

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 5, 1985

The meeting of the State Administration Committee was called to order by Chairman Sales at 9:00 a.m. in Room 317 of the State Capitol on the above date.

ROLL CALL: Seventeen members were present with Rep. Janet Moore excused.

CONSIDERATION OF SENATE BILL NO. 114: Sen. Pete Story, Sen. District #41, sponsor, told the Committee that this bill would simply amend sections of the current law pertaining to the hours that polls must be open for school elections. The schools were unhappy with the bill passed last session because it required the polls to be open from 7 or 8 a.m. and they had previously been able to set their opening hours. This bill would allow them to set their own poll hours.

PROPOSERS: There were no proponents.

OPPOSERS: There were no opponents.

DISCUSSION OF SENATE BILL NO. 114: There were no questions from the Committee.

Sen. Story closed his presentation of SB 114.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 8: Sen. Pete Story, Sen. District #41, sponsor, said this is a resolution urging Congress to give the people the same protection that has been given them under state law concerning federal condemnation. The federal government can take any property by simply making a declaration that they need that property and they can take it immediately. Under state law the government has to go through a court hearing, however, this is not true under federal law. State law says condemnation must be at the least disruption to the landowner and he explained that state law would require them to go through the least private land to get to the greatest public property. In certain cases the landowner is also entitled to his legal fees which is not true under federal law. Sen. Story also explained a situation in his district concerning a small landowner whose property was divided by a road. They told him his land was worth more money following that division because it could be subdivided. The individual has no money to fight it, and he has only been offered \$1 for his land. No attorney is willing to take the case because it would eat up any settlement that would be obtained. He said that the legislature is the advocate for people who cannot afford to defend themselves and this wrong should be corrected. He asked that the Committee pass this resolution so he can take it to

Washington to the Montana delegation and explain the same situation to them.

PROPOSERS: Rep. Orval Ellison, District #81, the same area as Sen. Story said that something has got to be done about this problem.

OPPOSERS: There were no opposers.

DISCUSSION OF SENATE JOINT RESOLUTION NO. 8: Chairman Sales asked Sen. Story what good an attorney would be if there is no court to go to. Sen. Story said he thought it would probably go to Federal court.

There being no further questions, Sen. Story closed on SJR 8.

CONSIDERATION OF HOUSE BILL NO. 513: Rep. Orval Ellison, District #81, sponsor of HB 513, handed out proposed amendments to HB 513, Exhibit #1. This bill would establish a state veterans' cemetery. The amendments would make the bill much more palatable. Realizing the financial condition of the State the appropriation in the bill was cut from \$250,000 to \$62,000 in order to get the project underway. He explained that in 1979 a bill was passed and \$50,000 was appropriated for enlargement of the Custer Battlefield cemetery. However, negotiations for more land did not materialize and consequently this \$50,000 has not been used so actually the bill is only asking for \$12,000 more than was previously appropriated.

PROPOSERS: Col. Steve Keim, Ret., said that the Custer Battlefield National Cemetery is now filled and it has become incumbent upon the state of Montana to establish a new veterans' cemetery. He said they have been looking at several sites since the negotiations to enlarge the Custer cemetery failed and have recommended that a new cemetery be established at Ft. Harrison southwest of the Veterans' Administration Center which consists of 65.4 acres. The Custer cemetery consists of only 8 acres so the 65.4 acres would be available for quite a number of years for burials. This has been discussed with the Corps of Engineers in Seattle, at the federal level and they have asked Sen. Baucus to introduce legislation to transfer this 65.4 acres to the State of Montana. They also have letters of support from the City of Helena, the County of Lewis and Clark, Chamber of Commerce and various veterans' groups throughout the state. He explained the procedures that would have to be gone through such as a cultural resource survey, soil samples, master plat, etc. He also explained the breakdown of the \$62,000, mainly approximately \$45,000 for architect and engineering; \$7,000 for cultural resource survey and the rest for soil investigation, plat survey and master plat.

Rich Brown, Administrator of the Veterans' Affairs Division, submitted written testimony, Exhibit #2. He also explained the graphs attached to Exhibit #2 and said there are currently no facilities in Montana for veterans' burial which, according to the number of living veterans, could reach 250 burials per year. He said the appropriation for expansion of Custer Battlefield National Cemetery was made in 1979 but the money was never used for that purpose. He said the Board of Veterans' Affairs has endorsed this project and asked for the support of the Committee.

