO SUCH AGREEMENTS AS PROVIDED IN 45 U.S.C. 563(B); PROVIDING AN APPROPRIATION; AMENDING SECTION 60-11-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

Rep. YARDLEY, the bill's chief sponsor, read a prepared statement. (Exhibit 1.) He said he was proposing an amendment to the bill. (Exhibit 2.) He said, "The amendment deletes the provision that the money is to come from the General Fund and provides that the money is to be taken out of the Earmarked Account, Montana Railways Fuel Use Tax. The Montana Railways Fuel Use Tax is being proposed as House Bill 665 and I have distributed copies of that bill and the fiscal note that's with it." (Exhibit 3.) He then introduced Dick Howell from the Department of Commerce, Transportation Division, to show the basis of the data shown by Rep. Yardley.

DICK HOWELL then distributed a chart titled "AMTRAK SOUTHERN ROUTE DAILY SERVICE" (Exhibit 4.) He said, "The top line on the page which says 'Revenue' is revenue that would be derived from carriers and concessions. The 'Short Term Avoidable Cost' are those costs which would be serious upon discontinuance of the service or incurred upon its introduction... basically that means the operating costs. The 'Short Term Avoidable Loss' is the 'Short Term Avoidable Cost' minus the 'Revenue'. The first year, under the 403-B program, Montana would pay 45% of that cost and the second year they would pay 65% of that cost. The total Montana and North Dakota system would cost \$2,851,700 the first year. AMTRAK also would share in the 'Equipment Capital', so the \$576,000 is an annual recurring cost... mainly lease costs for locomotives, dining lounge and a coach. They would also share in the 'Station Facility' depot cost... we do not have any indicator at this particular time, mainly because we were trying to keep the cost of this system down as much as possible, and therefore we are hoping that cost would be shared with the community... the areas will be able to get 50% discount in the rehabilitation of the people. The total states' share would be \$3,427,700 and Montana and North Dakota have agreed upon a 65%/35% split. Montana's 65% would amount to \$2,228,000 in fiscal year 1983/84; and would amount to \$3,051,800 in fiscal year 1984/85; and North Dakota's 35% would amount to \$1,199,700 in fiscal year 1983/84 and in fiscal year 1984/85 it would amount to \$1,643,300. The 'Short-term avoidable (Loss)

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passenger mile' is the short-term avoidable loss figure up near the top of the page divided by the number of passenger miles, and that gives you the ratio of (.065). 'Passenger miles' for the system were determined to be 97,422,000. The ratio of 'passenger miles to train miles' means that on the average there will be 107.45 passengers for every mile the train travels. The estimated passengers system-wide from Fargo to Spokane would be 113,730."

DICK HOWELL then showed the committee a map of the proposed train routes. He said, "Basically the present Empire Builder runs from Chicago up through Minneapolis, then swings north across North Dakota, northern Montana, comes in at Spokane and then Seattle. We have another 403-B train presently that works between Portland and Spokane. The proposal is to bring the number of coaches needed up with the Empire Builder up to Fargo and then add a lounge car and a locomotive. At that particular point, the two trains separate with the Empire Builder following along its regular route and the West Coast Hiawatha traveling across North Dakota, stopping at 6 stations; then to Montana, stopping at 10 stations; and on into Spokane. At that particular place it would drop off its passenger cars and this train then would continue on into Portland. Traffic on the Empire Builder going to Portland would have a cross-platform change from Spokane to the North Coast Hiawatha, which then could carry the passengers into Portland."

Proponents:

JOHN WILSON, Chief of the Travel Promotion Bureau, Department of Commerce, said he is here at the request of the bill's sponsor for clarification of the economic impact of the proposed AMTRAK southern route. He read from a prepared statement. (Exhibit 5.) He said, "I think it would be reasonable to expect about a 30% increase on a 7-day ridership, which would bring it up to about \$4 million dollars a year in gross receipts that we would see in Montana that we don't see right now."

Sen. PETE STORY said, "I just want to emphasize my extreme support for this. I think of all the ways that you have laid out to improve Montana's economy, this would have the most immediate and the most positive effects for the dollars spent."

BOB STEVENS, President of Montana Travel Associates, supported the bill. He submitted a letter from "Yellowstone Tour and Travel" (Exhibit 6.) and from "Big Sky Montana" (Exhibit 7.), both supporting the bill. He showed the committee a map showing what would happen when AMTRAK discontinues the train through southern Wyoming and re-routes it over the Rio Grande, which he thought they would do in May. He said, "This means if we don't get this train, it's 957 miles between trains. He supports the bill."

BOB VIRTS, Helena, retired railroad engineer supported the bill.

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Sen. JUDY JACOBSON supported the bill.

JOY NASH, representing the Gallatin County Commissioners, presented a letter from them supporting the bill. (Exhibit 8.)

ANNE FOWLER ANDERSON, Bozeman City Commissioner, submitted a written testimony. (Exhibit 9.) She also presented an endorsement letter from the Bozeman City Commissioners supporting the bill. (Exhibit 10.)

MR. LISTA, senior citizen, supported the bill.

ROBERT VAN DER VERE, registered lobbyist for Montana Senior Citizens, supported the bill.

JUDY FOSBENDER, representing the Associated Students of the University of Montana, supported the bill.

JAMES T. MULAR, representing the Brotherhood of Railway Clerks, supported the bill.

JOE LAMSON, representing the Montana Democratic Party, supported the bill.

JIM MURRAY, AFL-CIO, Montana Executive, supported the bill and presented his written testimony. (Exhibit 11.)

CALVIN L. BURR JR., read a letter from Allan F. Edelston, Senior Director, Intergovernmental Affairs, National Railroad Passenger Corporation, Washington, D.C., to Senator John Melcher, supporting the bill. (Exhibit 12.)

MORRIS GULLICKSON, Local 685 United Transportation Union, supported the bill and submitted a written testimony. (Exhibit 13.)

Sen. PAUL BOYLAN read a testimony of Terry Abelin, Manager of Bridger Bowl, Bozeman (Exhibit 14.) and a testimony of John Buttelman, former Gallatin County Commissioner (Exhibit 15.) supporting the bill. Sen. BOYLAN also supported the bill.

WARREN MC GEE, Livingston, speaking for the County Commissioners, supported the bill. He also presented a written testimony. (Exhibit 16.)

CHUCK NICHOLSON, Mayor of Livingston, supported the bill.

In addition, approximately 10 persons arose when Rep. BARDANOUE asked those not giving oral testimony, but supporting the bill, to stand.

Opponents: None.

Rep. YARDLEY closed on his bill by saying that the bill is supported

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all the way across Montana.

The hearing closed at 8:15 p.m.

(Tape 1: Track: 1:2014)

HOUSE BILL 326: "A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE RESTRICTION ON THE AMOUNT OF STATE FUNDS THAT CAN BE APPROPRIATED FOR REGIONAL MENTAL HEALTH SERVICES CONTRACTS; AMENDING SECTION 53-21-203, MCA." was heard.

Rep. BERGENE, the bill's chief sponsor, said, "This bill is to remove the 50% limit of state funding for community mental health centers. The current participation of General Funds in community mental health programs is restricted to 50% of the total community mental health budget. This bill would eliminate the 50% restriction and allow General Fund moneys to the extent necessary to maintain legislatively determined levels of service. The impact of this bill would be elimination of the 50% funding restriction, but it is not intended to allow for expansion of mental health programming, rather to provide sufficient flexibility to the Department of Institutions in adjusting the proportion of state funding commensurate with decreasing federal funding. As federal dollars decrease, the state's percent of the total budget automatically increases... even with no increase in actual state dollars."

Proponents:

CURT CHISHOLM, Deputy Director of the Department of Institutions, said the reason they had this bill introduced was because they consider it nothing more than a housekeeping measure. He said, "Beginning on Page 1, line 24, after the word 'Furthermore', to the end of the bill, is language we're requesting be repealed because we are attempting to clean up a section of the law that we haven't used since the 1975/77 biennium; and is something I don't think is necessary to have in the enabling part of the statutes that guide the operation of the mental health centers. Historically, the reason that law was incorporated into the part of the act that guides the mental health centers and our contracts with them results from HB 289 passed in 1975, which at that time was intended to expedite the process that was determined in that particular legislative session... the passage of the 'Mental Health Act', which put money into Warm Springs State Hospital which could contract with mental health centers, that at that time became private, non-profit corporations for the first time in their existence. To contract with them, we were able to send money from the Warm Springs appropriation to the mental health centers for the patients who were deinstitutionalized back into the communities. We haven't used that particular contract language since that particular biennium because we have a specific appropriation for Warm Springs, we have specific appropriation for mental health centers and we don't feel the language is necessary."

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Relative to that 50% issue, however, it has always been our contention that the level of General Fund support for mental health centers is always controlled, very appropriately, by the appropriations process; but this limitation has always been there, we realize, to keep a maximum lid on the amount of General Fund support. But at this particular point in time with the advent of block grant funding and the dependency of mental health centers for other sources of revenue other than the General Fund, there is speculation that part way through this biennium, federal funding will go soft relative to the amount of block grant dollars coming down to us in the federal 1984 fiscal year. Our recommended level of General Fund support brings us very closely to a 50% subsidy of mental health center programs aggregately. If there is any fluctuations in the other kinds of revenue of the mental health centers, it could very well be that the appropriated amount of money in General Fund dollars that the Department has with which to contract with the 5 mental health centers might be in excess of 50% of their total revenue posture. We feel in fairness to the centers and in fairness to their ability to deal with patients, we need to eliminate this restrictive language in the event the revenue posture for other than General Fund dollars goes soft during the course of the biennium. I want to point out that this doesn't give us any new spending authority - doesn't give us any new dollars - it simply allows us to contract with the centers with money already appropriated." Mr. CHISHOLM presented a "84-85 Revenue & Funding Schedule for CMHC's" (Exhibit 17.)

JOY MC GRATH, Director of the Mental Health Association of Montana, supported the bill.

Opponents: None.

Rep. BERGENE closed on her bill.

Discussion:

Rep. WALDRON said, "Curt, if the Legislature choses to follow the recommendations of the subcommittee on Institutions, what's the need of this bill?" Mr. CHISHOLM replied, "There really isn't any because the General Fund support of the aggregate position would be about 43% of the total revenue, but that's given the 'knowns'. We know that the commitment is from the federal government for block grants only up until September, 1984. Anything beyond that period of time, which is still within the biennium for which you are appropriating money, could 'go south' on us - we don't know what's going to happen to the federal block grants."

Rep. WINSLOW asked why the mental health centers aren't going out and raising charitable dollars? Rep. BERGENE said, "I think with the economics the way they are, I wouldn't want to rely on charitable dollars; also, mental health centers absolutely have to have the funding in order to get the kind of services that are asked for and

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I just don't see that you could rely on contributions to make up these kinds of deficits." Rep. SHONTZ made a statement supporting Rep. Bergene's position.

The hearing closed at 8:30 p.m.

