## MINUTES OF THE MEETING HOUSE APPROPRIATIONS COMMITTEE 50TH LEGISLATURE

The meeting of the House Appropriations Committee was called to order by Chairman Rep. Gene Donaldson on April 8, 1987 at 8:00 a.m. in Room 104 of the State Capitol.

ROLL CALL: All members were present at the meeting. Also in attendance were Judy Rippingale, LFA and Denise Thompson, Secretary.

#### HB 911:

Rep. John Cobb of District 2 presented the bill to the committee saying this would consolidate the State Library and the State Law Library, which would have a potential savings.

#### OPPONENTS:

Judith Meadows, State Law Librarian, distributed a fact sheet to the committee regarding the bill (Exhibit 1). She stated a lot of people did not have a real understanding of the concept of the two libraries. They are entirely different. The Law Library itself requires a knowledge of the laws as well as the library skills and a tremendous amount of work is done in the Law Library. She stated her staff averages 71 hours a month of filing loose leaf services. If they don't have the people to do those functions, the public suffers. Her staff files 2,300 books a month. The state library does not have people who can step into these positions and do that work, they are also understaffed. It takes qualified people to replace the different law materials and to find materials for attorneys.

(122:A:8.39) Chief Justice Jean Turnage spoke against the bill saying he thinks there would be a problem if they were combined. The justices do not have enough time to learn where everything is in the library. The Law Library is a technical facility dealing with technical data and are specially trained to assist with these areas. He stated that the Supreme Court is using the library several times daily. It is impractical to operate these two facilities together. There are also technical problems with the bill.

(122:A:17.00) Mr. John Maynard, Administrator of the Tort Claims Division said that the library has been very useful to him in assisting with drafting Adjutant General Opinions in his previous position and it gives the state the ability

Appropriations Committee April 8, 1987 Page 2

to save hundreds of thousands of dollars of legal time. They can send their secretary to get information for them and it does not waste the attorney's time. He presented a letter from the Attorney General regarding the bill (Exhibit 2).

Sara Parker, State Librarian also opposed the bill. There is not a consolidation law in the bill. The bill as drafted has two problems. It does not address the workload, and it does not balance the client interests. She said her main concern with the bill is the mixture of that highly specialized function that the Law Library now provides with the more generalized function of the State Library (Exhibit 3).

(122:A:31.46) Mr. Paul Keller, attorney in Helena stated that there is a huge difference between the two libraries and the Law Library is a very specialized facility which is necessary in order for attorney's to properly represent their clients.

Mr. Steve Brown, lawyer in Helena stated there is inadequate staff in the State Library to handle these functions and the two libraries should not be incorporated. He also stated a problem with the hours at the State Library as the Law Library has extended hours so that attorney's can come in at other hours than from 8 to 5.

(122:A:40.27) Brenda Schye, representing the Montana Cultural Advocacy, stated that not only would it impact the Law Library but also the network of libraries across the entire state who rely on the State Library to assist them in providing services to their patrons in the local communities. If the State Library is forced to take on a new responsibility, they will have less resources to assist the local libraries.

Chief Justice Turnage also spoke of the security of the law works would also be a problem.

#### QUESTIONS:

Rep. Rehberg stated the subcommittee reviewed the bill and did review some of the fees being charged such as the video tape fees.

Rep. Miller suggested an amendment be brought in to the committee to put a fee on lawyers if this is such a valuable service.

(122:B:7.02) Rep. Bardanouve comment on how much the district judges out of Helena use the library.

Appropriations Committee April 8, 1987 Page 3

Rep Cobb closed on the bill reviewing the dollar savings with the bill. It would entail one clerical position and the director which would be deleted.

The hearing on the bill was closed.

HB 910: (122:B:11.42)

Rep Winslow presented HB 910 to the committee which is an attempt to deal with the problem in the 12 assumed counties. It calls for a one on one match. He felt the medicaid costs could be brought into control if we tighten up. It would give the control of eligibility back to the counties. There were amendments to the bill which he presented (Exhibit 4).

#### **OPPONENTS:**

(122:B:18.19) Mr. Don Peoples, Chief Executive of Butte-Silver Bow stated he had some serious problems with the bill. He felt Rep. Winslow was saying that the problem is with the 12 assumed counties and their administration of the program. It is not fair to transfer the cost to local governments and it's not equitable. He stated that since their assumption, the trends have increased tremendously. One-third of this increase comes from other counties who refer these people to the assumed counties. This is a state problem, not just a local problem.