Further proponents to HB 513 were Roland D. Pratt, Montana Funeral Directors Association; Hal Manson, American Legion; George Poston, Disabled Veterans of the State of Montana; Hugh Cumming, American Legion, who said that a few years ago the federal government decided they would only establish cemeteries in large urban areas but they will pay 50% on small cemeteries; Bill Wilson, Veterans of Foreign Wars.

OPPONENTS: There were none.

DISCUSSION OF HOUSE BILL NO. 513: Rep. Cody asked why the amendments have stricken "maintenance" from the bill to which Col. Keim replied that there would be no maintenance for at least two years and that this \$62,000 request is just for the planning stage. Rep. Cody was also concerned about the \$45,000 for architect and engineering and suggested that perhaps some of the veterans that are architects would be willing to donate their time for these services. Col. Keim said that the estimated cost of the completed project is approximately \$500,000 and the State Division of Architects and Engineering fee is about 9% of the cost. The planning funds must be appropriated, however.

Col. Keim told Rep. Harbin that the property has not been formally appraised but it has been estimated that it will appraise out at about \$2,000 per acre. He said that the federal government will not release the funds until it is under construction and then 50% could be recovered. Rep. Harbin asked if a portion of the cemetery could be used and then the burial fees, etc. be used to complete the rest. Col. Keim said it must be completed before the federal funds can be requested.

In closing, Rep. Ellison said that there is a Statement of Intent that must accompany the bill.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 5: Sen. Joe Mazurek, District #23, sponsor, explained that this is a resolution commemorating the 75th anniversary of Carroll College. Of the living alumni, 3,124 reside in the State of Montana. He said that everyone should be proud of this institution and asked that the Committee concur in SJR 5.

PROPOSERS: Carroll Krause, Montana University System, said that Carroll College is an asset to the state of Montana and encouraged the Committee's support.

OPPOSERS: There were no opposers.

DISCUSSION OF SENATE JOINT RESOLUTION NO. 5: There were no questions from the Committee.

Sen. Mazurek closed his presentation of SJR 5.

CONSIDERATION OF SENATE BILL NO. 59: Sen. Tom Towe, District #46, sponsor, said that this bill was introduced at the request of a number of handicapped persons he had talked to. The present law states that accessibility to public buildings for handicapped people be provided where practicable and feasible. This bill would strike "where practicable and feasible" and would insert on line 8 "any new" so it would pertain to new construction only. Originally, it was intended for all public buildings, however, to mandate the retrofitting of existing buildings would cost approximately \$300 million. The accessibility has been done in most cases but in order to ensure that it must be done the language on page 2, line 10 was stricken.

PROPOSERS: George Poston, Disabled Veterans of Montana, said this was a step in the right direction but said it didn't go far enough to take care of the existing buildings. He cited an example of one building where licenses must be procured which is not accessible to someone in a wheel chair. He said that something must be done in the future to bring these older buildings up to the new standards for these handicapped persons.

OPPOSERS: There were no opposers.

DISCUSSION OF SENATE BILL NO. 59: Rep. Harbin asked why "where practicable and feasible" was stricken. Sen. Towe said that he did not want the possibility to be present for anyone to go back to that language as a reason for not having to install ramps, etc.

Chairman Sales asked Sen. Towe if he had any kind of ballpark guess what these facilities would cost. Sen. Towe said if they are done from the design stage they should not cost that much more. Chairman Sales asked if this only applied to public buildings constructed with public funds. Sen. Towe said it would apply to any buildings constructed with public grants, funds, etc. but private buildings constructed with private funds would not be affected. Sen. Towe did not know of any regulations requiring public buildings constructed with private funds to install features for the handicapped. He also said if the counties and the state had to go back and retrofit existing buildings it would be an enormous cost.

The hearing was closed on SB 59.

The Committee then went into executive session for action on the preceding bills.

DISPOSITION OF SENATE BILL NO. 59: Rep. Nelson moved that SB 59 BE CONCURRED IN, seconded by Rep. O'Connell. The motion CARRIED UNANIMOUSLY. Rep. Fritz will carry the bill on the floor of the House.

DISPOSITION OF SENATE JOINT RESOLUTION NO. 5: Rep. Cody moved that SJR 5 BE CONCURRED IN, seconded by Rep. O'Connell. Motion CARRIED UNANIMOUSLY. Rep. Cody will carry the bill.