(Tape 1: Track 1: 2151)

HOUSE BILL 185: "A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 20-15-404, MCA, TO PROVIDE THAT THE PROVISIONS OF SECTION 20-9-209, MCA, RELATING TO LAPSE OF BUDGETED APPROPRIATIONS AND PROVISIONS FOR UNPAID CLAIMS DO NOT APPLY TO COMMUNITY COLLEGE DISTRICTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." was heard.

Rep. CONNELLY, the bill's chief sponsor, presented her bill by reading a prepared statement. (Exhibit 18.)

Proponents:

BILL LANNAN, Community College Coordinator for the Montana University System, said, "In 1981 Flathead Valley Community College was audited and it came to my attention that the community colleges were supposed to be operating, at least as far as the statutes were concerned, under Section 20-9-209. After discussing this with the auditor and upon some research, I concluded that in 1979, when the community college codes were recodified, this statute was inadvertently included in the community college laws. I agree that at the time of the auditor's recommendation the commissioners's office should seek repeal of the section of the law which brings the community colleges under that Section 20-9-209 regarding the lapse of budgeted appropriations and provisions for unpaid claims. What this does is give the colleges the ability to pay the bills that were incurred prior to the end of the fiscal year, but received after the close of that fiscal year. Approval of this bill will not affect the funding formula for the community colleges." He recommended the committee give this bill every consideration.

Rep. BARDANOUE asked, "How long after the end of the year can you pay the bill... is it unlimited or do you have a certain time?"

Mr. LANNAN replied, "The problem is, for example, you may not receive your June telephone bill until sometime in July." Rep. BARDANOUE then asked, "Is there any period of limitation... can you pay six months afterwards?" Mr. LANNAN said, "I think I would let the business manager answer that, but when they receive the bill, then they would pay the bill."

GEORGE SIROGIANNIS, Business Manager of the Flathead Valley Community College, said, "As Mr. Lannan explained, under this statute, we would be required to be on a 'cash basis' of accounting. Usually 2 months is adequate time. The only instance it is likely to be longer than that is if we receive an invoice from a lawyer... or somebody like that... or a power bill which might come in maybe in six months... or sometime later."

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RAE HAAS, of Haas & Associates, Helena, in charge of auditing Flathead Community College last year, supported the bill.

Opponents: None.

Rep. CONNELLY closed on her bill.

The hearing closed at 8:40 p.m.

(Tape 1: Track 1:2254)

HOUSE BILL 548: "A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE, EXPAND, AND CLARIFY THE LAW PERTAINING TO BUDGET AMENDMENTS; AMENDING SECTIONS 5-12-401, 5-12-402, 17-8-103, AND 17-8-104, MCA; AND PROVIDING AN EFFECTIVE DATE." was heard.

Rep. DONALDSON, in the absence of Rep. MARKS, the bill's chief sponsor, presented the bill. He said this bill came out of the Legislative Finance Committee; and he read from a prepared statement outlining the purpose of the bill. (Exhibit 19.)

Rep. DONALDSON offered the proposed amendment to the existing law. (Exhibit 20.)

Rep. BENGTON left the meeting at this time to return to the House floor.

Proponents:

JOY BRUCK, representing the League of Women Voters of Montana, read from a prepared statement supporting the bill, but had two proposed amendments. (Exhibit 21.)

Opponents:

MONA JAMISON, legal counsel to Governor Schwinden, said, "I'm here tonight to testify in opposition to HB 548. There are two provisions we believe are unconstitutional and a definition we think needs further clarification. I will first begin by discussing what we believe to be the unconstitutional provisions.

I would ask you to look at the definition under Section 1 (8) on page 2, line 20, which is the definition for 'Proposed to and rejected by the legislature'. This particular provision is utilized in the budget amendment requirement, Section 2 (e) and in the budget amendment certification process set forth in 3 (d). This definition states, 'means a proposal known to the requesting agency, the office of budget and program planning, the office of the legislative fiscal analyst or the approving authority that was (a) made in a bill which was killed; (b) amended out of a bill prior to final defeat or enactment; or (c) made to and rejected by any legislative committee or subcommittee.' This particular provision elevates rejection of a bill or of an amendment to the status of a bill... of a law actually passed by the

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Legislature. In this provision, legislative inaction becomes as binding as legislative action to passing a law. The only vehicle under the Constitution that can have a binding effect on an agency - or any branch of government, for that matter - is the bill which is passed by the majority of the Legislature. This particular provision prevents the executive or judicial branch from approving a budget amendment on anything that was killed in a bill, amended out of a bill, or judged by any legislative subcommittee. In other words, legislative inaction - or failure to pass a particular provision - is now binding and elevated to that status of a bill. The Constitution is very clear that it takes a majority of the legislators through a bill, through the law-making process, to bind a party. That's our legal concern with that particular provision. There are practical concerns too. There is no codification of inaction as there is on a bill. We have no reference material to which we can refer to tell us which bills were killed, but, more precisely, which amendments were killed, or which proposals were rejected by a committee. As we go from bills being killed, it gets more and more complex to determine which proposals were killed by a committee. As we all know, from the different committees that I attend or that you participate in, sometimes the reason a bill is killed has absolutely nothing to do with the merits of the bill - it may have to do with some procedural aspect, or another bill being introduced that's similar that may or may not include a provision in the bill that is finally rejected by the Legislature. So here - even when a decision that is not all that intentional in terms of a particular provision in a bill that is killed or amended out - all of a sudden is elevated to a binding action by this particular bill. We believe that without a codification of inaction - in other words, a volume telling us that amendment on this Section (8) on a particular bill was killed for a particular reason - we would have absolutely no way of determining why and which bills were killed.

There is also a problem with the use of the word 'known' in line 21. It says, 'means a proposal known to the requesting agency, the OBPP or the LFA'. What's interesting is that if any one of these entities knows of a bill or a proposal or an amendment being rejected, then this particular provision is triggered and it becomes utilized in the budget amendment certification process and, if this is discovered, then no budget amendment will be able to be acted on for that particular provision. What's interesting, on the other hand, is that a particular proposal or amendment was rejected by the Legislature and no one remembers, then there can be a budget amendment on it, which is interesting... that's a very innovative way of having to determine what was killed and what wasn't... sheer memory, which in our opinion is really a little bit, to say the least, arbitrary in such a determination that can have major impact on the various programs within the state.

I will ask you now to go to Section 9 (1), which is on page 11 of the



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bill, lines 19 through 22. With the amendment which Rep. Donaldson pointed out, this section would read, 'An action under this subsection may be brought upon complaint of the attorney general, of the legislature by joint resolution, of a standing committee of the legislature'. I concede the issues resolved by the Judge case are not raised in this, in fact this bill is not giving the Legislative Finance Committee the authority to approve or disapprove budget amendments; however, what we have here is still an unlawful delegation that I believe is still addressed by the Judge case. A standing committee of a Legislature can go into court and challenge the validity of the certification process. What this particular provision is allowing is a standing committee to make a determination that really belongs to the entire Legislature... has this agency properly or improperly certified for the budget amendment? So even though the Judge case - the point at issue in that case on the approval authority of the Legislative Finance Committee - was not raised in this bill, it surfaces with a different face. In this particular case, the finance committee or any other standing committee would have the authority to act on behalf of the remainder of the Legislature, go into court and challenge this, and it's that particular provision that we also believe raises an unconstitutional issue.

The last thing I refer your attention to is the definition in Section 1 (5), 'emergency'. We feel it's necessary that this definition should address situations which prevent state government from complying with the law due to the level of appropriation. In fact, it may constitute an emergency not only to an agency, but more significantly to the persons who are recipients of different programs. We would ask you to reconsider your definition of 'emergency'."

DAVE LEWIS said he would like to address what he considers the major effect of the bill. The certification the approving authority has to make when he or she does the budget amendment encompasses the term "necessary", (Page 5, line 15). He said, "'Necessary' is really in the eye of the beholder. Page 5, line 16 says, 'The agency requesting this budget amendment has no other alternative available'... again, the approving authority has to sign a certification saying there is no other alternative. This is really an impossible task because there is no way of certifying that... there are always other alternatives. I object to the same thing Mona Jamison objected to on Page 2, line 1 regarding 'the additional proposed services have not been proposed to and rejected by the legislature'. Page 2, line 4, 'the budget amendment makes no ascertainable present or future commitment for increased general fund support' is an almost impossible certification. If someone challenges that certification, it goes to a court, and the court were to determine there was some ascertainable commitment for increased General Fund support, it had been proposed and rejected by the Legislature, or there was an alternative available, this process could have passed over some months and some money could have been

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expended under that budget amendment. At that point, you have violated Section 17-8-103 and the approving authority is liable for a whole series of civil or criminal penalties. I think the major effect of the bill is to eliminate budget amendments."

JACK NOBLE, Deputy Commissioner for Management and Finance of the University System, said, "Currently the Legislature only appropriates the current unrestricted education and General portion for higher education. In the appropriation act, reference is made to 'all funds other than plant funds and those specifically appropriated herein may be spent and are appropriated and continued on approval of the Board of Regents by July 1 of each year of a comprehensive program budget containing detailed revenue and expenditures of anticipated fund balances of current funds, loan funds and endowment funds'. If this bill is passed, there are approximately 800 accounting entities covered in the process in this bill. He said they had over 600 budget amendments last year... most in the areas like vending machine accounts, etc... so many, in fact, that the Board of Regents only assumes authority for those funds specifically appropriated and the rest flow through the office. We would be literally shot down if we had to wait 30 to 90 days to lift an account in the vending machine area. We do have the concern of work load and we do not think there would be a realistic application of the bill."

Rep. BARDANOUVE said, "I didn't know this was so broad. Mrs. Rippingale, would you clarify some of this?" JUDY RIPPINGALE said, "Mr. Chairman, I think it is courteous of Mr. Noble to bring this to our attention because the University has no special revenue or proprietary funds, so we've probably made an error in totaling up the amount of the budget amendment bill and should probably put some of the University funds in this definition because these are not University definitions, so we would probably need to include some of the University funds, which I think probably through an oversight didn't get included in the first place... but I think now we can probably take care of it."

JUDY RIPPINGALE said, "For the legal aspects of this bill, we have Lee Heiman from the Legislative Council. LEE HEIMAN said, "The three parts of the penalties are existing law."

RAY HOFFMAN, Department of Health & Environmental Science, opposed the bill.

DENNIS HEMMER, Department of State Lands, opposed the bill. (Exhibit 22.

(Tape 2: Track 1:117)

BOB ROBINSON, Department of Natural Resources and Conservation, opposed the bill.

BRYAN MC CULLOUGH, Department of Commerce, opposed the bill.

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Rep. DONALDSON closed on the bill.

Discussion:

Rep. WALDRON and Rep. DONALDSON had a brief dialogue on what constitutes an "emergency".

Rep. WALDRON then said, "On page 10, lines 15, 16 and 17, does that mean you can't expend more than what's in your appropriation plus the budget amendment?" JUDY RIPPINGALE said, "That is to clarify that your legislative appropriation includes any approved budget amendments. Once a budget amendment has gone through the process of certification, then you have given it legislative approval."

