

JOINT HOUSE-SENATE APPROPRIATIONS SUBCOMMITTEE
ON NATURAL RESOURCES AND BUSINESS REGULATION - MINUTES
January 26, 1983

The meeting was called to order at 8:25 a.m. in Room 132 of the Capitol Building, Helena, Montana, by CHAIRMAN MANUEL.

ROLL CALL: MANUEL, HEMSTAD, STOBIE, SMITH, LANE - Present
BOYLAN - Absent
Staff Present: DICK GILBERT, LFA: CAROLYN
DOERING, OBPP; and ALICE OMANG,
TEMPORARY SECRETARY.

EXECUTIVE SESSION

RECLAMATION DIVISION

PERSONAL SERVICES

CHAIRMAN MANUEL stated that there was a difference in the salaries, and the LEGISLATIVE FISCAL ANALYST, DICK GILBERT, stated that there were a substantial number of upgrades that were included.

CAROLYN DOERING explained that in this case it was a whole classification of mine inspectors that were all upgraded, and it was all federal money.

SENATOR SMITH commented that in many instances, the Director will encourage them to ask for an increase--- that he knew this happened in the Attorney General's office---and he thinks if this is the case, they should take care of it in their budget and not increase their budget. He felt that they could do it through vacancy savings.

CAROLYN DOERING stated that she knew that they did not do this, as DENNIS HEMMER was in a panic when he found that all of these had been upgraded. She emphasized that he is obligated to pay it. She did not know if it was a review, or whether the mine reclamation inspectors went in and appealed. But the Committee could find out.

SENATOR SMITH commented that if this is the kind of action that this Board is taking, maybe we should eliminate that Board. He further stated that when he sees how government is growing, and how they manipulate them after they have set budgets, he wonders what the good is of the legislators going through these budgets.

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CHAIRMAN MANUEL wondered what would happen if we just took that \$46,000.00 out, and the reply was that you would be in court.

CAROLYN DOERING explained that once a budget is set during the year, Personnel upgrades a classification of people. If their budget can support that upgrade, they will eat it. They cannot come in with a budget amendment or supplemental appropriation---the law specifically says that. They had the court case of the Department of Institutions. The law said that you cannot create a supplemental appropriation. They took this to court, and the District Court said that if Personnel approves and says this person should be paid a certain salary, it has to be paid.

SENATOR SMITH questioned if the state agencies or the Department of Administration opposed that position. He further said that he thinks these are the things we have to find out; and if the Department of Administration knows that they are bound to live within these budgets and cannot grant these additional pay increases, he felt that it was up to the Department of Administration to defend us.

REPRESENTATIVE STOBIE stated that the other option we have is to take two FTEs away.

SENATOR LANE questioned if the money has been spent.

CAROLYN DOERING replied that they have been upgraded---they have been awarded that classification. She said that last year they may have had some slack and federal money to pick it up.

SENATOR LANE questioned if this has been done before---for the last couple of years.

SENATOR SMITH replied that it has not been done to the extent that it is now done. He said that they found there is a loophole in where they can go now and upgrade and get upgrades, and he felt that they are going to see more of it---much more of it than they have ever seen.

SENATOR SMITH further declared that every time they have held these hearings, they have warned them, and he felt

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the only way that they are going to get their attention is when you don't allow the additional funding. He said that this is why government is getting away from them. He felt that they have 365 days a year to think up ways on how they can outmaneuver the legislature; and he thinks that it is time that they set their feet down and see that it doesn't happen. He voiced concern that when they have the administrators of an agency, or even the the attorney general supporting them and doing this, he wondered how in the world they are going to control the budget.

REPRESENTATIVE MANUEL felt that they should have Dennis Taylor there tomorrow morning so he can tell the committee his opinion on this.

REPRESENTATIVE BARDANOUE came into the Committee room at this point and made some comments (Tape #26, Side A, 170).

CAROLYN DOERING commented that she felt it was a problem more at the Personnel Division level than the agency level. She said that in the case of the Attorney General, she thought that that was precipitated more from his being an elected official. She did not feel that most of the department directors are supporting a whole classification upgrade because they normally do not have the money to cover it. She reiterated that if Personnel approves the classification, the district court says that it is owed to them; then it has to be paid; and she said that this puts the department between a rock and a hard place.

REPRESENTATIVE MANUEL wondered what they thought about taking two FTEs out.

SENATOR SMITH said that he felt they should delay it, as they should not put the Director in that kind of spot, but he felt that they should also talk with the Personnel Division and tell them that it is time as Legislators that they give them some direction. If this is what they continually do, then they are going to jeopardize the functions of that department, because as far as he was concerned, he is never going to approve another one of these after this session, unless they take some action on it.

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REPRESENTATIVE MANUEL requested that Carolyn have someone here from the Personnel Division at 8:15 tomorrow morning.

OPERATING BUDGET

DICK GILBERT, LEGISLATIVE FISCAL ANALYST, said that the differences in the two budgets ranged all the way from Contract Services to Other Expenses.

There was discussion on these issues.

SENATOR LANE MADE A MOTION THAT THE COMMITTEE ACCEPT THE OBPP FIGURES. THE MOTION CARRIED WITH SENATOR BOYLAN AND REPRESENTATIVE STOBIE VOTING NO.

CONTRACTING SERVICES

REPRESENTATIVE STOBIE questioned what the RIT money goes for.