DISPOSITION OF HOUSE BILL NO. 513: Rep. Phillips moved that HB 513 DO PASS, seconded by Rep. O'Connell.

Rep. Phillips moved ADOPTION OF THE AMENDMENTS, seconded by Rep. Nelson. The motion CARRIED.

Chairman Sales said he was concerned about the \$45,000 fee for architect and engineering and said that Rep. Cody had a good idea of donated time.

Rep. Harbin said he thought 25-30 acres would be sufficient at the present time. Those testifying said they had to have the master plan completed before the federal funds were requested but he didn't know if they had to have the complete physical structure completed at that time.

Rep. Garcia said he was against the bill in view of the money situation this session. He said he would like to vote for all of these bills but it cannot be done. Rep. O'Connell reiterated what Sen. Story had said, that they have been elected to represent the people who can't represent themselves.

Rep. Jenkins said that this would only be the first of the program. He wondered if they would be back next session to ask for a large appropriation as this is going to be on-going. Rep. Harbin said they would most likely be back in two years to ask for the \$250,000. He agreed that it is going to be expensive in the long run but it is going to have to be done sooner later and the longer they wait the more expensive it will be.

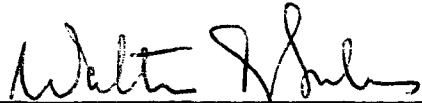
Rep. O'Connell moved that HB 513 DO PASS AS AMENDED, with Statement of Intent attached, seconded by Rep. Harbin. The motion CARRIED with Reps. Sales, Garcia and Cody voting "no".

DISPOSITION OF SENATE JOINT RESOLUTION NO. 8: Rep. Smith moved that SJR 8 BE CONCURRED IN, seconded by Rep. Jenkins. The motion CARRIED UNANIMOUSLY. The Chairman will check with Rep. Ellison and see if he will carry SJR 8.

State Administration Committee
March 5, 1985
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DISPOSITION OF SENATE BILL NO. 114: Rep. O'Connell moved that SB 114 BE CONCURRED IN, seconded by Rep. Peterson. The motion CARRIED UNANIMOUSLY. Rep. Peterson will carry the bill.

There being no further business, the Committee adjourned at 10:15 a.m.



WALTER R. SALES, Chairman

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/5/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	/		
V-Chairman Helen O'Connell	/		
Campbell, Bud	/		
Compton, Duane	/		
Cody, Dorothy	/		
Fritz, Harry	/		
Garcia, Rodney	/		
Hayne, Harriet	/		
Harbin, Raymond	/		
Holliday, Gay	/		
Jenkins, Loren	/		
Kennerly, Roland	/		
Moore, Janet			/
Nelson, Richard	/		
Peterson, Mary Lou	/		
Phillips, John	/		
Pistoria, Paul	/		
Smith, Clyde	/		

3/05

Representative Sales,

Please have your records
show Representative Janet
Moore as excused due to
illness. Thank you.

Joyce
Speaker's
Office

STANDING COMMITTEE REPORT

Page 1 of 3

March 5

85

19.....

MR. **SPEAKER**.....

We, your committee on **STATE ADMINISTRATION**.....

having had under consideration **HOUSE**..... Bill No. **513**

First reading copy (**White** color)

ESTABLISHING A STATE VETERANS' CEMETERY AT FT. HARRISON

Respectfully report as follows: That **HOUSE**..... Bill No. **513**

BE AMENDED AS FOLLOWS:

- 1) Page 1, line 11.
Strike: "and maintain"
- 2) Page 1, line 18.
Following: "status"
Strike: ", "
Insert: "and"
- 3) Page 1, lines 18 and 19.
Following: "service" on line 18
Strike: ", " through "rank" on line 19

XXXXXX
DO PASS

CONTINUED ON PAGE 2

State Administration
HB 513

March 5

19 85

- 4) Page 1, line 21.
Strike: "\$250,000"
Insert: "\$62,000"

- 5) Page 1, line 23.
Strike: "and maintaining"

AND AS AMENDED
DO PASS

STATEMENT OF INTENT ATTACHED

March 5

19 25

STATEMENT OF INTENT
House Bill 513

This bill requires a statement of intent because Section 2 requires the department of military affairs to adopt rules establishing criteria for determining which veterans may be buried in the state veterans' cemetery.