Rep. WALDRON asked Mona Jamison if Standing Committees can now request an opinion by the Attorney General? MONA JAMISON replied, "Legislative can ask opinions by the Attorney General - the statutes allow that; however, in terms of Standing Committees actually going into court, that has not been allowed...individual legislators would have to. The taxpayer, historically, is the person the courts have recognized at both the federal and state level as having the authority to challenge appropriation and taxation measures; but Standing Committees as a whole, we submit do not have that authority."

The hearing closed at 9:45 p.m.

Rep. WALDRON assumed the chair, as the next bill is sponsored by Rep. BARDANOUE.

(Tape 2: Track 1:213)

HOUSE BILL 449: "A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE TIME LIMIT ON INTERACCOUNT LOANS; AMENDING SECTION 17-2-107, MCA; AND PROVIDING AN EFFECTIVE DATE." was heard.

Rep. BARDANOUE, the bill's sponsor, said the Department of Administration had asked him to sponsor the bill and he asked Morris Bruset to speak on the bill.

MORRIS BRUSETT, Director of the Department of Administration, said, "Since I have been in my present position, I have found there are loans that have been made from General Fund and other accounts which have gone past year-end. We did a 2 1/2 year analysis so we could get a feel for the problem, and there are still occasions when you can't pay the money back by year-end. Our purpose was to bring this to the attention of Rep. Bardanoue so that we could get the matter corrected so that we don't make any more loans or we get legislative approval to go past year-end in certain occasions. The bill was written in very general terms and I offer an amendment to clarify the bill, which was prepared by the Legislative Fiscal Analyst. (Exhibit 23.)

JUDY RIPPINGALE explained the amendments. She said, "In terms of

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the broadness of the original bill, it looked like the bill was broader than the Legislators might feel comfortable with. There appeared to be legitimate need for some of the loans and we tried to identify some of those needs. There is a section in the bill that says, 'No account shall be so impaired that all proper demands thereon cannot be met.' We would insert, 'even if the loan is extended' so you could now extend a loan, but you couldn't extend it if that account wasn't going to have the money to pay back the loan. The reason you may want to extend the loan might be for repairing or replacing property damage covered by insurance, but you may not have received the insurance proceeds yet; or to accommodate receipts due from federal revenue."

Opponents: None.

Discussion: None.

Rep. BARDANOUE closed on the bill.

The hearing closed at 9:51 p.m.

(Tape 2: Track 1:263)

HOUSE BILL 136: "A BILL FOR AN ACT ENTITLED: "AN ACT DELETING THE REQUIREMENT THAT THE FUND BALANCE IN THE MOTOR VEHICLE RECORDING ACCOUNT BE DEPOSITED IN THE GENERAL FUND; AMENDING SECTION 61-3-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." was heard.

Rep. BARDANOUE, the bill's sponsor, said this bill was carried by him at the request of the Department of Administration, Office of Budget & Program Planning. He said the bill "frees up" some Earmarked Revenue Fund accounts and puts them into the General Fund.

JANDEE MAY, from the Governor's budget office, said, "Currently there are two pieces of law which deal with the Motor Vehicle fund balance... House Bill 500 states that any fund balance remaining within the Motor Vehicle account at the end of the fiscal year must be deposited to the General Fund; then Section 61-3-108 states the same thing, but requires it to be deposited at the end of the biennium. Last year at the end of fiscal year 1982 there was 1/2 million dollars deposited to the General Fund. The upcoming fiscal years are estimated to have considerable fund balances in this account and rather than revert that to the General Fund, they recommend the projected revenue be appropriated to the Department of Justice to offset present General Funds. This would also allow funds that are collected to be used for purposes which are related to what they were originally generated for. The Executive budget proposed using \$600,000 a year from this projected balance within the drivers' licensing program in the Department of Justice. The net effect is no net loss to the General Fund, but it would free up funds." Rep. BARDANOUE asked, "About how much would that be in total?" JANDEE MAY said, "At the end of the coming biennium, we are projecting 1.3 million dollars,

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Opponents: None.

Discussion: None.

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HOUSE BILL 136: "A BILL FOR AN ACT ENTITLED: "AN ACT DELETING THE REQUIREMENT THAT THE FUND BALANCE IN THE MOTOR VEHICLE RECORDING ACCOUNT BE DEPOSITED IN THE GENERAL FUND; AMENDING SECTION 61-3-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." was heard.

Rep. BARDANOUE, the bill's sponsor, said this bill was carried by him at the request of the Department of Administration, Office of Budget & Program Planning. He said the bill "frees up" some Earmarked Revenue Fund accounts and puts them into the General Fund.

JANDEE MAY, from the Governor's budget office, said, "Currently there are two pieces of law which deal with the Motor Vehicle fund balance... House Bill 500 states that any fund balance remaining within the Motor Vehicle account at the end of the fiscal year must be deposited to the General Fund; then Section 61-3-108 states the same thing, but requires it to be deposited at the end of the biennium. Last year at the end of fiscal year 1982 there was 1/2 million dollars deposited to the General Fund. The upcoming fiscal years are estimated to have considerable fund balances in this account and rather than revert that to the General Fund, they recommend the projected revenue be appropriated to the Department of Justice to offset present General Funds. This would also allow funds that are collected to be used for purposes which are related to what they were originally generated for. The Executive budget proposed using \$600,000 a year from this projected balance within the drivers' licensing program in the Department of Justice. The net effect is no net loss to the General Fund, but it would free up funds." Rep. BARDANOUE asked, "About how much would that be in total?" JANDEE MAY said, "At the end of the coming biennium, we are projecting 1.3 million dollars,

Minutes of the meeting of the Appropriations Committee  
February 17, 1983

but to allow prior year adjustments, we would recommend taking no more than 1.2 million."

Opponents: None.

Rep. BARDANOUE closed on the bill.

Discussion:

Rep. WALDRON asked JanDee May, "How much will this relieve the General Fund for the biennium?" She replied, "Approximately 1.2 million dollars." JUDY RIPPINGALE said, "This would be a relief to the General Fund, but don't be under the impression that you are going to gain 1.2 million dollars because it's just an offset."

The hearing closed at 10:05 p.m.

Rep. BARDANOUE assumed the chair.

(Tape 2: Track 1:291)

\*\*\*EXECUTIVE ACTION:

HOUSE BILL 185: Rep. BENGTON made a motion that House Bill 185 do pass. The motion was seconded by Rep. CONNELLY and passed unanimously.

HOUSE BILL 326: Rep. WALDRON moved that House Bill 326 do not pass. He said there was no need for this bill.

Rep. LORY said the bill has no effect on this biennium, but he can see it possibly could for the future.

Rep. MENAHAN expressed concern about the salaries in this program which were often higher than they should be.

Rep. WALDRON asked Curt Chisholm, "Is there any relation to the salaries the people in those community mental health centers are getting to the state pay plan?" CURT CHISHOLM said, "No, they are not on the state salary matrix; but we tried, through contact with letters, saying that state employees would get, say, 3% and we would limit their increases to 3%." Rep. WALDRON then said, "Yes, but 3% of nothing is a lot less than 3% of \$50,000." Rep. WINSLOW said, "They are not state agencies and they have the flexibility, yet they are working their way up to becoming state agencies and if we keep increasing that level, they are going to keep coming back for more and more."

Rep. MENAHAN said, "There is a bill up there in human services having to do with buildings. I'll guarantee you that by 1990 when you come back here, there will be many institutions around here run by mental health."

Rep. WINSLOW said, "If we put a limit on what we give them, then they are going to have to go out and raise more money."

Minutes of the meeting of the Appropriations Committee  
February 17, 1983

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Rep. SHONTZ made a substitute motion that the bill do pass.

A roll call vote was taken, with 13 members voting "No" and 4 members voting "Yes".

The votes were reversed on Rep. WALDRON's motion that the bill do not pass. House Bill 326 did not pass.

HOUSE BILL 449: Rep. BENGTON made a motion that the amendments to the bill do pass. (Note: See Standing Committee Report in the Minutes.) The motion was seconded and passed unanimously.

Rep. BENGTON made a motion that House Bill 449 as amended do pass. The motion was seconded and passed unanimously.

HOUSE BILL 136: Rep. QUILICI made a motion that House Bill 136 do pass. The motion was seconded and passed unanimously.

Old Business:

HOUSE BILLS 237 & 413 were mentioned by Rep. BARDANOUE who said, "I've found there were some difficulties with that bill of Devlin's and there's a bill in Education which they feel will do what they want and I'd like to hold these bills until we see what happens over in Education. The Legislative Auditor has passed up to me that Devlin's bill - there is a payment received by the county called 'PILT' (payment in lieu of taxes), but according to the way the Devlin bill allocates that to the counties, the U.S. Treasury would deduct what they allocate to counties from PILT. So really, Montana would have a net loss under the Devlin bill.

DAVE LEWIS said, "We have worked with the Legislative Auditor and have agreed to cooperate on an amendment to be offered to House Bill 809 that will take care of the problem we were trying to address in House Bill 413. Both 237 and 413 were attempting to take care of the problem we have with the federal requirement and the amendment we are going to offer tomorrow will satisfy the problem as far as the Foundation Program is concerned." Rep. BARDANOUE asked, "You will not need either of these bills then?" DAVE LEWIS said, "We will not need any other legislation to address the problem as far as the Foundation Program is concerned." Rep. BARDANOUE then said, "Now, if your amendment to House Bill 809 is successful, we won't need either of these two bills?" DAVE LEWIS said, "We will not need 413, but 237 attempts to do some things beyond."

The meeting adjourned at 10:30 p.m.

*Original Minutes signed*  
FRANCIS BARDANOUE

jc

TESTIMONY OF REPRESENTATIVE DAN YARDLEY BEFORE THE HOUSE  
APPROPRIATION COMMITTEE  
February 17, 1983

HB 694 contains two proposals:

1. It authorizes the Governor to enter into agreements to restore AMTRAK rail passenger service along the southern route in Montana.

2. It appropriates \$5,279,800 for the state's share of the costs for operating AMTRAK for a two-year period.

The bill, as written, would provide the amount of money needed for daily service through Helena. The amount was calculated by the Transportation Division of the Department of Commerce, and is based on a study made by that Department and the Burlington Northern Railroad.

If AMTRAK runs through Butte, then the appropriation would be \$5,966,900, or about \$700,000 higher for the two-year period. I am not making a recommendation as to which city is to receive service, but the appropriation as written is based on service to Helena, as the costs would be less.

I am proposing an amendment, and the purpose of this amendment is to delete the provision that the money is to come from the General Fund, and provide that the money is to be taken out of a new earmarked account: "MONTANA RAILWAY FUEL USE ACT".

THE MONTANA RAILWAY FUEL USE ACT is being proposed in HB 665, and I have distributed copies of the amendment,



together with copies of the fiscal note and the bill. Although HB 665 is not before this committee, it is a companion bill, and provides the necessary funding for AMTRAK and related services. HB 665, as you will note, imposes a six-cents-a-gallon fuel tax on the diesel fuel used by railroads in Montana, and 5/6ths of the amount derived in revenue would be used to subsidize rail passenger service in this state and for other essential railroad purposes. One cent of the tax would be used to repair and maintain highways and roads traveled by trucks transporting agricultural products to railway terminal points for shipping, etc. Iowa has a similar Railroad Fuel Use Tax.

