

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE
THIRD SPECIAL SESSION

June 21, 1986
1 P.M. Meeting

The 3rd meeting of the Senate Finance and Claims Committee met in room 108 of the State Capitol on the above date, to hear House Bills 15 and 6.

ROLL CALL: All members present, except Senator Aklestad, who was excused.

CONSIDERATION OF HOUSE BILL 15: Chief Sponsor, Representative Manuel could not be present and Representative Bardanoue presented the bill. He said it provides that for 3 years the income for the Park Trust money will be reverted to the General Fund. This means that the principal of the park trust will not increase for 3 years. The interest off the park trust will go to the park department. The amount of money that will go to the General Fund, the Governor's office says over the period will be \$1,688,000. The Governor's, and the LFA says \$1,739,000 for these fiscal years. The interest off the principal will continue in the Parks, and that runs over \$411,000. It will not change the interest, but the interest will not increase because you are not increasing the principal. It just transfers the income from the coal--this amounts to about 2.2% of the amount of principal each year.

Senator Regan asked if there were other proponents, there were none. There were no opponents. She then asked if there were questions from the committee.

Senator Keating: On page 2, (f), we are adding 5% under (f)--that's the first change, and where are we deleting 5% or from whence is this 5% coming? It looks like an additional 5%.

Representative Bardanoue: 5%--well, part of it is over in other areas. In this bill there is about 2.2% of the principal will go to the parks and it will be for a 3 year period. It will come from the earnings of the coal money. The other goes to the library and I think the cultural projects.

Senator Keating: Where is the 5%. Is the 5% replacing something else, or is this just 5% more coming from what would go to the general fund.

Senator Regan: I will ask Curt to go through this.

Curt Nichols, Legislative Fiscal Analyst: On line 23 and 24, page 2, that just inserts the allocation 5% to the general fund. It would have gone, without that insertion, to the coal tax parks acquisition fund. So, it intercepts that 5% and sends it to the general fund.

Senator Keating: But, it doesn't delete the Parks acquisition, it says right after that 5% for the purpose of Parks acquisition and management provides 1/3 for management and 2/3 for acquisition.

Senator Haffey: The underlined language there--it is time limited so what it does, it intercepts and diverts the 5% that otherwise would go to the parks pool.

Senator Gage: In our budget hearings, we have been told--or in our coal tax oversite committee we were told that they have acquired more sites already than they can maintain and improve so this will give a 3 year reprieve on that money that they have too much of anyway.

Senator Haffey: Representative Bardanouve, is there any difference in effect in this diversion and that which would be proposed (this morning) in the education trust fund?

Representative Bardanouve: It is the same concept.

DISPOSITION OF HOUSE BILL 15: MOTION by Senator Gage that this committee concur in House Bill 15. Question was called, voted, passed unanimous. Senator Haffey will carry the bill.

CONSIDERATION OF HOUSE BILL 6: Representative Donaldson, House District 43, principle sponsor of House Bill 6 said this is a bill to basically do away with the detention center in Mountain View. It was set up in a bill I carried about a year ago to allow counties in effect to put juveniles in that building so they didn't have to house them in adult facilities. It has been under utilized. There have been 44 juveniles admitted since October. It has been used to some degree, but the average population there is only slightly over 2, and in order to make it you almost have to have 5, so in these tough times I think it is something we will have to do without. Somewhere down the road we're probably going to have to address it on a more permanent basis anyway. I am here to remove what we put in a year ago.

There were no further proponents, no opponents, and Senator Regan asked if there were questions from the committee.

Senator Bengtson: What is the status of the improvements of that building over there. We appropriated some money, I think it was some 66 or some 80 thousand to improve that building. Will that go for naught, or can the school use that for other purposes.

Representative Donaldson: I am not sure what the permanent utilization of that might be, perhaps the senator can comment on that; perhaps Mr. Unger could comment on that.

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Bill Unger, Superintendent, Mountain View School, said there was, I think, \$65,000 appropriated for renovation. Of that, \$42,000 was used. It was renovations that needed to be done in order to be utilized in any manner. It will be utilized with our current population at MVS, although it is not utilized very much. It is the most secure area we have on grounds, and for extreme acting girls we would put in there. It has been kind of a problem since we've put boys in there with some of the acting out girls in there, because it's hard to get them away from the other kids.

Senator Bengtson: It won't go for naught then?

Bill Unger: No, it has been a good improvement on the building; it was something that needed to be done.

Senator Christiaens: Bill, can you tell me, did we add 5.16 FTE just for this particular appropriation?