The legislature contemplates that the rules should, at a minimum, address the following subjects:

- (1) discharge status, i.e., dishonorable discharge, medical discharge, killed in line of duty, etc.;
- (2) length of service; and
- (3) such other factors as may be used as reasonable, objective criteria if burial space is severely limited in the state veterans' cemetery.

STANDING COMMITTEE REPORT

March 3

1905

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE**

Bill No. **114**

third reading copy (**blue**)
color

SCHOOL ELECTION POLL HOURS

Respectfully report as follows: That **SENATE**

Bill No. **114**

BE CONCURRED IN

DO PASS

STANDING COMMITTEE REPORT

March 5

19 65

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE JOINT RESOLUTION** Bill No. **8**

Third reading copy (Blue)
color

JOINT RESOLUTION URGING REVISION OF FEDERAL CONDEMNATION LAWS

Respectfully report as follows: That **SENATE JOINT RESOLUTION** Bill No. **8**

BE CONCURRED IN

~~XXXXX~~
DO PASS

STANDING COMMITTEE REPORT

March 5

85

19.....

SPEAKER

MR.

STATE ADMINISTRATION

We, your committee on

SENATE JOINT RESOLUTION

having had under consideration Bill No. 5

Third

Blue

_____ reading copy (_____)
color

CARROLL COLLEGE 75TH ANNIVERSARY COMMEMORATION RESOLUTION

SENATE JOINT RESOLUTION

Respectfully report as follows: That Bill No. 3

BE CONCURRED IN

~~XXXXX~~
DO PASS

STANDING COMMITTEE REPORT

March 5

1935

.....

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE**

Bill No. **59**

Third reading copy (**Blue**)
.....
color

ACCESSIBILITY OF PUBLIC BUILDINGS BY HANDICAPPED PERSONS

Respectfully report as follows: That **SENATE**

Bill No. **59**

BE CONCURRED IN

~~XXXXXX~~
DO PASS

HB-513
Ex. #2
3/5/85

Rich Brown, Administrator of the Veterans Affairs Division.

I am here today to provide you with the veteran population statistics of Montana and more specifically their impact concerning the necessity of a veterans cemetery.

The State of Wyoming which has developed and has in place a State-Federal veterans cemetery anticipates approximately 150 burials a year. The State of Wyoming has approximately 63,000 veterans compared to Montana's 108,000 veterans. Using Wyoming as a guideline, Montana could anticipate approximately 250 burials per year in a veterans cemetery.

Attached you will find two graphs concerning Montana veteran population from the 1980 census. The first shows a breakdown of the veteran population by age group and the second shows the number of veterans that served in each war or major conflict. This again demonstrates the urgent need for Montana to join with the Federal Government in meeting the need for a cemetery.

As Representative Ellison mentioned this appropriation has been heard and approved during the 1979 Legislative session. The veterans have been working diligently on this project and at last, have found a suitable location for the cemetery.

The Board of Veterans Affairs unanimously endorses this proposal and asks for your support for House Bill 513.

Thank you!