Mr. Peoples pointed out his observation of this would be that it would add 4 to 8 mills for Butte-Silver Bow, not the 2 mills as Rep. Winslow had indicated. These are the counties that already have high levies because more there is more of a significant demand on the services.

He suggested perhaps, someone coming from a non-assumed county into an assumed county, the other county be billed for their services. Also better screening could help. Encouraging the people not to go to the emergency room all of the time also cuts back costs.

Mr. Peoples said he is more than willing to work with the legislature and the state to help find a way to cut these costs, however, transferring the burden to the local governments is not the answer.

Rep. Menahan spoke against the bill saying that it would increase Deer Lodge County's mills up to 12 to cover these charges. He stated he wanted to see an interim study of this and also where these people are coming from to the assumed counties. However, the assumed counties should not have to pay the burden totally for this. Welfare is a state problem not a county problem.

(123:A:0.01) Mr. Dick Gasvoda, Cascade County, stated they would be looking at almost 4 mills to raise the kind of money that is necessary. With I-105, where are they going to generate those 4 mills. Do they have to cut other budgets. The assumed counties are made out to be free loaders of the state. They have sent \$1.1 million to the state. Great Falls is paying their fair share. If the counties can say no to these people, why can't the state say no. They are working at trying to get numbers down and make the system so complicated, the people are moving away.

Mr. Dave Fuller stated they are also willing to work with the legislature to get control of this but imposing additional property tax is unfair and he opposed the bill on that basis.

Mr. Dave Lewis, Director, Department of Social and Rehabilitation Services (SRS) presented handout regarding the effect of this on the counties (Exhibit 5). He stated with the increases in these costs, the constitutional amendment must be pursued. The able-bodied must be removed from the rolls in order to reduce the medical services in the state. There is no real good answer.

Rep. Bradley expressed concern regarding the costs going up so rapidly. Mr. Lewis commented that up until the last few years, the hospital had to absorb certain amounts. Now they can pursue another way of payment and that is what they do.

(123:B:2.50) Rep. Winslow closed on his bill saying that if the counties had control, they would be more willing to reduce these costs and try to control them.

#### EXECUTIVE ACTION:

(123:B:11.30) Rep. Thoft moved to DO PASS HB 911. Rep. Poulsen called the question. There was a roll call vote. Reps. Thoft, Devlin, Menke, Nathe, Peck, Poulsen, Swift, and Switzer voted YES. Reps. Donaldson, Bardanouve, Bradley, Connelly, Iverson, Manuel, Menahan, Miller, Quilici, and Spaeth voted NO. The motion FAILED 8 to 10. The vote was reversed on a DO NOT PASS MOTION.

(123:B:15.06) Rep. Menahan moved an amendment on HB 910 (Exhibit 6) to shift the costs from the assumed counties to the non-assumed counties, and change it to one year and one year in all places on the amendment. Rep. Devlin voted no. The motion CARRIED unanimously.

Appropriations Committee April 8, 1987 Page 5

Rep. Thoft moved the Winslow amendments which prohibit any other county from becoming state assumed. Rep. Bardanouve called the question. The motion CARRIED unanimously.

(123:B:26.43) Rep. Winslow moved to DO PASS 910 AS AMENDED. There was a roll call vote. Reps. Donaldson, Thoft, Winslow, Bardanouve, Devlin, Iverson, Menke, Nathe, Peck, Rehberg, Spaeth, Swift, and Switzer voted YES. Reps. Bradley, Connelly, Manuel, Menahan, Miller, Poulsen, and Quilici voted NO. The motion CARRIED 13 to 7.

### ADJOURNMENT:

There being no further business the meeting was adjourned at 10:30 A.M.

Rep. Gene. Donaldson, Chairman

## DAILY ROLL CALL

APPROPRIATIONS	COMMITTEE

50th LEGISLATIVE SESSION -- 1987 .

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WINSLOW, REP. CAL	L'		
BARDANOUVE, FRANCIS	V		
BRADLEY, DOROTHY			
CONNELLY, MARY ELLEN			
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## ROLL CALL VOTE

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## ROLL CALL VOTE

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# FACT SHEET HB 911 Appropriation Committee 4/8/87