CAROLYN DOERING replied that it includes Hard Rock, Open Cut, Coal and Uranium used for reclamation that was previously General Funded, plus used as a match for the Federal Reclamation Grant. There was some discussion, and CHAIRMAN MANUEL agreed that they should wait until tomorrow and ask DENNIS HEMMER.

EQUIPMENT

DICK GILBERT explained that the difference in the two budgets was for a one-half ton pickup and a four-wheel drive personnel carrier that was included in the LFA budget but not the Governor's.

Discussion ensued on these matters.

REPRESENTATIVE STOBIE MOVED THE ADOPTION OF THE OBPP BUDGET FOR EQUIPMENT. THE MOTION CARRIED UNANIMOUSLY.

MODIFICATIONS

ADDITIONAL ATTORNEY

CAROLYN DOERING stated that the workload has increased significantly, and one thing that has increased their

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legal work over the past two years is the adoption of the new procedures under the Strip and Underground Reclamation Act. She said that no new attorneys have been added because of these new programs.

There were some questions that the Committee wished to have answered, and they decided to wait until tomorrow and ask DENNIS HEMMER.

WILDLIFE BIOLOGIST

There was some discussion, and it was decided that this should be a question to ask tomorrow.

HELICOPTER

There was discussion on the cost and use of a helicopter.

SENATOR BOYLAN MOVED THAT THE COMMITTEE ACCEPT THE HELICOPTER. ALL MEMBERS VOTED YES WITH THE EXCEPTION OF REPRESENTATIVE STOBIE. MOTION PASSED.

ABANDONED MINES

It was noted that this would include four additional FTEs, and all would be federally funded.

There was some discussion, and it was decided to wait until tomorrow.

CYANIDE LEACH PAD

CAROLYN DOERING stated that there was an additional request for \$45,000.00 as a biennial appropriation to solve concerns related to cyanide leach.

REPRESENTATIVE STOBIE MADE A MOTION TO APPROVE THE \$45,000.00 FOR THIS PROGRAM. THE MOTION CARRIED UNANIMOUSLY.

LAND ADMINISTRATION

PERSONAL SERVICES

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CAROLYN DOERING stated that there was \$13,856.00 awarded to employees in Land Administration in upgrades---that this is the other program that is being impacted. She said that she was not sure what positions were upgraded, and this was General Fund money.

It was agreed that they would ask DENNIS HEMMER about it tomorrow.

OPERATING BUDGET

DICK GILBERT said the Department requested their base be adjusted with the inclusion of an additional \$25,000.00 of General Fund money to pay for costs associated with re-organization. He explained that this was primarily due to the opening up of new field offices in Choteau and Miles City.

CAROLYN DOERING commented that these land travelers had been stationed in their own homes, and they have now moved them with the forestry people. She stated that DENNIS HEMMER said that additional money for the land travelers is his top priority.

CROP CHECKING TECHNIQUES

CAROLYN DOERING stated that the Department requested \$10,000.00 a year to check crops with aerial imagery.

SENATOR SMITH stated that he did not think it was possible---that if you can't tell from the ground, how are you going to tell from the air?

REPRESENTATIVE STOBIE MOVED TO TAKE OUT CROP CHECKING TECHNIQUES' REQUEST FOR \$10,000.00. MOTION PASSED UNANIMOUSLY.

SENATOR SMITH stated that there is a lot more to checking yield than flying over, and that he and Representative Manuel both know it.

REPRESENTATIVE HEMSTAD MADE A MOTION THAT THEY APPROVE THE LFA BUDGET, ITEMS 2100 THROUGH 2800 FOR BOTH FISCAL YEAR 1984 and FISCAL YEAR 1985. ALL VOTED NO WITH THE

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EXCEPTION OF REPRESENTATIVE HEMSTAD AND REPRESENTATIVE STOBIE. THE MOTION FAILED.

SENATOR SMITH MOVED THAT THE COMMITTEE ACCEPT THE OBPP BUDGET LESS THE MODIFICATION FOR \$10,000.00.

There was a great deal of discussion, and SENATOR SMITH withdrew his motion until they could get further information.

EQUIPMENT

CAROLYN DOERING stated that she did not give them the four-wheel drive because they have been using the motor pool.

There was some discussion, and it was decided to wait and ask DENNIS HEMMER.

The committee took a break at 10:18 a.m. and reconvened at 10:30 a.m.

RESOURCE DEVELOPMENT

PERSONAL SERVICES

REPRESENTATIVE HEMSTAD MOVED THAT THEY ACCEPT THE OBPP BUDGET FOR FISCAL YEAR 1984 AND FISCAL YEAR 1985. THE MOTION PASSED UNANIMOUSLY.

OPERATING BUDGET

There were a great many questions asked and much discussion. The Committee decided that it would have to ask DENNIS HEMMER.

FORESTRY

PERSONAL SERVICES

There was considerable discussion.

REPRESENTATIVE STOBIE MOVED THE ADOPTION OF THE OBPP FIGURES OF \$3,827,248 FOR FISCAL YEAR 1984 and \$3,828,179 FOR FISCAL YEAR 1985. THE MOTION CARRIED UNANIMOUSLY.

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OPERATING BUDGET

There was considerable discussion and many questions. It was agreed that someone from the State Lands should come in and answer their questions.

EQUIPMENT

There was considerable discussion and many questions raised. It was decided that DENNIS HEMMER should submit a list of all the equipment that is being requested.

The meeting adjourned at 11:35 a.m.



REX MANUEL, Chairman