13,000

12,000

11,000

10,000

9,000

8,000

7,000

6,000

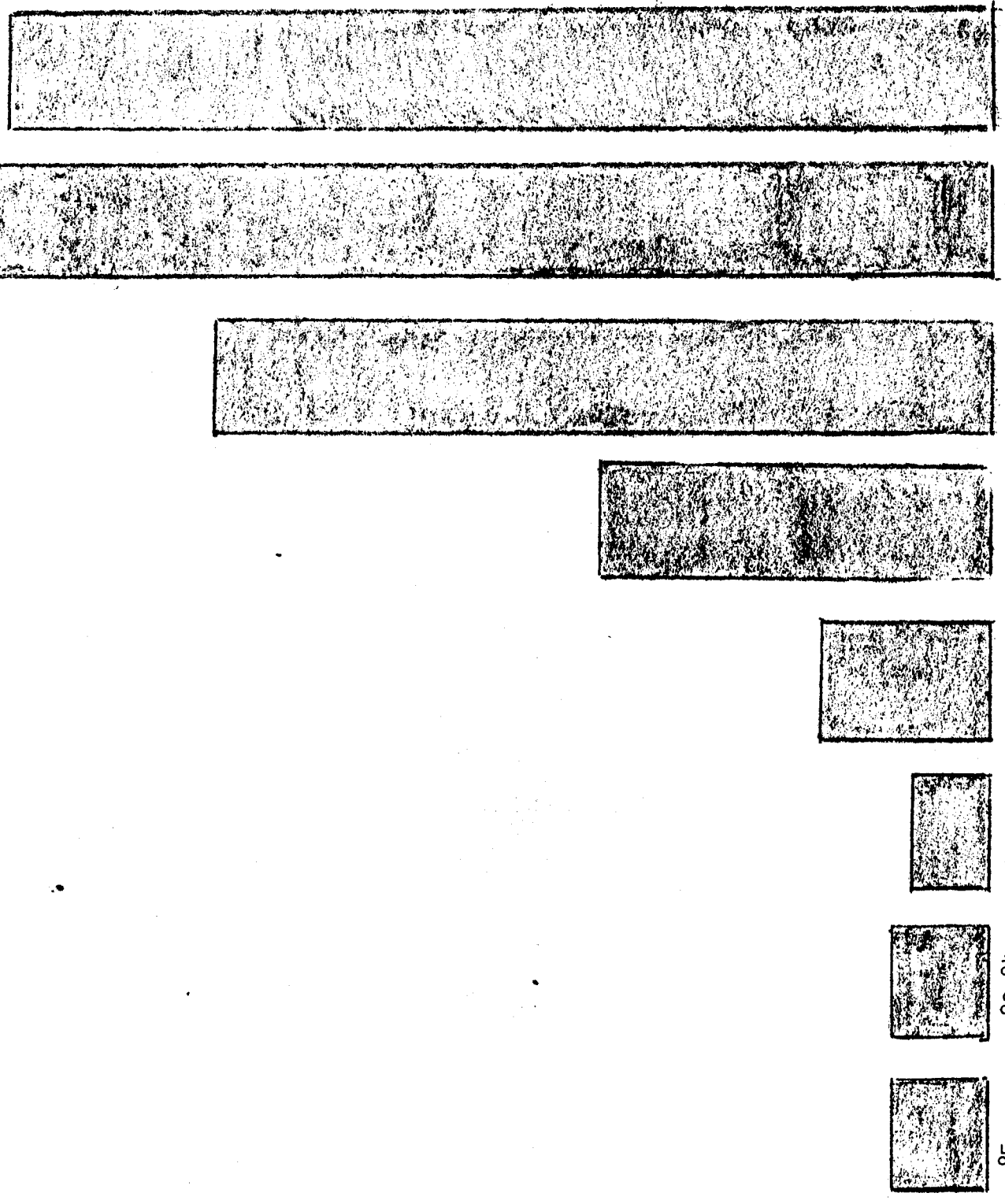
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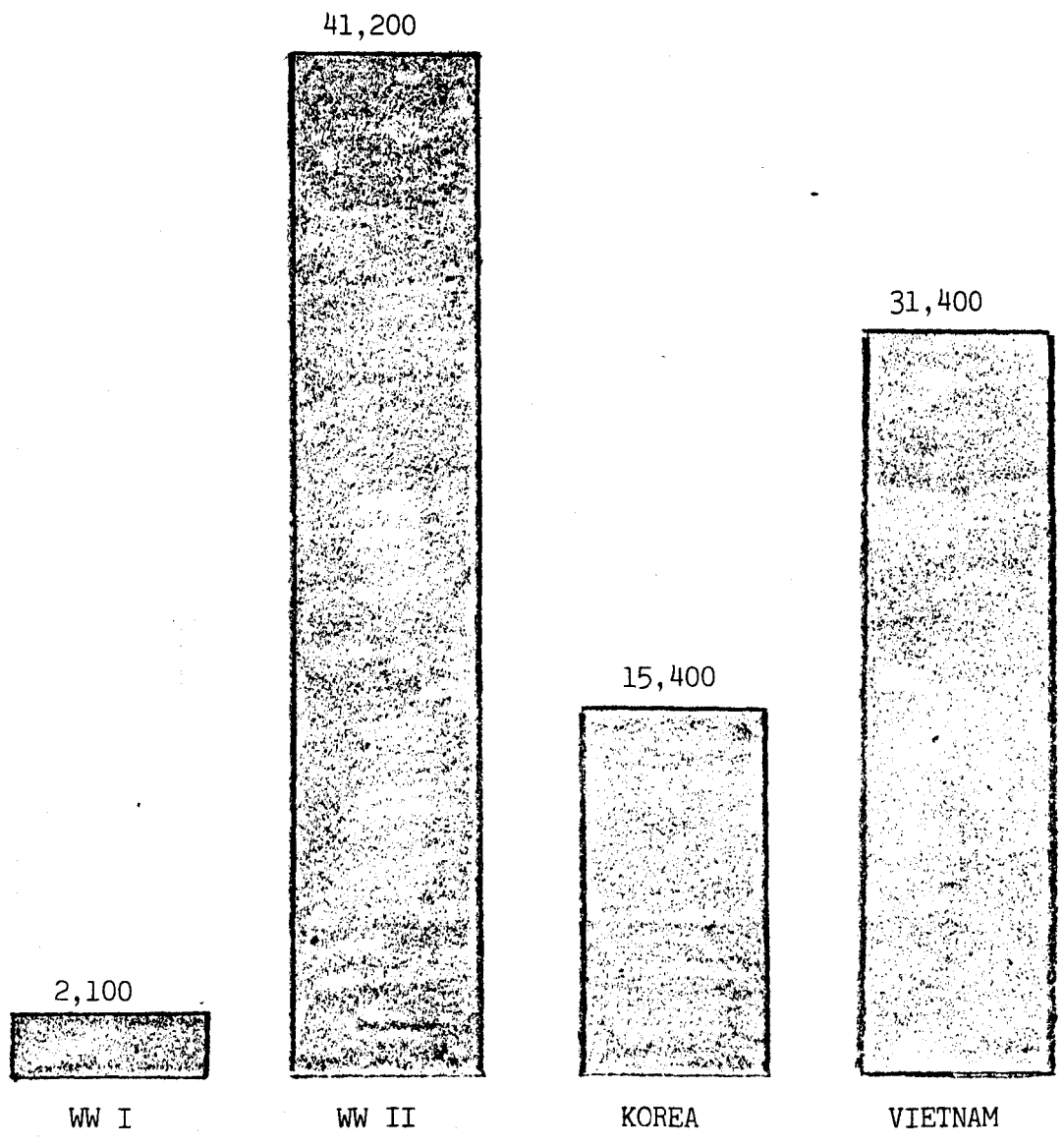
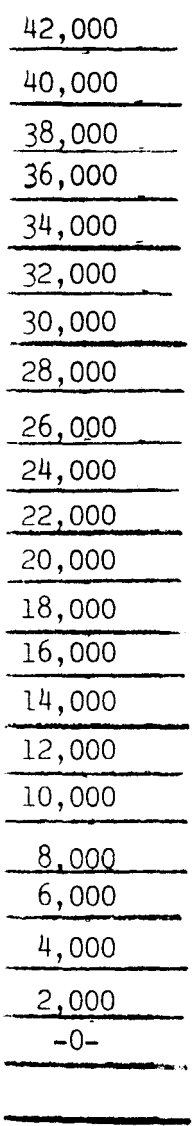
3,000

