

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### SUBCOMMITTEE ON GENERAL GOVERNMENT AND HIGHWAYS

Call to Order: By Chairman Quilici, on February 3, 1989, at  
9:04 a.m.

#### ROLL CALL

Members Present: All members were present.

Members Excused: None.

Members Absent: None.

Staff Present: Clayton Schenck, LFA  
Flo Smith, OBPP  
Mary Liedle, secretary

Announcements/Discussion: Rep. Quilici announced the committee would begin executive action on the Department of Highways budget. Rep. Quilici announced that the trip to Missoula to visit the Forensic Science Lab is tentatively rescheduled for Wednesday, February 8th, if the weather permits.

#### DISPOSITION OF DEPARTMENT OF HIGHWAYS

Tape No. 47A

Motion: Rep. Nisbet moved to adopt the LFA current level budget for the Department of Highways.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

#### DISPOSITION OF DEPARTMENT OF HIGHWAYS: GENERAL OPERATIONS PROGRAM

Tape No. 47A

Motion: Sen. Regan moved to approve the state maps at a cost of \$14,500 each year of the biennium.

Discussion: The committee discussed the need for printing

the maps. Jesse Munro said this budget has been cut in past years and it is necessary to reprint the state maps for the centennial year. The request would take the budget back to the point it was at before the five percent cut in FY87. Rep. Swysgood asked where the money to print the maps comes from. Bill Salisbury said it comes from a highway earmarked revenue account. It comes out of the gas tax account. The Department of Commerce orders and designs the maps and the Department of Highways pays for them.

Amendments, Discussion, and Votes: The motion PASSED with Rep. Swysgood voting nay.

Motion: Rep. Nisbet moved to approve \$50,000 each year of the biennium for a skid trailer.

Discussion: Jesse Munro provided the committee with a handout regarding the issue. (See exhibit 1) Rep. Swysgood asked why the department needed a special pickup for the trailer with all the equipment the state has available. Bill Salisbury explained that the skid trailer is used in the summers only and travels all over the state and they can't afford to take a vehicle out of the motor pool full time. He said it's easier and cheaper to have a vehicle assigned to the skid trailer.

Amendments, Discussion, and Votes: The motion PASSED with Sen. Regan voting nay.

Motion: Sen. Stimatz moved to approve map digitizing at \$88,100 in FY90 and \$87,100 in FY91.

Discussion: Sen. Regan asked if this cost would be a one-time cost for the system and then there would be 2 FTE to keep the system going. Bill Salisbury said this would be done as a normal course of doing plans. The two people would not be just updating the files, they would be doing other kinds of design work. Sen. Regan asked if it would be done in two years. Mr. Salisbury said yes, it would.

Amendments, Discussion, and Votes: The motion PASSED with Sen. Tveit voting nay.

Discussion: Sen. Tveit asked the agency to explain the requested increase of \$19,500 in FY90 and \$12,500 in FY91 for training. Bill Salisbury said the majority (\$16,000) is to have physical therapy come in to give training for back injuries in maintenance areas throughout the state. The other \$3500 is to do OSHA

training. Sen. Reagan asked if this was in addition to the training budget. Bill Salisbury indicated that was correct. Bill Salisbury said back injuries are the leading reason for workers' compensation. The proposed training would allow them to save large sums of money in workers' compensation.

No Action Was Taken On This Issue.

Motion: Sen. Tveit moved to approve RTAP at \$20,000 each year of the biennium.

Discussion: Rep. Quilici asked Bill Salisbury to explain RTAP. Bill said it is a Rural Training Assistance Program that helps small counties get training in areas such as zoning. Mr. Salisbury also commented that this program is 87% federally funded. Rep. Swysgood asked if this was the program that trains county commissioners on how to do roads. Mr. Salisbury responded affirmatively.

Amendments, Discussion, and Votes: The motion PASSED with Sen. Reagan voting nay.

DISPOSITION OF DEPARTMENT OF HIGHWAYS: CONSTRUCTION PROGRAM  
Tape No. 47A

Motion: Sen. Stimatz moved to transfer 2 FTE from the construction program and transfer .8 FTE from the maintenance program to the GVW program.