As you will see by the fiscal note, the proposed tax will generate an estimated \$3.667 million each year, of which \$3.056 would be placed in the railroad improvement account, and could be used to subsidize AMTRAK. The balance of \$611,000 each year would be available for the farm-to-rail terminal highway account.

Since HB 665 will be heard in the House Taxation Committee on March 8, it is not my intention to debate the merits of that bill at this time. It is mentioned here only to show the basis of the proposed amendment and the source of revenue being recommended.

I believe that the southern route of AMTRAK should be reinstated, and that this proposal, as amended, is a reasonable approach of funding it. I urge your support in enacting this legislation.

HOUSE BILL 694

Amend introduced copy.

1. Page 2, line 5.

Strike: "general fund the"

Insert: "special railway facilities account established by  
[House Bill No. 665], from that portion of the proceeds of the  
railway fuel use tax allocated for rail passenger service, an"

Strike: "of"

Insert: "not exceeding"

## STATE OF MONTANA

HB 694  
2/17/83  
Yardley  
355-83

REQUEST NO.

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 8, 19 83, there is hereby submitted a Fiscal Note for House Bill 665 pursuant to Title 6, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 665 establishes a railway fuel use tax; provides for its collection and disposition; creates a special railway facilities account; allocates funds; and provides an effective date.

ASSUMPTIONS:

- 1) 1981 diesel fuel use by railroads in Montana - 1.455 million barrels (42 gallons/barrel) (U.S. Department of Energy)
- 2) Assume the same level of consumption for FY84 and FY85.
- 3) Tax Rate - 6¢/gallon.
- 4) Effective Date - July 1, 1983.
- 5) Department of Revenue will have negligible additional cost to administer the tax.
- 6) The Department of Commerce's Weights and Measure's Bureau will incur some increased costs in checking fuel meters.

REVENUE:

	<u>FY84</u>	<u>FY85</u>
Railway Fuel Use Tax		
Under Current Law	--	--
Under Proposed Law	<u>\$3.667M</u>	<u>\$3.667M</u>
Estimated Increase	<u>3.667M</u>	<u>3.667M</u>
Special Railway Facilities Account		
Railway Improvement Account		
Under Current Law	--	--
Under Proposed Law	<u>3.056M</u>	<u>3.056M</u>
Estimated Increase	<u>3.056M</u>	<u>3.056M</u>
Farm-to-Rail Terminal Highway Improvement Account		
Under Current Law	--	--
Under Proposed Law	<u>.611M</u>	<u>.611M</u>
Estimated Increase	<u>.611M</u>	<u>.611M</u>

EXPENDITURES:

Administrative Cost \$4,719

\$4,719

  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-14-83

FISCAL NOTE 12/FF/1

1 *Noted (Lindley) House BILL NO. 665 Connelly*  
 2 INTRODUCED BY *Spadley Williams Broad*  
 3 *Ream Jimenez Shocher Harring*  
 4 *Barham Dey Williams Hager*  
 5 *Bill FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A RAILWAY FUEL*  
 6 *FUEL USE TAX; PROVIDING FOR ITS COLLECTION AND DISPOSITION; EACH*  
 7 *USE COMPANY; PROVIDING FOR THE CREATION OF A RAILWAY FUEL*  
 8 *CREATING A SPECIAL RAILWAY FACILITIES ACCOUNT AND ALLOCATING THERE*  
 9 *FUNDS; AND PROVIDING AN EFFECTIVE DATE."* *W. Allen*  
 10 *BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:*  
 11 *John F. Fuller*  
 12 *John F. Fuller*  
 13 *John F. Fuller*  
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 24 *John F. Fuller*  
 25 *John F. Fuller*

1 the propulsion of railway vehicles in this state.  
 2 Section 3. Railway fuel use tax imposed. The  
 3 department shall collect or cause to be collected from any  
 4 person or company using railway fuel for the propulsion of a  
 5 railway vehicle within this state a license tax of 6 cents a  
 6 gallon for each gallon of railway fuel used. The tax  
 7 attaches at the time of use and must be paid monthly to the  
 8 department by the user. Railway fuel dispensed in this state  
 9 may be dispensed only through meters approved for accuracy  
 10 by and sealed by the department of commerce.

11 Section 4. Railway fuel user's license required. A  
 12 railroad company responsible for paying the tax imposed by  
 13 [section 3] shall obtain a railway fuel user's license from  
 14 the department. The application for the railway fuel user's  
 15 license must include:

- (1) the name of the railroad company;
- (2) the location of its principal office in the state,  
if any;
- (3) a list of each location where fuel is dispensed on  
a regular basis; and
- (4) other information the department requires.

22 Section 5. Reports -- tax computation and payment. (1)  
 23 To determine a railroad company's tax liability, each  
 24 railroad company required to obtain a license under [section  
 25 4] shall file with the department a monthly report by the

1 railway fuel use tax imposed under [this act] and any  
 2 penalties collected under [this act] or under the applicable  
 3 sections cited in [section 7] must be credited to the  
 4 special railway facilities account established in [section  
 5 9].

6 Section 9. Special railway facilities account. There  
 7 is created in the earmarked revenue fund a special railway  
 8 facilities account. The money deposited in the special  
 9 railway facilities account each year is allocated in these  
 10 proportions:

11 (1) 83.33% to a railway improvement account in the  
 12 earmarked revenue fund to be expended by the department of  
 13 commerce to subsidize rail passenger service in this state  
 14 and for other essential railway purposes, under rules to be  
 15 adopted by the department of commerce; and

16 (2) (a) 16.67% to a farm-to-rail-terminal highway  
 17 improvement account in the earmarked revenue fund to be  
 18 expended by the department of highways, subject to this  
 19 subsection (2)(b), exclusively for the maintenance, repair,  
 20 and reconstruction of public highways and roads traveled by  
 21 trucks transporting agricultural products to railway  
 22 terminal points and for maintenance and improvements on  
 23 railroad grade crossings, with priority given to highways  
 24 and roads severely impacted by abandonments of railroad  
 25 lines.

1 (b) The highway commission shall allocate money from  
 2 the farm-to-rail-terminal highway improvement account for  
 3 expenditure on projects that meet the criteria provided in  
 4 this subsection.  
 5 Section 10. Codification instruction. This act is  
 6 intended to be codified as an integral part of Title 15.  
 7 Section 11. Effective date. This act is effective July  
 8 1, 1983.

-End-

AMTRAK SOUTHERN ROUTE

DAILY SERVICE.

Revenue	Fiscal Year 1983-84 (via Butte) (000)	Fiscal year 1983-84 (via Helena) (000)	Fiscal year 1984-85 (via Butte) (000)	Fiscal year 1984-85 (via Helena) (000)
Short Term Avoidable Cost	9,286	9,737	9,286	9,737
Short Term Avoidable Loss	<u>-16,584</u>	<u>-16,074</u>	<u>-16,584</u>	<u>-16,047</u>
	\$ (7,298)	\$ (6,337)	\$ (7,298)	\$ (6,337)

States Share:

Percent of Short Term Avoidable Loss	(45%)	3,284.1	(45%)	2,851.7	(65%)	4743.7	(65%)	4119.1
50% of Equipment Capital (Reoccurring)	576		576		576		576	
50% of Station Facility Capital	<u>---</u>		<u>---</u>		<u>---</u>		<u>---</u>	
TOTAL STATES SHARE	3,860.1		3,427.7		5,319.7		4,695.1	
Montana 65%	2,509.1		2,228.0		3,457.8		3,051.8	
North Dakota 35%	1,351.0		1,199.7		1,861.9		1,643.3	

Short-term avoidable  
(Loss) passenger mile

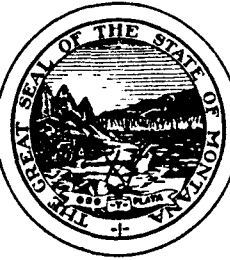
Passenger miles (000's)

PM/TM

Passengers (annually)

(.079)	(.065)
92,909	97,422
102.72	107.45
108,054	113,730

DEPARTMENT OF COMMERCE



TED SCHWINDEN, GOVERNOR

1424 9TH AVENUE

STATE OF MONTANA

(406) 449-3494

HELENA, MONTANA 59620

MEMORANDUM:

TO: BILL FOGARTY, Administrator  
Transportation Division

FROM: JOHN WILSON, Chief  
Travel Promotion Bureau

DATE: December 27, 1982

RE: Tourism Economic Impact of Amtrak Southern Route

Through analyzation of the number of pleasure travelers on the northern route, conversations with Amtrak marketing personnel about numbers of pleasure travelers on the southern route prior to its closure, and conversations with tour brokers who served both winter and summer traffic in Montana, We have a conservative estimate of the pleasure travelers that can be expected per year via the southern route. Using existing research sources on pleasure travel expenditures, I have extrapolated the gross dollar value of the addition of the southern route.

SUMMER

In 1982, 2.3 million people visited Yellowstone National Park. Certainly Yellowstone can be considered the main tourist attraction along the southern route. An estimated 700,000 additional persons recreated in Western Montana at Dude Ranches, resorts, convention facilities, and through outfitters and guides.

Pleasure travelers can be categorized as individual or group travelers. Group travel is on the rise as indicated by the increase in bus revenues in Montana in 1982.

In 1979 there were conservatively 9,000 individual travelers and 3,000 group travelers who disembarked in Billings, Livingston, Bozeman, Butte, or Missoula headed either to Yellowstone or other recreational destinations in Montana. (Total disembarkments - 49,000). That same year there were 400-500 thousand fewer visitors to Yellowstone than in 1982.



The value of this pleasure travel alone, for goods and services, is estimated at \$1.2 million. Adding 15 percent increase for different visitation levels (1979 vs 1982) would bring the expenditures to \$1.4 million. Add 15 percent inflation over three years and the estimated total gross expenditures for summer pleasure travelers would be \$1.6 million. (Tri-weekly service).

This figure is conservative in that it includes a ~~coverage~~ <sup>Average</sup> length of stay of only two days. It also does not take into account the growing group travel market and the escalation of air fares during the same period.

#### WINTER

The single resort ski area serviced by Amtrak's northern route hosts between 3,000 and 4,700 Amtrak passengers per year. Average winter ski package ridership on the northern route is 3,800 skiers per season. The average length of stay is four days with an average expenditure of approximately \$85/day.

The southern route has access to five Montana ski areas of varying levels in terms of facilities and difficulty. With proper marketing it would be safe to assume that within two seasons these areas could match the ridership of the northern route. The gross receipts, excluding transportation, would be \$992,000.

In addition, snowmobiling and nordic skiing in Yellowstone have developed significantly. The estimated value of Amtrak riders partaking in these sports in Montana in the near future is \$25,000 per year.

Thus, it can be estimated that winter Amtrak ridership would generate a total of \$1.2 million per year in gross receipts.