Bill Unger: Yes, we did. We had 4.8 cottage life attendants and a .36 teacher which is a part time teacher, which was specifically approved for that program. I think that the way the bill reads, that those would be eliminated.

Senator Christiaens: And if you continue to use it then, you will make that up from your existing staff?

Bill Unger: That's what we have to do. We don't use it very often, and when we do it's maybe for a 24 or 36 hour period and sometimes that requires an overtime staffing, but we have used it in the past with our current staff prior to the detention unit there.

Senator Christiaens: One last question--why have the counties not utilized that facility as was expected in spite of the need that was out there?

Bill Unger: It is interesting. There have been eleven counties that have used that facility since it opened. Like Representative Donaldson said, 44 admissions. All of the admissions have primarily, without exception, been from Helena west. One of the major forces behind this was Yellowstone County and Yellowstone County is doing something themselves with detention of juveniles. I am not aware if juveniles are being locked up in county jails and they are not using it for that purpose. I think it is a pilot program in Montana, and I think the travel is something that counties are not used to. Right now they have to reimburse the state for \$63 a day which would go up next year almost double if we use current per diem rates, and they are not used to paying that out of their budgets.

DISPOSITION OF HOUSE BILL 6: Senator Bengtson moved that House Bill 6 do pass. No discussion. Question was called and the bill was voted and passed.

RECONSIDERATION OF HOUSE BILL 1: Motion by Senator Bengtson that we reconsider our actions in regard to House Bill 1, in regard to the deletion of the \$4,000 for the Law Academy interim committee. Mainly for the reasons that the resolution says that we submit recommendations to the next session. It appears to me that we would not be able to do this if we do not get additional money. This committee was--the average cost of an interim committee is about \$12,500. The documentation for this committee is available for what we spent. If we are to do the job in that committee, we would at least have on on-site inspection of the 3 recommended facilities locations that the staff and the A & E have come up with. The A.G. has recommended that we look for a new Law Academy site, and it seems like we've gone through these 10 remaining ones that there are several that are a lot more cost effective, and there is no need to explain we don't have any recommendation at this point. 16 different cities and towns submitted proposals and they met the required specifications. They hired architects to draw up plans and they have taken the committee very seriously. I would think that we would look very childish if we bailed out before we even completed the work of the committee.

Senator Regan: The motion is simple to reconsider our actions, we can discuss the merits of it if the reconsideration passes.

Question was called, Roll call vote. The motion passed to RECONSIDER OUR ACTION.

DISPOSITION OF HOUSE BILL 1:

MOTION: Motion by Senator Bengtson moved we reinsert the language in section 2 in House Bill 1.

Senator Christiaens asked for clarification since he had been absent in the morning. Are we asking for money in addition to what was appropriated?

Answer: Yes.

Seantor Christiaens: Why?

Senator Bengtson: We had an appropriation for the study which was \$5,000. I am not sure why it was such a small amount. Perhaps Representative Thoft can tell us about that. It came out as a recommendation from the Long Range Building Committee. \$5,000

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isn't even half of what the usual 8 member interim committee has used. It has been all used up. The Legislative Council has no money. We have gone to the Legislative Council to see if there is some unused funds that could be used and there aren't. We have met 5 times to this point, and there is no way the committee can visit any of the sites.

Senator Christiaens: Do you see any chance that this law enforcement will become a reality in the next session in light of what we are facing right now?

Senator Bengtson: That is a philosophical question and I don't know. It seems unlikely. There are sites that would not be so costly as the present site and would be better.

Senator Hammond: Will you visit all these before you cut it down to 3, or will you--?

Senator Bengtson: No, no. A. & E and staff from the Legislative Council have gone and visited all of these sites except for those that we weeded out. We weeded 6 out in our last meeting in the March meeting. There were 10 remaining. Those Tom O'Connell and Tom Gomez went and looked at the specifications and they will be eliminating all but three as they come to the committee. It is the prerogative of the committee to review their work and maybe not accept it, but no--there would be a chance to look at the 3.

Senator Jacobson: Senator Bengtson, I guess I have no objection to what the committee is doing, but in light of what we went through last week, this is a small amount of money, but I think we need to let the public know we are tightening our belt and it is obvious that we may not build a law enforcement academy. I agree with you that it would probably look poor for the committee to just stop right this minute. I don't know, maybe that's the thing to do. I think I would ask you and perhaps Senator Haffey if you couldn't forgo looking at the sites. I don't know if it would be helpful to me to look at the sites personally, but to have these people that have gone this far come back for one final meeting and make a preliminary recommendation, and more than likely we will not do it anyway. I don't know, I am asking your opinion, and I would like to hear Senator Haffey.