Discussion: Rep. Swysgood asked for explanation regarding the 2 FTE that were deleted from the executive budget but are still included in the LFA budget. Flo Smith said they were deleted from this program but the executive is recommending they be added to the GVW program. Clayton Schenck explained that they were left in the LFA budget as the LFA did not remove any FTE because last time they were overridden in all cases. Instead, the LFA looked at vacancy savings. In the last year there was a long year for construction even though there was a mild year for snow removal, there was a 7% overall vacancy savings for the overall agency so the LFA recommended a 6% vacancy savings rather than recommending a reduction in FTE. With the House Appropriations decision, vacancy savings is no longer an issue. There was discussion among the committee regarding vacant positions.

Amendments, Discussion, and Votes: The motion PASSED  
unanimously.

HEARING ON DEPARTMENT OF HIGHWAYS

Tape No. 47A/47B

Presentation and Opening Statement: Rep. Quilici announced that Rep. Swift would like to make a presentation to the committee regarding the Highway Department.

List of Testifying Proponents and What Group They Represent:

Rep. Bernie Swift

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (47A 40.29) Rep. Swift commented on a construction problem and litigation on highway 93 south of Hamilton. He said no one in the area is disagreeing with the construction project that took place. The reconstruction and engineering were done properly for the road. The area has about 5 conduits for irrigation that run the full length of the east side of that roadway in the valley. For about a 4 or 5 month period, the water saturates the whole area across that mile and a half that was raised maybe 15 or 20 feet and the compacting and the drainage that took place changed what happened to that ground water, surface water separation. There's about 30-35 people affected along that area, particularly the Northern Rocky Mountain grange which had difficult problems with the septic system when the project was completed. Rep. Swift discussed the damages that occurred to the people in the area. He also discussed the litigation. He asked the committee to obtain a copy of the report of what happened and the factual information relation thereto.

Questions From Subcommittee Members: (47B .05)

Sen. Stimatz: When did the highway go in?

Rep. Swift said the completion of the project was in 1985.

(47B 1.52) Sen. Tveit: The highway went in and compacted the ground more or less, the water runs to the west and it seeps through the ground and it seeps through the ground to the west so have people taken it on their own to take care of this and put pipes through

and now they're on highway property?

Rep. Swift said the grange went through the proper procedures and got a permit, the highway department didn't want anything to do with it, but now they've run into an injunction from the people on the other side.

(47B 3.18) Sen. Tveit: What's going to happen to the water when it gets to the other side?

Rep. Swift said that's the unanswered question, nobody knows for sure.

DISPOSITION OF DEPARTMENT OF HIGHWAYS: MAINTENANCE PROGRAM  
Tape No. 47B

Motion: Rep. Swysgood moved to approve \$119,660 each year of the biennium for RFP contract.

Discussion: Rep. Swysgood asked if the increased contract prices would provide better services. Jesse Munro said that based on the one already in place, he believes it would mean better services. Rep. Quilici discussed the new contracts and explained that they outline specific required duties which means the price is higher but there is ultimately a better job done. Rep. Swysgood asked if the Department of Highways had input into what goes into the RFP's. Jesse Munro said the department generally describes what has to be done regarding tasks and the contractor say how they'll do it. In essence, they have to live up to their contract.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

Motion: Sen. Stimatz moved to approve \$221,200 in FY90 and \$202,860 in FY91 for fuel tank replacement.

Discussion: Rep. Quilici asked how much federal funds were available for this. Jesse Munro said none, it is all state special funding. Sen. Stimatz commented that it is probably cheaper to replace the tanks than continue monitoring them and if it isn't done the state will be in trouble with more cost involved in the future. Leaking tanks is a major newly discovered problem and the EPA is screaming about it and in order to protect the state, the highway department should be allowed to replace the tanks.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

Discussion: The committee discussed the issue of noxious weed spraying. Committee members expressed concern about the lack of weed control by the counties. Rep. Quilici asked how much authority the state has over the counties in this matter. Jesse Munro said that's one of the biggest problems, the state has no authority. Rep. Swysgood asked if there is a formula for determining how to divide the money among the contracts. Bill Salisbury said there is no formula, it's a negotiation process. Some counties use 4-H clubs, work study groups, some subcontract with the cities, some hire independents. Sen. Regan expressed concern about the appropriation for weed control in so many different budgets and asked why it isn't all in one budget so there was some organization and control.