#### TOTALS

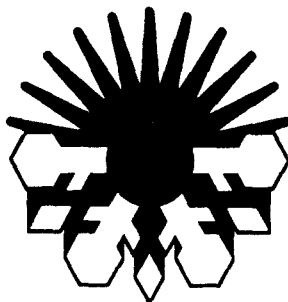
Per Year - Amtrak summer tourism	\$1,600,000 (tri-weekly)
Per Year - Amtrak winter tourism	<u>\$1,200,000</u>
	<u>\$2,800,000 *</u>

\* These amounts are based on current ridership on Empire Builder, 1979 tri-weekly Hiawatha ridership, and current visitation levels in Montana and Yellowstone National Park. In all cases the estimates have been rounded to the conservative side.

JW/jl

cc Wally Olson





## Yellowstone Tour and Travel

P.O. Box 369 • West Yellowstone, MT 59758 • 406-646-9310

February 17, 1983

TO: MEMBERS OF THE COMMITTEE PARTICIPATING IN HEARING HB665 and HB694

The intention of my comments is to support the concept of the return of Amtrak to its traditional "southern" Montana route. Montana has many problems to overcome in garnering a greater share of the tourism market. One of these problems is accessibility both presently and in the future.

Deregulation of the air industry is rapidly showing the public that ultimately only the megapolis to megapolis routes, or the highly alluring vacation spots such as Hawaii and Europe, will be served on a regular basis and at a reasonable fare. Less profitable sites are rapidly being dropped altogether, or served at high fares with limited schedules.

Current Amtrak routes and schedules do not benefit the majority of the state. A reinstatement of the past "southern" route could have a very positive effect on tourism through the central and southern section.

Montana has known, and has had supported through research, that by far and away, the majority of our tourists are the blue collar worker in a family car. First the effects of high gasoline prices and of a recession have, in many areas, drastically reduced our traditional visitor. We need to offer this traditional visitor a reasonable alternative to automobile travel.

With firm, committed rail accessibility, tour operators in the southern and central areas, would be able to use this information in furthering their marketing efforts.

I firmly believe that the State of Montana should do all it can, with an eye to the future, to encourage accessibility to the state from the major population areas. Amtrak is one of these means.

Thank you for your time and attention to these comments.

Sincerely,

F. W. Howell, Owner



BIG SKY OF MONTANA

P.O. Box 1  
Big Sky, Montana  
59716

(406) 995-4211  
(800) 548-4486

BOYNE USA RESORTS

BIG SKY  
BOYNE MOUNTAIN  
BOYNE HIGHLANDS

February 16, 1983

Dear Members of the House Appropriations Committee:

The Big Sky of Montana Resort is in full support of efforts to have the southern route of Amtrak reinstated. By bringing back Amtrak service to the southern area of Montana, our efforts to increase tourism would be greatly aided.

Big Sky is both a winter and summer resort, and our guests would use the Amtrak system during both of these seasons. Last winter our "Skier/days" count was 107,000 and this year our skier count is running well ahead of last year's. Of this number, a large portion of our guests originated in states which lie along this possible Amtrak route. Analyzing our 1982 winter lodging business by state, Minnesota ranked number two behind Montana with 10% of our business, North Dakota ranked number four with 6% of our business, Washington ranked number seven with 6% of our business, and Illinois ranked number ten with 4% of our business. These states alone represented 26% of our nation-wide business in 1982. Adding Montana's 23% and the other states which fall along this line, over 50% of our business came from states which this southern route of Amtrak would serve.

We feel that the southern route of Amtrak would greatly increase the number of guests we currently get from our "bread-and-butter" markets of Minnesota and North Dakota. This would be a great boost to tourism in Big Sky and the entire Gallatin Canyon area. Tourism is our life-blood in this area of the state and, therefore, we strongly request that approval be given for the return of Amtrak's southern route in Montana.

Sincerely,

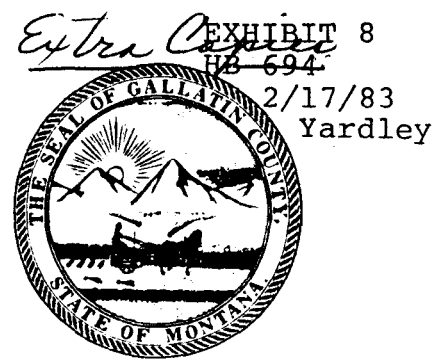
Steven E. McDonald  
Director of Sales and Marketing

SEM/cg

State of Montana

# County of Gallatin

Bozeman



February 16, 1983

The Honorable John Vincent  
Majority Floor Leader  
House of Representatives  
State of Montana - Capitol Station  
Helena, Montana 59620

re: HB #694 Authorization to reinstate  
AMTRAK SERVICE - Southern Route

Dear John and Gallatin County Representatives and Senators:

The Board of Gallatin County Commissioners do hereby urge your  
"DO PASS" on above HB #694.

Gallatin County depended on AMTRAK service to bring visitors into  
Gallatin County for vacations, for skiing, for our college students  
attending Montana State University and last but not least, for our  
Senior Citizens wishing to travel.

It has been a great loss to this County not to have AMTRAK Service  
since 1979.

Thank you,

GALLATIN COUNTY COMMISSIONERS

*Joy I. Nash*  
Joy I. Nash - Chairman

*Ruthmary Tohn*  
Ruthmary Tohn - Member

*Wilbur Visser*  
Wilbur Visser - Member

jn

cc: Gallatin County Senators  
Gallatin County Representatives

February 17, 1983

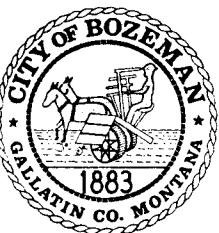
TO THE APPROPRIATIONS COMMITTEE, re H. B. 694, RESTORING  
AMTRAK SERVICE ON THE SOUTHERN ROUTE

In addition to the statement of support signed by the mayor and city commissioners of Bozeman, I would emphasize from Bozeman's particular perspective that availability of AMTRAK would provide a much-desired access to our amenity-based area, where tourism and recreation are of vital economic interest.

As an educational center of increasing interest to high tech industry and to national conferences, sporting and cultural events, as a community interested in increasing economic diversity in keeping with the amenity-based area, and as an area where agricultural services and agriculture play an important role, restoration of AMTRAK service is an essential service we desire and endorse.

Anne Fowler Anderson

Bozeman City Commissioner



MEMORANDUM

EXHIBIT 10  
HB 694  
2/17/83  
Yardley

From the Office of  
The City Commission  
Bozeman, Montana

Date Feb. 17, 1983

To the Appropriations Committee, re H.B. 694, restoring AMTRAK service on the southern route:

"Where there is no vision, the people perish."

We, the undersigned mayor and city commissioners of the city of Bozeman re-affirm the wisdom of that statement. We feel that is particularly applicable to the issue of re-instating the southern AMTRAK route.


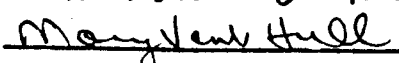
It is true that it may require a short period before the route once again pays for itself. However, in the long term, there is every reason to believe that the train will be self-supporting. It was well on the way to doing that when a federal decision was made to end this valuable service some time ago.

Furthermore, the economics of fuel costs insures that trains, with their lower fuel consumption, will become increasingly important in the years ahead. This trend is already obvious in other countries.

In the long run, every segment of Montana -- all residents, but especially our old folks; agriculture, tourism; and industry -- will benefit from our foresight in re-instating this train now.

  
Al Stiff, Mayor

  
Ken Weaver, Mayor-Elect

  
  
Mary Vant Hull, Commissioners



Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

TESTIMONY OF JIM MURRY ON HOUSE BILL 694, BEFORE THE HOUSE COMMITTEE ON  
APPROPRIATIONS, FEBRUARY 17, 1983

I am Jim Murry, executive secretary of the Montana State AFL-CIO.

I am here to speak in strong support of House Bill 694. This bill provides for the revival of AMTRAK's southern route through Montana, by allowing the Governor to enter into agreements with the state of North Dakota and federal agencies, and providing a state subsidy.

A similar bill has been introduced in the North Dakota State Legislature. I am proud to say that its sponsor is Representative James Gerl, who is also the president of the North Dakota AFL-CIO.

Organized labor has always supported vital rail passenger service. In 1978, when proposals were made to eliminate one of AMTRAK's Montana routes, the Montana State AFL-CIO annual convention passed a resolution opposing any further reductions in AMTRAK's services. The resolution also directed me to testify in opposition at hearings held in Montana by the Rail Service Planning Office of the Interstate Commerce Commission.

At the hearing held in Butte, July 10, 1978, I stated:

". . . Our federal government should be actively promoting the reservation, upgrading and expansion of our passenger rail service in Montana and across the nation. Now more than ever, a balanced transportation system is necessary to provide our citizens with alternative modes of transportation that are both energy efficient and operate under the most adverse weather conditions, which characterize this part of the United States. Passenger trains have been, and continue to be, an integral part of our transportation system."

While fuel prices are now falling, there is no way that we can predict what will happen to them in the future. We need to be prepared for eventual increases by restoring AMTRAK's southern route. Since the federal government refuses to restore this service, it is the responsibility of the state to do so.

Costs to the state to restore the service are estimated at approximately \$2.2 million for Fiscal Year 1984 and a little over \$3 million for Fiscal Year 1985. However, the Montana Travel Promotion Bureau estimates that increased tourism could generate revenues of as much as \$2.8 million annually. News articles quote bureau chief John Wilson as saying that estimate is fairly conservative.

The Montana State AFL-CIO believes that the restoration of AMTRAK's southern route would serve the Montana public well, increase tourism and create jobs.

We urge you to vote for House Bill 694.



December 14, 1982

The Honorable John Melcher  
United States Senator  
253 Russell Senate Office Building  
Washington, D. C. 20510

Dear Senator Melcher:

This correspondence is in response to your recent inquiry relative to what, if any, impact the proposed North Dakota/Montana South Line Service would have on the Empire Builder. Your concern over any negative impact is certainly shared by Amtrak and both states' transportation staffs.

I can assure you that Amtrak would not consider a new operation that would severely affect an existing trans-continental service. The Empire Builder has always been considered a strong, quality service and one that should realize its high market potential as the economy improves.

I appreciate your active interest in the proposed service over the route of the former North Coast Hiawatha and assure you that it will receive our closest attention.

Sincerely,

A handwritten signature in cursive script that reads "Allan F. Edelston".