- I. Elimination of 2.5 F.T.E. out of public services equates to <u>loss of 5,240 hours</u> per year of staff time. State Library has insufficient staff and resources to absorb functions and benefits derived by state government in those hours. IMPACT:
  - 1. Loss of continuing legal education video tape program;
  - 2. Elimination of 24 hours per week in time Law Library is open, including all evening and week-end hours;
  - 3. Inability to continue to provide legislative histories;
  - 4. Degradation of ability to shelve books, file loose-leaf services, respond to photocopy requests, and circulate books (See Appendix 1 & 2.);
- II. Legislative decision to have State Law Library charge fees to private attorneys, which are expected to generate \$90,106 in revenues for the biennium, will be foregone.
- III. Functional coordination and consolidation of state agency libraries was rejected by extensive feasibility study conducted in 1982 by management analysts from the Department of Administration.
- IV. Different functions and subjects, of the two libraries necessitate different data bases for cataloging and interlibrary loan.
- V. There are no purely administrative positions in a small library. Any cut to personnel budget equates to significant impact in ability to provide efficient and timely services.
- VI. Proposals in amendment were not considered in House Appropriations Committee; State Law Librarian and State Librarian were not provided opportunity for input prior to introduction of amendment during 2nd reading in House of Representatives.
- VII. Effect of further 10% reduction in book budget will eliminate all new book acquisitions and force further cancellation of \$34,938 in continuations (after already cancelling \$14,472 in FY 86 and FY 87). (See Appendix 3.)
- VIII. Specific legal information needs of State Law Library's component patron groups (judiciary, legislative, state government, and the practicing bar) were not addressed in amendment to HB2.
- IX. Amendment to HB2 includes elimination of \$4,185 (FY 88) in travel funds, when only \$2,318 was in the bill.
- X. Maximum cost savings to state government are already realized through active resource-sharing and elimination of duplicate collection and services.

STATE OF MONTANA

### ATTORNEY GENERAL MIKE GREELY

JUSTICE BUILDING, 215 N. SANDERS, HELENA, MON FAMA 09620, TELEPHONE, 406: 444-2026

April 8, 1987

Representative Gene Donaldson Chairman, House Appropriations Committee Montana House of Representatives Capitol Station Helena MT 59620

Dear Representative Donaldson:

I urge you to oppose the passage of House Bill 911, which would result in a merger of the State Law Library and the State Library. My concern is that the proposed merger would result in undermining the expertise and specialized legal service offered currently in the State Law Library.

The attorneys who work in my office, as well as all attorneys who work for other state agencies use the State Law Library. They depend upon the legal information provided as well as the specialized legal services provided by the Law Library staff. An erosion of these services would affect all of state government in prosecuting and defending cases for the State of Montana.

Currently, my office maintains a mere skeletal collection of legal treatises and casebooks. I am sure that this is true of other state agencies. A cut in funding for State Law Library materials would require my office and others to purchase additional materials that we cannot afford, but would be necessary in order to adequately represent the State in lawsuits and to issue statutorily-required Attorney General's opinions.

I strongly urge you to oppose the passage of House Bill 911.

Very truly yours,

MIKE GREELY

Attorney General

4/8/87

## MONTANA STATE LIBRARY



TED SCHWINDEN, GOVERNOR

1515 E. 6TH AVENUE

## STATE OF MONTANA.

(406) 444-3115

HELENA, MONTANA 59620

To: Chairman Gene Donaldson

Members, House Committee on Appropriations

From: Sara Parker, State Librarian 4.

Date: April 7, 1987

Subject: Consolidation of Libraries under H. B. 911

In 1982, at the request of the Budget Director, the State Library Commission contracted for a study of consolidation of state agency libraries into the Montana State Library.

The study recommended maintaining the status quo of spearate agency collections staffed by the agency. This maintained access to materials currently needed by staff carrying out agency functions. It maintained the specialized reference and research services to agency staff and to the public; and no added expense was incurred by the state by the costs of incorporation.

Two quotations are especially relevant to H. B. 911:

"Although the foundations for the development of an information management system exist through professional recognition of the critical need to share information, a coherent policy and supporting organizational procedures do not yet exist to maximize access to, and use of information by State government. Consolidation of existing information resources in the absence of a coherent approach to managing information may well be "throwing the baby out with the bath water" and may eventually cost the State immeasurable loss of effective response to rapidly changing world, regional and national conditions."

"In addition to the programmatic impact of consolidation on access to information, there is the potential loss of the specialized research expertise that has been developed by agency collection staff to provide assistance to the professional staff of the agency. This research and information retrieval expertize cannot be duplicated by unspecialized staff within a general library service agency such as the Montana State Library....Removal from the ongoing educational environment of working with professionals in a particular area of expertise will inevitably result in some stagnation of the resource person's development in the specialized subject area."