No Action Was Taken On This Issue.

Motion: Sen. Regan moved to approve the Great Falls maintenance contract, moving \$81,701 from contract services to personal services.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

DISPOSITION OF DEPARTMENT OF HIGHWAYS: PRECONSTRUCTION PROGRAM

Tape No. 47B

Motion: Sen. Stimatz moved to approve \$145,000 each year of the biennium for overtime.

Discussion: Clayton Schenck explained that the executive budget had included overtime to meet future letting schedules whereas LFA left the overtime at 1988 base levels which did exceed appropriations by \$22,000. There was discussion regarding what the requested increase of \$145,000 per year would bring the total overtime appropriation to.

Amendments, Discussion, and Votes: The motion carried with Rep. Swysgood voting nay.

Motion: Rep. Swysgood moved to approve contract design services at \$1,595,500 in FY90 and \$1,642,500 in FY91 to be line-itemed.

Discussion: Rep. Quilici asked the agency to explain what contract design services are. Jesse Munro said that means the agency would go out to consult and design 15 projects a year. This would be a continuation of a budget amendment that will be before the committee for FY89. The agency is working on difficult projects that require design work and rather than adding additional FTE they decided to go to contract which would enable them to get the projects finished on schedule. Rep. Quilici asked if this would cost more in house or going to contract. Bill Salisbury said it costs more on the short term going to contract but there is a 4 year limit and they want to get them over and done. The agency doesn't have the space to put the number of FTE this would require. There isn't time to properly train FTE and to put up with turnover. It may cost more for individual projects but it is cheaper in the long run. Rep. Swysgood asked if the possibility exists that a backlog could again occur since they got a backlog on the less complex projects. Jesse Munro said it could possibly exist if they don't get all the contracts out and it would definitely exist if they tried to do it in house.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

Motion: Sen. Stimatz moved to approve \$1,200,000 in FY90 only for right of way purchases.

Discussion: There was discussion regarding appraisers and classifications of appraisers. Rep. Quilici asked Jesse Munro to explain what the money is actually for. Jesse Munro said this is right of way land payments. The department went through the preconstruction management system and estimated that they would need approximately 1.2 million dollars to actually get the projects that they would be designing ready, that's what this is. Rep. Swysgood asked what the LFA had already included for right of way purchases. Clayton Schenck said the current amount was \$5,905,100 each year of the biennium.

Amendments, Discussion, and Votes: The motion PASSED with Rep. Swysgood voting nay.

Sen. Stimatz amended the motion to make it line-itemed. The amendment PASSED unanimously.

DISPOSITION OF DEPARTMENT OF HIGHWAYS: MOTOR POOL PROGRAM

Tape No. 48A

Discussion: There was discussion regarding the requested increase for replacement costs. LFA included \$420,000 and the agency was requesting an additional \$250,000 in FY90 and \$230,000 in FY91.

No Action Was Taken.

DISPOSITION OF DEPARTMENT OF HIGHWAYS: EQUIPMENT PROGRAM

Tape No. 48A

Motion: Rep. Swysgood moved to approve the diesel fuel increase at \$246,988 in FY90 and \$217,238 in FY91.

Discussion: Rep. Swysgood asked if the diesel fuel increase in stores inventory was related to this request? Jesse Munro said yes, this is a double budget that can't be avoided. It's the same gas and the same dollars.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

Motion: Rep. Nisbet moved to approve equipment repair parts increase at \$114,364 each year of the biennium.

Discussion: Rep. Quilici commented that this is another area where, if the money is not spent it cannot be transferred.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

DISPOSITION OF DEPARTMENT OF HIGHWAYS: INTERFUND TRANSFERS

Tape No. 48A

Motion: Sen. Regan moved to have Clayton figure out what the necessary language and levels should be conferring with the department.