Allan F. Edelston  
Senior Director  
Intergovernmental Affairs

AFE:sdg

cc: North Dakota Delegation  
Montana Delegation



WITNESS STATEMENT

Name CALVIN L. BURR JR. Committee On APPROPRIATIONS  
Address 509 7<sup>th</sup> AVE NORTH HAVRE MT Date 2/17/83  
Representing BLE Support ✓  
Bill No. 694 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name MORRIS GULLICKSON Committee On APRO.  
Address LIVINGSTON, MT. Date 2/17/83  
Representing LOCAL 685 UNITED TRANSPORTATION UNION Support X  
Bill No. HB 694 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. WE SUPPORT THIS BILL FOR TOURISM IN MT. AND PARTICULARLY  
LIVINGSTON & YELLOWSTONE PARK.
2. WE SUPPORT THIS FOR THE MAJOR CITIES ARE LOCATED ON THE  
FORMER N.P. ALSO THE UNIVERSITIES.
3. WE SUPPORT THIS AS ANOTHER FORM OF TRANSPORTATION TO  
SUPPORT NEW BUSINESS MOVING INTO MT.  
WE SUPPORT THIS FOR THE NEW JOBS IT WILL CREATE FOR  
THE TRAIN CREWS & SUPPORT PERSONAL
4. AS A FORMER AMTRAK CONDUCTOR I BELIEVE THAT IN  
TWO YEARS THIS COULD BE A PAYING TRAIN ESPECIALLY  
IF MAIL CONTRACTS ARE NEGOTIATED.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

February 17, 1983

HB 694

TESTIMONY OF TERRY ABELIN, MANAGER, BRIDGER BOWL, BOZEMAN

When AMTRAK was in service before, several hundred people used it. As many as 1,000 skiers from places such as Bismarck, Seattle, Minneapolis and the Chicago area would ski in Montana if AMTRAK was available. It would be an asset to the ski hill and a large tourist attract for Bozeman. About 21% of skiers are from out of state - could mean up to 30,000 skiers per season if AMTRAK was made available to Bozeman area.

February 16, 1983

TESTIMONY OF JOHN BUTTELMAN ON AMTRAK PROPOSAL - HB 694

Former Gallatin County Commissioner, rancher and businessman.

"I support Amtrak's southern route for service to Montana and Gallatin County. I hope this service can be provided with a reasonable cost to the people of Montana and in cooperation with our neighboring states.

WITNESS STATEMENT

Name Warren McGEE Committee On Appropriations  
Address 427 So 8<sup>th</sup> Date 2/17/83  
Representing myself & LIVINGSTON Support Yes  
Bill No. 694 Oppose No  
Amend No

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. It will benefit LIVINGSTON who has an empty depot in need of occupants, <sup>to</sup> which AMTRAK will be the major attraction to this Natl Hist Site. AND ~~And~~ A City Attraction
- 2.
- 3.
4. Station Facilities can be manned by SR Citizens and ~~some~~ others with Reasonable cost to Mr.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

STATE OF MONTANA  
DEPARTMENT OF INSTITUTIONS  
HELENA

To CURT GRISHOLM

Date: 2-14-83

From JERRY HOWER

Subject 84-85 REVENUE & FUNDING SCHEDULE FOR CMHC'S.

BUDGET *	FY 84	FY 85	TOTAL BIENNIAL
BUDGET *	\$ 9,073,745	\$ 9,311,293	\$ 18,385,043
REVENUE:			
GENERAL FUND *	\$ 3,933,007 <del>4,005,800</del>	\$ 4,067,830 <del>4,312,439</del>	\$ 8,000,837 <del>8,393,327</del>
MEDICAID	1,533,929	1,509,230	3,122,159
BLOCK GRANT	1,126,575 <del>1,272,546</del>	<del>1,083,781</del> 1,331,332	<del>2,210,356</del> 2,660,318
COUNTY	667,270	675,570	1,342,840
SERVICE REVENUE	1,425,270	1,513,879	2,944,149
OTHER INCOME	197,441	197,529	394,970
TOTAL REVENUE	\$ <del>9,036,573</del> 9,029,463	\$ <del>9,376,428</del> 9,379,370	\$ <del>18,412,801</del> 18,408,933
GENERAL FUND AS PERCENT OF BUDGET	45.02% 43.34	46.31% 43.70	45.68% 43.52

\* NEITHER THE BUDGET FIGURES OR THE REVENUE FIGURES INCLUDE THE CHILDREN'S SERVICES EXPENDITURES OR REVENUES SINCE THEY ARE NOT PART OF THE CMHC PROGRAMS.

Prepared by K. Wolcott

H.B. 185 was introduced on the recommendation of AN audit of Halthed Valley Community College.

The auditor's recommendation was to revise their chart of accounts to comply with the statement of position on "Financial

Rep. M. E. Connelly

Accounting and  
Reporting by Colleges  
and Universities"  
and to provide  
for better identification  
of expenditures.



1. BASICALLY, THE BILL REMOVES SECTION 20-9-209, ~~209~~, FROM THE GROUP OF LAWS THAT *apply* TO THE COMMUNITY COLLEGES. IT RECOGNIZES THAT THE COLLEGES ARE CLOSER TO INSTITUTIONS OF HIGHER EDUCATION THAN TO SCHOOL DISTRICTS.
2. *THIS SECTION* REGARDING "LAPSE OF BUDGETED APPROPRIATIONS AND PROVISION FOR UNPAID CLAIMS" *IS REPEALED* INsofar AS IT CONCERNS COMMUNITY COLLEGES.
3. WHEN THE STATUTES AUTHORIZING COMMUNITY COLLEGES WERE ENACTED BY THE MONTANA ~~STATE~~ LEGISLATURE, MANY OF THE ADMINISTRATIVE AND FINANCIAL PROCEDURES GOVERNING LOCAL ELEMENTARY AND SECONDARY SCHOOLS WERE ALSO APPLIED TO COMMUNITY COLLEGE DISTRICTS. AS THE COLLEGES HAVE MATURED, IT HAS BECOME APPARENT THEY SHOULD BE FINANCIALLY ADMINISTERED MORE LIKE UNIVERSITIES AND COLLEGES THAN LOCAL SCHOOL DISTRICTS. SOME OF THE PROVISIONS IN THE CODES WERE THEN REPEALED ~~SECTION 20-9-209~~ IN REFERENCE TO THE COMMUNITY COLLEGE DISTRICTS WITH MAJOR CHANGES COMING AS LATE AS 1979 AND 1981. HOWEVER, WE FOUND THAT SECTION 20-9-209, ENTITLED "LAPSE OF BUDGETED APPROPRIATIONS AND PROVISION FOR UNPAID CLAIMS" STATES "ALL APPROPRIATIONS FOR A BUDGETED FUND IN THE REGULAR OR EMERGENCY BUDGET FOR A GIVEN SCHOOL FISCAL YEAR SHALL LAPSE ON THE LAST DAY OF SUCH SCHOOL YEAR, EXCEPT THE APPROPRIATIONS FOR UNCOMPLETED IMPROVEMENTS IN ~~SECTION 20-9-209~~ CONSTRUCTION."

"ANY LAWFUL CLAIM PRESENTED TO THE DISTRICT FOR PAYMENT UNDER A LAPSED APPROPRIATION SHALL BE AN OBLIGATION OF THE BUDGET FOR THE NEXT ~~SCHOOL~~ SCHOOL FISCAL YEAR" STILL APPLIES TO THE COMMUNITY COLLEGE DISTRICTS UNDER SECTION 20-15-404, ENTITLED "TRUSTEES TO ADHERE TO CERTAIN OTHER LAWS." THE EFFECT OF THIS PROVISION OF LAW IS TO PROHIBIT THE COMMUNITY COLLEGE FROM ACCRUING EXPENDITURES AT THE END OF A FISCAL YEAR. / IN OTHER WORDS, IF A BILL IS PRESENTED FOR PAYMENT AFTER JUNE 30 OF ANY YEAR, IT IS TO BE PAID FROM THE NEW *school* YEAR'S FUND RATHER THAN THE PERIOD TO WHICH IT ACTUALLY WAS EXPENDED. THE PURPOSE OF THE PROVISION WHICH WAS FIRST ENACTED MANY YEARS AGO WAS TO KEEP LOCAL SCHOOL BOARDS FROM SPENDING LEFTOVER FUNDS AT THE END OF THE YEAR TO PURCHASE ITEMS FOR THE ~~Following~~ *Following* SCHOOL YEAR. / UNDER PRESENT ~~THE~~ BUSINESS PRACTICES, THE RESTRICTION IS HARDLY APPROPRIATE. MR. BILL LANNAN FROM THE OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION SAID THE COLLEGE HAS BEEN MAINTAINING THEIR ACCOUNTS ON A TRUE ACCRUAL BASIS, THAT IS, PAYMENTS FOR ITEMS ARE CHARGED TO THE FISCAL PERIOD IN WHICH THEY ARE RECEIVED EVEN THOUGH THE INVOICE MAY NOT BE RECEIVED OR PAID UNTIL AFTER THE END OF THE YEAR. /

*Auditors* AGREE WITH THAT ACCOUNTING PROCEDURE. ~~ALTHOUGH HE BELIEVE~~  
~~HE IS CONTRARY TO THE STATUTES CITED.~~ I RECOMMEND REPEALING SECTION 20-9-209, AS IT RELATES TO COMMUNITY COLLEGE DISTRICTS.

4. THIS *file* WOULD ALLOW COMMUNITY COLLEGES TO OPERATE ON AN ENCUMBRANCE BASIS RATHER THAN A CASH BASIS.

MARY ELLEN CONNELLY

MEC:SE

2/17/83

*This section was inadvertently left in when the CC's were established - and not repealed*

*It will not affect the funding of the colleges -*

I have some people here  
to testify.

George Serigonis

Flathead Valley C.C.

William Laxson

~~off~~

C.C. Coordinator  
Office of Commission of  
Higher ed.

Rae Haas - the Auditor  
who made this  
recommendation

## HOUSE BILL 548 - Budget Amendment

The purpose of House Bill 548 is to:

(1) clarify and better define the budget amendment criteria which have been included in the boiler plate of the omnibus appropriation bill for the past three regular sessions;

(2) specify procedures for review so the Legislative Finance Committee has the opportunity to see and comment on a budget amendment before it is approved by the approving authority; and,

(3) separate the civil and criminal penalties so they could be sought singly rather than having to be joined in one action.

The Legislative Finance Committee had an attorney analyze the budget amendment laws. She recommended against any litigation at the time because of numerous enforcement and remedy problems such as vagueness of statutory provisions, questions as to appropriateness of remedy, and because present budget amendment approval and distribution procedures do not permit quick enough filing. Given the closeness of the next session, she advised the committee to redraft the statutes to improve the basis for litigation, and perhaps to avoid its necessity.

The specific changes are:

(1) Defining terms such as "additional services", "budget amendment", "emergency", "necessary", "proposed to", and "rejected by the legislature".

(2) Redrafting of existing budget amendment criteria and certification requirements for clarification and less ambiguity in interpretation.

(3) Defining a specific budget amendment procedure for the executive branch. This procedure was defined so the Legislative Finance Committee would see the budget amendment prior to its approval and have all supporting documentation available for review.

Under this procedure the finance committee is provided the opportunity to convey any concerns to the approving authority prior to the budget amendment approval. These procedures which allow the Legislative Finance Committee to comment do not confer any authority to the committee to approve or deny budget amendments.

Legal enforcement provisions have been made more timely and clarified. They are more timely as the committee is aware of the contemplated action prior to approval of the budget amendment. They have been clarified by adding a voidness provision and separating the legal penalties. The voidness provision clearly states that an improperly certified budget amendment may be declared void by a court on complaint of the Attorney General, the legislature, or the Legislative Finance Committee. Present civil and criminal penalties and remedies already in law for violations are separated so that both types of penalties may be pursued separately rather than together.