2,000

1,000



AGE GROUP - 1980 CENSUS



HB-513
ER. #1
3/5/85

Mr. Chairman and members of the House State Administration Committee:

My name is Orval Ellison and I am the Representative of House District 81.

Before you consider House Bill ⁵¹³81, I would like to offer the following amendments:

1. Line 11: Strike the words "and maintaining".
2. Line 18: Insert the word "and" between "status" and "length". Strike the word "and" following "service".
3. Line 19: Strike "military rank".
4. Line 21: Strike "\$250,000.00, insert \$62,000.00.
5. Line 23: Strike "and maintaining".

The second and third amendments remove the term "military rank" from consideration as burial criteria for obvious reasons.

The first, fourth and fifth amendments have been requested by the Veterans Cemetery Committee in recognition of the extreme financial difficulties currently being felt by the State of Montana.

This House Bill as amended asks the State of Montana to provide funding to establish a 65 acre State-Federal Cemetery at Fort Harrison, Montana.

In 1979 the State approved and funded \$50,000.00 to expand the Custer National Cemetery. However due to unsuccessful negotiations, the expansion was never completed. In 1983 the appropriated monies were used for other, non-veteran, purposes.

This appropriation, as amended, of \$62,000.00 will provide the necessary funding for establishing the cemetery at the new location.

It is essential that we begin this program with the Federal Government while these Federal funds are available.