## MONTANA STATE LIBRARY



TED SCHWINDEN, GOVERNOR

1515 E. 6TH AVENUE

## STATE OF MONTANA

406) 444-3115

HELENA, MONTANA 59620

April 7, 1987

HB911 presents some difficulties as drafted. The section which follows the revisions in HB911 is MCA 22-1-503 which defines the authority of the board. MCA 22-1-504 defines the duties of the librarian. Thus the bill creates two different authorities for the Commission as the original authority for the State Library Commission is given in MCA 22-1-103. It creates a bureaucratic maze which does not define the relationships between the State Library and the State Law Library or the relationships between the State Librarian, who is executive officer for the State Library Commission, and the State Law Librarian. There is no coordination language in HB911 to coordinate it with other existing statutues.

Transfer of the Law Library would create two substantive problems for the Commission. The first relates to the workload of the Commission. The workload is extensive as shown in the notebooks used by the Commission at their bi-monthly meetings. The addition of oversight of the Law Library would add substantially to this workload. The second is balancing of client interests. The State Library Commission currently serves state government libraries and the development of library service throughout the state and the blind and physically handicapped as well as a few other special clients. To add the Bar Association and the Judicial System of Montana at both the state and local levels is to cause the Commission to have to weigh all of these diverse client groups and to insure what is a reasonable distribution of resources to provide service for each of them.

HB911 does not save money. It is a serious budget cut in the budget of the State Law Library. It is important the Appropriations Committee understand both libraries are already understaffed. The Montana State Library has had a position removed from its budget this legislative session. Both are under funded and are coping with steadily increasing workloads. There simply is no money to be saved. Certainly there is no money in the State Library budget to make up the \$185,000.

Service reduction will be the same regardless of the administration of the library. There will be costs to the state of combining these libraries. These are often hidden costs that are nevertheless real. The first is putting the state Law Library on the state classification system. While the State Law Library has followed the salary scales of the classification system, transferring this judicial branch agency to an executive one will necessitate formal classification. This is often accompanied by personnel actions in-

cluding the possibility of law suits against the state. Second, there is the cost of going through another layer of bureaucracy with both the time delays and the frustration that are the costs of doing so. The Governor's Budget Office, the Legislative Fiscal Analyst, the accounting department will all have some additional work while this is sorted out and revised as an Executive agency.

Policies will have to be integrated. There is the question of the now existing private access to the State Law Library by the Court. Most important I would ask the Committee to consider the cost to the State of Montana when a law suit is lost. Declines in quality in the State Law Library heighten the risk of the state losing law suits with all of the attendant costs that this implies. The transfer of the administration of the library is simply not good library service.

There are important reasons for the separateness between the libraries. The first relates to the separation of powers. Second, libraries need to be responsive to and integrated with the users they serve. And last, it takes special skills to build a legal collection and to give legal library reference service. In 1982, at the request of the Govrnor's Budget Director, a study was done on the consolidation of and merger of state agency libraries within the Montana State Library. The recommendations of that study were to maintain the status quo of separate agency collections staffed by the agency. This maintained access to materials currently needed by the staff carrying out agency functions. It maintained the specialized reference and research services to the agency staff and to the public, and no additional expense was incurred by the state from the costs of incorporations. A handout including two quotations from that study especially relevant to HB911 accompany this testimony.

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Thank you for your consideration.

	STMED86-		STATE MEDICAL	ICAL .		
	COUNTY	FY86 EXPENDITURES	PER CENT OF TOTAL	VALUE OF 1 MILL IN FY86	MILLS REQUIRED	
	CASCADE	\$922,244	30.08%	\$91,644	10.06	
	DEER LODGE	\$131,478	4.29%	\$9,349	14.06	
	FLATHEAD	\$194,200	6.33%	\$89,934	2.17	
*, *	LAKE	\$84,881	2.77%	\$26,996	9.14	
***	LEWIS & CLARK	\$956,520	11.69%	\$61,858	5.76	
	LINCOLN	\$81,224	2.65%	\$35,862	2.26	
	MINERAL	\$24,616	0.80%	\$4,647	5.30	
	MISSOULA	\$791,517	25.82%	\$124,716	6.35	
	PARK	\$76,001	2.48%	\$18,929	4.02	
	POWELL	\$19,022	0.62%	\$14,233	1.94	·
	RAVALLI	\$78,008	2.54%	\$24,655	9.16	
	SILVER BOW	<b>\$306,275</b>	9.99%	\$44,455	6.89	
	TOTAL	<b>\$3,065,986</b>	100.00%	<b>\$5</b> 46,678   64.52	64.52	t