Senator Bengtson: Well, frankly, the committee is just doing the work that we were directed to do, and I would not think we should say the staff recommend to us, the legislature, that this is where it is going to be, and nobody went to check it out. I mean, who is making policy in this state? The legislature or the staff or the bureaucracy.

Senator Haffey: The thing that maybe is worth sharing with all of you is that there has been a lot--a lot of work done not so much by the committee, but by the staff--the Legislative Council and a lot of communities that are interested. It would probably work to make a good policy decision, and it might be done in a meeting. I don't know that it is necessary to visit even three towns. Representative Thoft is here--but the work that Tom Gomez from the Legislative has done, enough work so that it shouldn't go wasted. Maybe the Legislative Council could absorb the work for us. I don't know that we need the appropriation. Probably just for a meeting, just get one meeting.

Representative Bengtson: I would like to ask that the chairman of the committee respond to Senator Jacobson. Just before I asked him to speak, the way we set up that criteria, the committee has at least 50% of the decision making policy as far as the recommendation for the facility, and the staff and A & E have made the kinds of architectural comparison and all of that. I would like to ask Representative Thoft to respond. He has worked very closely with Long Range Building and with the staff of A & E on this.

Representative Thoft: The reason we don't have an adequate appropriation is that because I took some bad advice, and I'll be responsible for that. There was some talk among the leadership that they would appoint a smaller committee and we didn't really know how many communities were going to be interested in this issue. Our intent, of course, is to find an existing facility, and there are a number of those around the state. We had 16 applications, and we weeded those to 10 and next Thursday we will weed those to 3. I think there are some pretty attractive proposals within those three, and personally I cannot make a decision on those various facilities without looking at them, and not necessarily from the standpoint that A & E would look, but are they acceptable for the program, and I do feel responsible for the community. They spent a great deal of money putting these proposals together, and I think we are responsible to come to a conclusion on it.

Senator Story: If we weren't back in special session to scrape together another \$100 million, what would this committee have done?

Representative Thoft: I went to the Legislative Council and then they did not turn the committee down. They said they were short on funds, but I am pretty sure that the sum could come from the leadership money.

Senator Story: I have a comment. We can vote for this and it isn't something we are going to take back and point to with pride, that we were actually pumping money into a budget that we are trying to cut down.

Senator Hammond: My concern is that those people to look at the sites. If this action would take that option away from them I would certainly vote for the money, because I don't think they can make a choice without seeing those sites, but I thought it could wait until the '87 session of legislature, and Senator Aklestad, being one on that committee making that motion, I didn't feel they were hard pressed to have it right now?

Senator Bengtson: We will be meeting on the 26th of June and narrowing it down to 3. We were of course hoping we would have our work completed and present our recommendations to the '87 session. That's what the resolution calls for. I don't think there's any of us on the committee that are looking forward to chasing around the state, especially in the summertime, but we would like to do a good job.

Senator Smith: Just one question in regard to Senator Bengtson's statement that they do plan on meeting again on the 26th and making a decision. Do you plan on going to all of the sites that have been requested before you make your decision, or are you just going to visit the 3 sites?

Senator Bengtson: Our plans are just to visit the three sites. Hopefully staff will have detailed information as to why they selected those, and we're hoping, and I'm hoping that they are stand-outs. That it will be obvious that from cost perspective, location and some of the other perspectives, that we will all recognize. I imagine it will be very controversial. It has not been a very easy committee to be on.

Senator Regan: Thank you Senator. We have to go upstairs, and we will try to cut this off. Is there any other discussion?

Question was called.

SUBSTITUTE MOTION by Senator Jacobson that we fund one additional meeting, figures to be plugged in by the Fiscal Analyst's Office.

Senator Bengtson: I speak against the motion. If we don't use the money it will revert. If you take a look at how we've spent this money, it is amazing. We have held 5 meetings and we did a lot of work.

Senator Regan: We have a motion before us and we have to get upstairs. I will ask someone to call for the question.


Question was called on Senator Jacobson's substitute motion to provide for one more meeting.

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Roll call vote. MOTION FAILED.

Back to the original motion to restore the \$4,000. Roll call vote.
MOTION PASSED.

The meeting was adjourned.