I have with me today retired Colonel Steve Keim to explain to you the details of this proposal.

Thank you.

What is the VA State Cemetery Grant Program?

It is a Federal grant program administered by the VA Department of Memorial Affairs to aid States in the establishment, expansion and improvement of veterans' cemeteries (P.L. 95-476).

What is the purpose of the program?

The primary purpose of the program is to assist the States to provide gravesites for veterans in those areas where national cemeteries cannot fully satisfy the burial needs of veterans. The program is intended to complement the VA national cemetery system.

How does a State apply for assistance under the grant program?

Complete instructions and copies of the necessary forms for State Cemetery Grant applications are available from:

Director, State Cemetery Grants (40G)
Veterans Administration
810 Vermont Avenue, N.W.
Washington, DC 20420
(202) 389-2313

How is a State veterans' cemetery established?

Generally, veterans service organizations and/or interested State officials encourage the State legislature to enact legislation for the necessary site acquisition, construction, operation and maintenance.

How does the grant program aid the States?

The VA provides up to 50 percent of the costs associated with the development, expansion or improvement of a state-owned veterans cemetery.

What criteria will govern the acceptance of a proposed State veterans' cemetery site for grant funding?

To qualify, title to the site must be vested in the State and the cemetery operated solely for those persons eligible for burial in a national cemetery. Grants are made on the condition that the cemetery shall conform to standards and guidelines relating to site selection, planning and construction prescribed by the VA.

How much money is available for cemetery grants under this program?

Congress, finding it appropriate for States to share the Federal Government's obligation to meet the burial needs of the nation's veterans, preferred not to im-

pose a cap of the level of appropriations when the program was extended. Title 38 U.S.C., Section 1008, authorizes appropriations (as needed) through fiscal year 1989 (P.L. 98-223).

Is there a limit on the amount of money a State may receive?

The amount a State may receive in any fiscal year is limited to no more than 20 percent of the amount available for expenditure for that fiscal year. In no case will the amount be more than 50% of the total project cost.

May a State veterans' cemetery be used for interment of non-veterans?

Yes. A State may determine that an eligible veteran's wife, husband, surviving spouse, minor children, and unmarried adult children are eligible to be interred in the same plot as the veteran.

What veterans are not eligible to be buried in a State veterans' cemetery established under the State Cemetery Grant Program?

A veteran whose last separation from military service was dishonorable or a veteran who was on active duty at the time of death, whose death was due to dishonorable causes, is not eligible under this program.

Are States empowered to impose additional eligibility criteria for interment?

Yes. A State may elect to restrict interment to those veterans who were legal residents of the State at the time of death, and/or to veterans who have an honorable discharge from military service.

Can a State charge for the interment of a veteran in a veterans' cemetery established, expanded, or improved under this program?

No. Federal aid is predicated upon the provision of cost-free interment for eligible veterans. There may, however, be a fee for the interment of members of the veteran's immediate family.

Can grant funds be withdrawn from a State for any cause?

Yes. Any State ceasing to own or operate a cemetery established, expanded, or improved through the use of grant funds, or using the funds for any other purpose than for which the grant was made, will be liable for the total refund for all grants made for that cemetery.

STATEMENT OF INTENT

H BILL NO. 513

Bill No. ____ [LC 1614] requires a statement of intent because section 2 of the bill requires the department of military affairs to adopt rules establishing criteria for determining which veterans may be buried in the state veterans cemetery.

The legislature contemplates that the rules should, at a minimum, address the following subjects:

(1) discharge status, i.e., dishonorable discharge, medical discharge, killed in line of duty, etc.;

(2) length of service;

(3) rank of deceased veteran; and

(4) such other factors as may be used as reasonable, objective criteria if burial space is severely limited in the state veterans' cemetery.

VISITORS' REGISTER

COMMITTEE

BILL NO. HB 513

DATE 3/5/85

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Bob Durkee	Helena	X	
Hugh Cumming	Helena	X	
Bill Nelson	Helena	X	
Jack McHenry	Butte	X	
Dae Hanson	Helena	X	
Mc. Jim Duffy	Helena	X	
W. J. Cottrell	"	✓	
George Poston	Helena	X	
COL STEVE KEIM (RET)	DELENA	X	
Rich Brown	Helena	X	
Kalend Pratt	MT Funeral Directors Assoc	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. S/S 59

DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Lauri Craig	Halong		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.