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(3) Defining a specific budget amendment procedure for the executive branch. This procedure was defined so the Legislative Finance Committee would see the budget amendment prior to its approval and have all supporting documentation available for review.

PROPOSED AMENDMENT TO HOUSE BILL 548

House Bill 548 be amended as follows:

1. Page 3.

Following: line 6

Strike: Subsection (10) in its entirety.

Renumber: subsequent subsections

2. Page 11, line 19.

Following: "expended"

Strike: ", "

Insert: ". An action under this subsection (b) may be brought"

3. Page 12, line 3.

Following: "employment"

Strike: ", "

Insert: ". An action under this subsection (c) may be brought"



HB 548

Budget Amendments

Over the past four years, the League of Women Voters of Montana has studied state government financing, taken consensus, and now have a position on which we can take action. With this new position, we can and do support HB 548. However, we believe there are a couple of things that should be looked at before action is taken.

During our study, one area we reviewed was the budget amendment process and did come to the conclusion that this process is needed pretty much in its present form; particularly when there is a 21-month span between regular sessions. However, we also recognized the opportunities for abuse of the process, and therefore, our members also concluded that there is a need for strong statutory criteria and more legislative oversight of the process; this bill certainly seems to meet our concerns. but we do hope that it will be interpreted so as not to completely hamstring the executive because of undue control ~~by~~ the legislative branch.

On page 4, lines 19-20, we do question the relevancy of "the requesting agency had knowledge or reasonably should have had knowledge...etc." .....how does one determine "reasonably should have had knowledge" - or, can it even be determined?

Finally, we don't oppose the penalty section of the bill because we do feel there certainly should be some recourse and discipline for spending in excess of an authorized appropriation, but we were surprised by the degree of severity.

Again, we strongly support this bill and hope you will give it a "do pass" ..... after considering our concerns, of course.

Joy Bruck  
League of Women Voters of Montana

DEPARTMENT OF STATE LAND'S TESTIMONY ON  
HOUSE BILL 548  
BEFORE THE HOUSE APPROPRIATIONS COMMITTEE

We have submitted nine budget amendments for the current fiscal year. The total dollar value of the Department's budget amendments for this year is \$3,841,584. Of that total 3.5 million was attributable to the preparation of Environmental Impact Statements by the Department EIS Team. The funds for the preparation of these statements come primarily from the mining industry. They contract with the Department to prepare studies on proposed mine sites. Some of the work is done by the EIS staff, but the majority is contracted out to consulting firms and the Department reviews and comments on the final draft.

It is very difficult for us to forecast how many mines will be proposed in any given fiscal year.

For example, the legislative appropriation for the EIS Team in FY82 was approximately \$252,000, <sup>our best estimate</sup> but we actually spent \$2,834,000.

I will site the specific sections of House Bill 548 that I think will cause us problems.

1. Section 1, Paragraph (7) on page 2 defines necessary as "essential to the public welfare and of a nature which cannot wait the next legislative session for legislative consideration."

Is requesting spending authority so that the DSL EIS Team can prepare an impact statement for a proposed mine "essential to the public welfare?"

I have a problem with this because doing an EIS for a proposed mine site may not be essential to the public welfare. However, the company that is proposing to start a mining operation is vitally interested in meeting the legal requirements in a timely manner.

There should be some language added to this section to clarify "necessary".

2. Section 2 paragraph (C) on page 4 disallows budget amendments in an earmarked revenue fund unless an emergency exists.

Monies received from industry to prepare impact statements are earmarked funds as defined by the Treasury Fund Structure Act. If a mining company decides to operate a mine we are required by law to respond to their request within a certain time frame. Would preparing an EIS for a mining company qualify as an emergency under paragraph (C) and meet the "necessary" language in Section 1, paragraph (7)? I suggest that the word emergency be more clearly defined. Preparing an EIS doesn't seem to be an emergency, but to a mining company that wants to open a mine, it is important that the studies that are required by law are done in a timely manner. The emergency language also appears in Section 3, C, 3, page 6 and also needs to be clarified as to what constitutes an emergency.

3. Section ~~4~~, 3, A, on page 7 gives the Fiscal Analyst 90 days (3 months) to determine if the proposed budget amendment is proper. Section 5, (5) gives the Fiscal Analyst another 90 days, or a total of 6 months, to make a determination on the correctness of a particular budget amendment. This is a long time for us to wait for a decision on a budget amendment.

We can't wait 3 or 6 months before starting an assessment on a proposed mining operation. I suggest that these time frames be reviewed so that we can do our work in a timely manner.

Section 4(6) states in part, "...If an emergency occurs that poses a serious threat to the life, health or safety of the public, the fiscal analyst may waive his written review ...". If this section defines what "emergency" means, the Budget Director couldn't approve a budget amendment to prepare an EIS for a proposed mine.

I would urge the committee to vote do not pass on this bill, or at least amend it to provide a workable system.

PROPOSED AMENDMENT TO HOUSE BILL 449 (Introduced Copy)

1. Page 2, line 7.

Following: "extended"

Strike: remainder of line 7 through "borrower" on line 10

Insert: "under the criteria of 17-2-107 (3)."

2. Page 2, line 11.

Following: "met"

Insert: "even if the loan is extended"

3. Page 2, line 12.

Following: line 11

Insert: "(3) No loan may be extended into the next fiscal year unless it is for the sole purpose of repairing or replacing property damage covered by insurance or to accommodate receipts due from federal revenue and receipts due to the auxiliary and restricted subfunds and the loan fund. These loans may be extended into the next fiscal year if the department of administration receives sufficient written justification therefor from the borrower. No loan may be extended beyond one time or for a period longer than six months after fiscal year-end unless the extension is due to unresolved federal audit sanctions. No such loan may be renewed and no loans may be made to directly or indirectly repay any unpaid loan or portion thereof."

*accommodate*

Renumber: subsequent subsections

# VISITORS' REGISTER

**HOUSE                  APPROPRIATIONS                  COMMITTEE**

BILL HOUSE BILL 136

SPONSOR **BARDANOUE**

Note: 2

Date FEBRUARY 17, 1983

DELETING REQUIREMENT OF FUND BALANCE IN  
MOTOR VEHICLE RECORDING ACCOUNT BE  
DEPOSITED IN GENERAL FUND.

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITORS' REGISTER

HOUSE                  APPROPRIATIONS                  COMMITTEE

BILL HOUSE BILL 185

SPONSOR CONNELLY

Date FEBRUARY 17, 1983

**Note:** ↓

AMENDING SEC. 20-15-404, MCA, TO PROVIDE PROVISIONS OF SEC. 20-9-209, MCA, RELATING TO LAPSE OF BUDGETED APPROPRIATIONS & UNPAID CLAIMS TO NOT APPLY TO COMMUNITY COLLEGE DISTRICTS.		
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[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITORS' REGISTER

HOUSE                  APPROPRIATIONS                  COMMITTEE

BILL HOUSE BILL 326

SPONSOR BERGENE

Note: ↓

Date FEBRUARY 17, 1983

REMOVE RESTRICTION ON AMOUNT OF STATE FUNDS THAT CAN BE APPROPRIATED FOR REGIONAL MENTAL HEALTH SERVICE CONTRACTS.

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITORS' REGISTER

HOUSE                  APPROPRIATIONS                  COMMITTEE

BILL HOUSE BILL 449

Note: ↓

Date FEBRUARY 17, 1983

SPONSOR BARDANOUVE

CLARIFY TIME LIMIT ON INTERACCOUNT LOANS.

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



## VISITORS' REGISTER

## APPROPRIATIONS

COMMITTEE

BILL HOUSE BILL 548

Note: W

Date FEBRUARY 17, 1983

SPONSOR	MARKS
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GENERALLY REVISE, EXPAND, AND CLARIFY  
THE LAW PERTAINING TO BUDGET  
AMENDMENTS.

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE

APPROPRIATIONS

COMMITTEE

BILL HOUSE BILL 694

Note:

Date FEBRUARY 17, 1983

SPONSOR YARDLEY

ALLOW GOVERNOR TO ENTER INTO AGREEMENTS  
WITH NO. DAKOTA & FEDERAL AGENCIES FOR  
RENEWAL OF SERVICE OF AMTRACK FROM  
FARGO TO SPOKANE.

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
John K Olson	Yellowstone, NAT. PARK Wyo	Yellowstone Park Div TWA Services Inc.	✓	
Leon Peoples	Ba. Hse Silas. Bon.	B.S.B. Loc. Gov't.	✓	
Bob Stevens Jr	Bozeman	Montana Travel Inc	✓	
Finney Foster	Bozeman	Bozeman City Commission	✓	
Joy L. Nash	Bozeman	Gallatin Co. Commission	✓	
James Bradley	Helena	Self	✓	
Therese Bradley	Helena	"	✓	
Pat & Cliff Miller	Livingston Mont	Murray Hotel & Lounge	✓	
Mary Ryan	Helena	Mont.		
Morris Gunnickson	LIVINGSTON, MT	UNION #685 UNITED TRANSPORTATION	X	
JAMES T Mular	Butte MT	Bro Rwy Clerks	X	
Calvin Burr Jr.	HAVRE MT.	Brotherhood of Locomotive Engineers	X	
Bob Everts	Helena	MSCA	✓	
Sam Ryan	Helena	M.S.C.A.	✓	
ER. Smith	"			
Jim Murry	Helena	Mont. AFL-CIO	✓	
Joe & Gregory	Helena	Mr. Sr Citizens		
Francis D. Davis	Missoula	Sr. Citizens & Self		
Pete Story	Emigrant	SD 37	✓	
John Wilson	Helena	Dept of Commerce	✓	
Paul E. Boyle	Senate Dist 38	Bozeman	✓	

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

JOE LAMSON

HELENA

MT. DEMOCRATIC PARTY

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Julie Foster

Missoula

ASUM

Francis Bardanouve  
Chairman  
Appropriation Committee

Written only  
No Present

REFERENCE: H.B. 694

The Yellowstone Park Division of TWA Services, Inc., a subsidiary of Canteen Corporation, operates the primary concessions within Yellowstone National Park. Visitor services include summertime lodging accommodations for 7,500 hotel guests per night, dining facilities, cocktail lounges, gift shops, marinas, horseback rides and sightseeing services.

Two wintertime facilities are operated from mid-December to mid-March, which include lodging and dining services, snowmobile rentals, snowcoach tours and scheduled snowcoach transportation.

The Yellowstone Park Division of TWA Services, Inc. also operates scheduled bus service under M.R.C. Authority 4920 between points in Bozeman, Montana and the west gate to Yellowstone National Park at West Yellowstone, Montana, and points in Livingston, Montana, and the north gate of Yellowstone National Park at Gardiner, Montana.

The Yellowstone Park Division of TWA Services, Inc. also operates motorcoach service under I.C.C. Authority 127738.

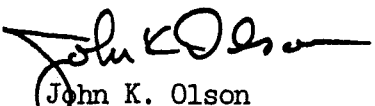
The bus operation for the Yellowstone Park Division of TWA Services, Inc. does transport Amtrak group tour customers from existing Amtrak stops in Montana, and other states, to Yellowstone National Park. At the present time, group tours are being detrained at Havre, Montana, transported to Yellowstone and returned to Havre. In 1983, one tour operator alone will account for 530 Amtrak customers/Yellowstone visitors on such a program.