105.14	\$5,065,707   100.00%   \$552,973   105.14	100.00%	\$5,065,707
13.63	\$37,192	9.99%	<b>\$</b> 506,036
4.58	<b>\$</b> 28,156	0.54%	\$128,887
2.30	<b>\$13,690</b>	0.62%	#31,429
6.14	\$20,466	2.48%	<b>\$125,571</b>
11.42	\$114,595	25.82%	\$1,307,767
7.25	\$5,611	0.80%	<b>\$40,671</b>
3.67	#36,526	2.65%	\$134,201
8.48	\$69,451	11.69%	* \$589,053
4.47	\$31,359	2.77%	\$140,243
3.39	<b>\$94,547</b>	6.33%	<b>\$320,862</b>
23.28	\$9,992	4.29%	\$217,291
16.59	\$92,168	30.08%	\$1,529,757
MILLS	PY87	PER CENT	PROJECTED

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House Committee on Appropriations April 8, 1987

## AMENDMENTS TO HOUSE BILL 910 (requested by Representative Menahan)

- 1. Title, line 9.
- Following: "ASSISTANCE;"
- Insert: "REOUIRING A COUNTY TO PAY THE COUNTY SHARE OF THE COSTS OF GENERAL RELIEF MEDICAL ASSISTANCE PROVIDED TO ITS RESIDENTS BY ANOTHER COUNTY;"
- 2. Page 6, following line 21.
- Insert: "(10) If general relief medical assistance is provided by a county with state-assumed welfare services to a person who has lived in that county less than I year, the county in which he most recently lived for at least 2 months, and not the county that provided the assistance, shall reimburse the department for one-half the costs of general relief medical assistance.
  - (11) If general relief medical assistance is provided by a county with state-assumed welfare services to a person who did not live in any county in Montana for 2 months during the previous year, or if it cannot be determined that he lived in any county in Montana for 2 months during the previous year, the department shall assume the entire cost of general relief medical assistance provided to that person.

House Committee on Appropriations

April 8, 1987

AMENDMENTS TO HOUSE BILL 910 (requested by Representative Winslow)

1. Title, line 9.

Following: "ASSISTANCE;"

Insert: "DELAYING STATE ASSUMPTION OF WELFARE SERVICES FOR ADDITIONAL COUNTIES;"

2. Title, line 10. Following: "SECTIONS" Strike: "53-2-812,"

Insert: "53-2-811 THROUGH"

Following: "53-2-813" Strike: ","

Page 1, following line 13.

Insert: "Section 1. Section 53-2-811, MCA, is amended to read:

"53-2-811. Transfer of county public assistance and protective services to state department. (1) All authority granted to the board of county commissioners to establish and operate a public assistance program and provide protective services for children and adults pursuant to Titles 41 and 53 may be transferred to the department, except that the county attorney shall continue to provide legal assistance and representation for the purposes of adult and child protective services without charge and all debts and obligations incurred prior to the effective date of state assumption continue as the responsibility of the county.

- (2) The board of county commissioners, after public hearing, may by resolution or ordinance transfer to the department all powers and duties for public assistance and protective services for children and adults, including the selection, supervision, and termination of staff personnel associated with the performance of these activities. Upon the effective date of such transfer, the department shall assume all powers and duties related to public assistance and protective services and accorded by law to the county welfare department. If the notice required in subsection (3) is given, the transfer is effective at the start of the next state fiscal year.
- (3) Counties opting for state assumption shall notify the department at least 90 days prior to the start of the state fiscal year unless the time period is waived in whole or in part by the director of the department.
- (4) Counties opting for state assumption shall permit the department to use the same facilities currently occupied by the county department or

substantially equal facilities, with fair rental value for such facilities to be paid by the department. Counties opting for state assumption shall transfer to the department all materials, equipment, and supplies used in the operation of the county department and which were paid for in whole or in part with federal or state funds.

(5) No county may transfer county public assistance and protective services to the department during the biennium ending June 30, 1989. If a resolution or ordinance to transfer services under this part is adopted in April, May, or June 1987 or during the biennium ending June 30, 1989, the transfer is effective July 1, 1989, or within 90 days thereafter if the notice provided in subsection (3) requires it."

Renumber: subsequent sections

4. Page 3, line 19. Following: "county"

Strike: "or the department"

#### VISITOR'S REGISTER

VISITOR	5 KEGISIEK			
	COMMITTE	E		
ILL(S)	DATE			
PONSOR (S)				
NAME	REPRESENTING	BILL NO.	SUP- PORT	OP- POSE
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR VISITOR'S STATEMENTS IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.

FORM CS-33 Rev. 1985