SENATOR PAT REGAN, Chairman

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ROLL CALLSENATE FINANCE AND CLAIMS

COMMITTEE

49th LEGISLATIVE SESSION - - 185

Date

1 PM
6-21-86

NAME	PRESENT	ABSENT	EXCUSED
SENATOR REGAN	✓		
SENATOR HAFLEY	✓		
SENATOR JACOBSON	✓		
SENATOR AKLESTAD			✓
SENATOR HAMMOND	✓		
SENATOR LANE	✓		
SENATOR CHRISTIAENS	✓		
SENATOR GAGE	✓		
SENATOR HIMSL	✓		
SENATOR STIMATZ	✓		
SENATOR BOYLAN	✓		
SENATOR STORY	✓		
SENATOR SMITH	✓		
SENATOR MANNING (Dick)	✓		
SENATOR BENGTON	✓		
SENATOR KEATING	✓		

STANDING COMMITTEE REPORT

June 21

19 86

MR. PRESIDENT

We, your committee on FINANCE AND CLAIMS

having had under consideration HOUSE No. 1

third reading copy (blue) ;
color

FEED BILL

Vincent (Regan)

Respectfully report as follows: That HOUSE No. 1
be amended as follows:

1. Title, lines 6 through 9.
Following: "June 16, 1986;" on line 6
Strike: the remainder of line 8 through "TAXATION;" on line 9
2. Page 1, line 22 through page 2, line 1.
Following: line 21
Strike: Section 2 in its entirety
Reinsert: subsequent sections

AND AS AMENDED
BE CONCURRED IN

Reconsidered

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SENATOR REGAN

Chairman.

STANDING COMMITTEE REPORT

June 21, 1986

19.....

MR. PRESIDENT

We, your committee on.....**FINANCE AND CLAIMS**.....

having had under consideration.....**HOUSE**.....

No. **1**.....

third reading copy (**blue**)
color

FEED BILL

Vincent (Regan)

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

BE CONCURRED IN

~~XXXXX~~
DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

.....
SENATOR REGAN

Chairman.

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date 6-21Bill No. 1Time 1:15

Name

YES

NO

ABSENT

EXCUSED

Senator Haffey

Senator Jacobson

Senator Aklestad

Senator Hammond

Senator Lane

Senator Christiaens

Senator Gage

Senator Himsl

Senator Stimatz

Senator Boylan

Senator Story

Senator Smith

Senator Manning (Dick)

Senator Bengtson

Senator Keating

Senator Regan

8

5

Sylvia Kinsey
SecretarySenator Regan
Chairman

Motion:

Reconsider action on Section 2
deletion.

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date 6-24-86HBill No. 1Time 1:32

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey		✓		
Senator Jacobson	✓			
Senator Aklestad				
Senator Hammond		✓		
Senator Lane		✓		
Senator Christiaens		✓		
Senator Gage		✓		
Senator Himsel		✓		
Senator Stimatz	✓			
Senator Boylan		✓		
Senator Story	✓			
Senator Smith		✓		
Senator Manning (Dick)		✓		
Senator Bengtson		✓		
Senator Keating	✓			
Senator Regan	✓			
	5	10		

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

~~Each present Section 2~~

Judy Sub to fund one meeting.

failed

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date 6-21NBill No. 1Time 1:35

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson		✓		
Senator Aklestad				
Senator Hammond	✓			
Senator Lane	✓			
Senator Christiaens		✓		
Senator Gage		✓		
Senator Himsel		✓		
Senator Stimatz	✓			
Senator Boylan	✓			
Senator Story		✓		
Senator Smith	✓			
Senator Manning (Dick)	✓			
Senator Bengtson	✓			
Senator Keating		✓		
Senator Regan	✓			
	9	6		

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

Restore Money

STANDING COMMITTEE REPORT

June 21

1936

MR. PRESIDENT

We, your committee on **FINANCE AND CLAIMS**

having had under consideration **HOUSE**

No. **6**

third reading copy (**blue**)

ELIMINATE DETENTION PROGRAM AT MVS

Donaldson (Bangtson)

Respectfully report as follows: That **HOUSE**

No. **6**

BE CONCURRED IN

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SENATOR REGAN

Chairman.

STANDING COMMITTEE REPORT

June 21 19 86

MR. PRESIDENT

We, your committee on **FINANCE AND CLAIMS**

having had under consideration **HOUSE** No. **15**

third reading copy (**blue**)
color

COAL MONEY FOR PARKS TO GENERAL FUND

Manuel (Haffey)

Respectfully report as follows: That **HOUSE** No. **15**

BE CONCURRED IN

XXXXXX
DO PASS

XXXXXXXXXX
DO NOT PASS

SENATOR REGAN

Chairman.