The Yellowstone Park Division of TWA Services, Inc. is also providing bus transportation for tour groups arriving and departing Amtrak stops in Rock Springs, Wyoming and Flagstaff, Arizona.

The reinstatement of service on the southern route will provide visitors to Yellowstone National Park with a rail route conveniently located to the Park.

In past years when Amtrak was available on the southern Montana route, wintertime visitors to Yellowstone utilized the service. The Yellowstone Park Division of TWA Services, Inc. has recently opened a new winter facility at Mammoth Hot Springs in Yellowstone National Park. Amtrak service through Livingston, Montana would permit visitors to the northern portion of Yellowstone National Park a convenient service.

The Yellowstone Park Division of TWA Services, Inc. supports reinstatement of Amtrak service on the southern route in Montana.

  
John K. Olson  
Yellowstone Park Division - TWA Services, Inc.  
Yellowstone National Park, Wyoming 82190

~~6-18-10~~

WITNESS STATEMENT

Name JAMES T. MULAR Committee On APPROPRIATIONS  
Address Butte MT Date 2-17-83  
Representing Rwy CLERKS Support X  
Bill No. 694 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Would Create over 120 regular &
2. Support Jobs - a new payroll
3. of over 2 million Dollars.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Darryl Meyer Committee On \_\_\_\_\_  
Address 5306 4th ave so St Falls Date \_\_\_\_\_  
Representing Cascade County Support X  
Bill No. HB 694 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *We would like to go on record*
2. *in support of HB 694. We feel it*
3. *will help build Montana and open*
4. *up new jobs*

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Appx. 7:30 PM  
Room 108

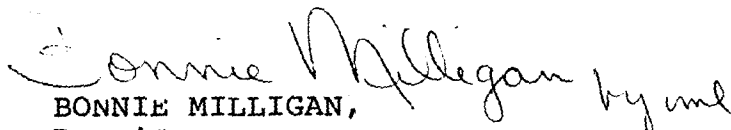
February 17, 1983

Representative Mel Williams  
House of Representatives  
Capitol Station  
Helena, Montana 59601

Dear Representative Williams:

The Laurel Chamber of Commerce is in total and absolute support of HB 694 that will once again allow Amtrak southern route.

Sincerely,

  
BONNIE MILLIGAN,  
President  
Laurel Chamber of Commerce

BM:vml

Written testimony  
only - did not  
Speak.

WITNESS STATEMENT

Name PATRICIA MILLER Committee On \_\_\_\_\_  
Address Rte 2 WILSALL MT. Date 2/17/83  
Representing MURRAY HOTEL - LIV. MT. Support ✓  
Bill No. 694 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. BECAUSE OF BURLINGTON NORTHERN
2. ELIMINATING MOST OF ITS WORK FORCE  
IN LIVINGSTON OUR COMMUNITY IS  
UNDERGOING SEVERE ECONOMIC STRESS.
3. THOSE OF US OWNING BUSINESSES AND WHO ARE  
TRYING TO ABSORB THE LOSS OF INCOME
4. FROM THESE LAYOFFS FEEL THAT OPENING  
AMTRAK AGAIN INTO OUR TOWN AND COUNTY  
IS AN OPTIMISTIC STEP TOWARDS RE-BUILDING.  
WE DESPERATELY NEED PUBLIC  
TRANSPORTATION AND WILL WORK  
TOWARDS SUPPORT OF SAME.  
THANK YOU. <sup>(I FEEL)</sup> (IT WILL HELP)  
AND  
(TOURISM, UNIVERSITY, LOCAL STATE  
IN TRAFFIC)

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Francis Bardanouve  
Chairman  
Appropriation Committee

REFERENCE: H.B. 694

The Yellowstone Park Division of TWA Services, Inc., a subsidiary of Canteen Corporation, operates the primary concessions within Yellowstone National Park. Visitor services include summertime lodging accommodations for 7,500 hotel guests per night, dining facilities, cocktail lounges, gift shops, marinas, horseback rides and sightseeing services.

Two wintertime facilities are operated from mid-December to mid-March, which include lodging and dining services, snowmobile rentals, snowcoach tours and scheduled snowcoach transportation.

The Yellowstone Park Division of TWA Services, Inc. also operates scheduled bus service under M.R.C. Authority 4920 between points in Bozeman, Montana and the west gate to Yellowstone National Park at West Yellowstone, Montana, and points in Livingston, Montana, and the north gate of Yellowstone National Park at Gardiner, Montana.

The Yellowstone Park Division of TWA Services, Inc. also operates motorcoach service under I.C.C. Authority 127738.

The bus operation for the Yellowstone Park Division of TWA Services, Inc. does transport Amtrak group tour customers from existing Amtrak stops in Montana, and other states, to Yellowstone National Park. At the present time, group tours are being detained at Havre, Montana, transported to Yellowstone and returned to Havre. In 1983, one tour operator alone will account for 530 Amtrak customers/Yellowstone visitors on such a program.

The Yellowstone Park Division of TWA Services, Inc. is also providing bus transportation for tour groups arriving and departing Amtrak stops in Rock Springs, Wyoming and Flagstaff, Arizona.

The reinstatement of service on the southern route will provide visitors to Yellowstone National Park with a rail route conveniently located to the Park.

In past years when Amtrak was available on the southern Montana route, wintertime visitors to Yellowstone utilized the service. The Yellowstone Park Division of TWA Services, Inc. has recently opened a new winter facility at Mammoth Hot Springs in Yellowstone National Park. Amtrak service through Livingston, Montana would permit visitors to the northern portion of Yellowstone National Park a convenient service.

The Yellowstone Park Division of TWA Services, Inc. supports reinstatement of Amtrak service on the southern route in Montana.



John K. Olson  
Yellowstone Park Division - TWA Services, Inc.  
Yellowstone National Park, Wyoming 82190



# STANDING COMMITTEE REPORT

FEBRUARY 17, 19 93

MR. Speaker

We, your committee on Appropriations

having had under consideration House Bill No. 136

First

reading

White

Cedar

A BILL FOR AN ACT ENTITLED: "AN ACT DELETING THE REQUIREMENT THAT THE FUND BALANCE IN THE MOTOR VEHICLE RECORDING ACCOUNT BE DEPOSITED IN THE GENERAL FUND; AMENDING SECTION 61-3-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That House Bill No. 136

DO PASS

# STANDING COMMITTEE REPORT

FEBRUARY 17,

19 83

Speaker

MR. ....

Appropriations

We, your committee on .....

House

185

having had under consideration ..... Bill No. ....

First

White

reading ( )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 20-15-404, MCA, TO PROVIDE THAT THE PROVISIONS OF SECTION 20-9-209, MCA, RELATING TO LAPSE OF BUDGETED APPROPRIATIONS AND PROVISIONS FOR UNPAID CLAIMS DO NOT APPLY TO COMMUNITY COLLEGE DISTRICTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

House

185

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

DO PASS

# STANDING COMMITTEE REPORT

FEBRUARY 17,

83

19.....

**SPEAKER**

MR. ....

## APPROPRIATIONS

We, your committee on .....

**House**

**326**

having had under consideration ..... Bill No. ....

**First**

reading copy ( **White** )

**A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE RESTRICTION ON THE AMOUNT OF STATE FUNDS THAT CAN BE APPROPRIATED FOR REGIONAL MENTAL HEALTH SERVICE CONTRACTS; AMENDING SECTION 53-21-203, MCA."**

**House**

**326**

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

**DO NOT PASS**  
**BECAUSE**

# STANDING COMMITTEE REPORT

FEBRUARY 17,

19 83

MR. SPEAKER

## APPROPRIATIONS

We, your committee on .....

having had under consideration ..... House Bill No. 449

First reading copy ( White )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE TIME LIMIT ON INTERACCOUNT LOANS; AMENDING SECTION 17-2-107, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That ..... House Bill No. 449

### BE AMENDED AS FOLLOWS:

1. Page 2, line 7.

Following: "extended"

Strike: remainder of line 7 through "borrower" on line 10

Insert: "under the criteria of 17-2-107 (3)."

2. Page 2, line 11.

Following: "met"

Insert: "even if the loan is extended"

3. Page 2, line 12.

Following: line 11

Insert: "(3) No loan may be extended into the next fiscal year unless it is for the sole purpose of repairing or replacing property damage covered by insurance or to accommodate receipts due from federal revenue and receipts due to the auxiliary and restricted subfunds and the loan fund. These loans

~~XXXXXX~~

FEBRUARY 17,

83

19.....

may be extended into the next fiscal year if the department of administration receives sufficient written justification therefor from the borrower. No loan may be extended beyond one time or for a period longer than six months after fiscal year-end unless the extension is due to unresolved federal audit sanctions. No such loan may be renewed and no loans may be made to directly or indirectly repay any unpaid loan or portion thereof."

Renumber: subsequent subsections

AND AS AMENDED DO PASS

# STANDING COMMITTEE REPORT

FEBRUARY 20,

83

19.....

**SPEAKER**

MR. ....

## APPROPRIATIONS

We, your committee on .....

**House**

having had under consideration ..... Bill No. **548**

**First**

reading copy ( **White** )

color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE, EXPAND, AND CLARIFY THE LAW PERTAINING TO BUDGET AMENDMENTS; AMENDING SECTIONS 5-12-401, 5-12-402, 17-8-103, AND 17-8-104, MCA; AND PROVIDING AN EFFECTIVE DATE."**

**House**

Respectfully report as follows: That ..... Bill No. **548**

**BE AMENDED AS FOLLOWS:**

**1. Page 2, line 4.**

**Following: "revenue"**

**Strike: "or"**

**Insert: "fund,"**

**Following: "proprietary funds"**

**Insert: ", or unrestricted subfund"**

**2. Page 2, line 7.**

**Following: "other"**

**Strike: "equally"**

**3. Page 2, lines 20 through line 4 of page 3.**

**Strike: Subsection (8) in its entirety.**

**ReNUMBER subsequent subsections**

**XXXXXX**  
**DO PASS**

**FRANCIS BARDANOVE**

Chairman.

February 20,

1983

4. Page 3, lines 7 through 14.  
Strike: Subsection (10) in its entirety.  
Renumber subsequent subsections

5. Page 4, lines 14 through 17.  
Strike: Subsection (a) in its entirety.  
Renumber subsequent subsections

6. Page 5, line 7.  
Following: "other"  
Insert: "reasonable"

7. Page 5, line 25.  
Following: "it"  
Strike: "."  
Insert: "; and"

8. Page 6, lines 1 through 3.  
Strike: Subsection (d) in its entirety  
Relletter subsequent subsection

9. Page 11, line 19.  
Following: "expended"  
Strike: ", "  
Insert: ". An action under this subsection (b) may be brought"

10. Page 12, line 3.  
Following: "employment"  
Strike: ", "  
Insert: ". An action under this subsection (c) may be brought"

AND AS AMENDED  
DO PASS