Discussion: Rep. Swysgood asked what happens if this isn't approved. Clayton Schenck said it is an accounting matter. The subcommittee would be approving authority to transfer. If that isn't done and the expenditures were higher than predicted or the revenues lower than predicted, the agency would have to come in for a budget amendment. This is merely an appropriation to



approve the transfer of money from one accounting entity to another accounting entity.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

DISPOSITION OF DEPARTMENT OF HIGHWAYS: STORES INVENTORY  
Tape No. 48A

Motion: Sen. Tveit moved to approve the diesel fuel increase of \$247,545 in FY90 and \$217,795 in FY91.

Discussion: Clayton Schenck explained that this would put the stores inventory at the same amount approved in the equipment program budget.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

DISPOSITION OF DEPARTMENT OF HIGHWAYS: GVW PROGRAM  
Tape No. 48A

Motion: Rep. Swysgood moved to delete \$17,500 each year of the biennium for equipment.

Discussion: There was discussion regarding the agency's testimony that they could do without this money.

Amendments, Discussion, and Votes: The motion PASSED with Rep. Nisbet and Sen. Stimatz voting nay.

Motion: Sen. Regan moved to approve \$120,000 each year of the biennium to retrofit GVW stations.

Discussion: Rep. Quilici asked if this was the program begun last biennium. Jesse Munro indicated that it was and these funds would finish it up. Rep. Swysgood asked what the agency is doing on the retrofit. Jesse Munro said that last biennium the agency told the committee that if they could retrofit the stations they could maintain the utility costs. This year they have retrofitted stations at Forsyth and Wibaux. They still have to retrofit Lima and Shelby. Rep. Swysgood asked if the agreement was made with Idaho what would happen to the weigh station in Lima. Jesse Munro said it would probably be closed down and there would be no

need to retrofit.

Amendments, Discussion, and Votes: The motion PASSED with Rep. Nisbet voting nay.

Motion: Sen. Stimatz moved to approve GVW officer reclassification at \$152,100 each year of the biennium.

Discussion: Rep. Quilici asked if personnel had looked at this. Jesse Munro said it took one year from the time they were submitted to the time they were approved.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

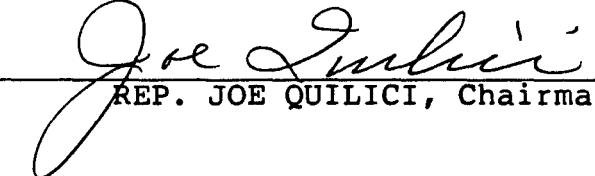
DISPOSITION OF DEPARTMENT OF HIGHWAYS: BOILERPLATE LANGUAGE  
Tape No. 48A

Discussion: The agency's request for boilerplate language to be included in HB100 was presented. (See exhibit 2) There was discussion regarding the language items. Rep. Quilici asked for more time to look over the items.

No Action Was Taken.

ADJOURNMENT

Adjournment At: 11:36 a.m.

  
REP. JOE QUILICI, Chairman

JQ/ml

2922.min

# DAILY ROLL CALL

GENERAL GOVERNMENT AND HIGHWAYS

SUBCOMMITTEE

DATE 2/3/89

NAME	PRESENT	ABSENT	EXCUSED
Representative Joe Quilici, Chair	✓		
Representative Jerry Nisbet	✓		
Representative Chuck Swysgood	✓		
Senator Larry Tveit, Vice Chair	✓		
Senator Pat Regan	✓		
Senator Lawrence Stimatz	✓		

- ① In the event additional federal highway funds become available, additional spending authority and additional FTE may be requested through budget amendment.
- ② Funding may be transferred among all programs to reflect personal service expenditures.
- ③ The department may adjust appropriations and FTE in the construction, preconstruction, and maintenance programs between fiscal years and funding sources to reflect actual expenditures related to the construction work plan and maintenance activities.
- ④ The department is appropriated \$28,239,143 in Fiscal Year 1990 and \$26,135,887 in Fiscal Year 1991 for a cash transfer from the highway state special revenue accounts to the highway reconstruction trust account. The department may receive, by budget amendment, additional appropriation authority for such transfer in the event other reconstruction trust fund revenues or projected reconstruction fund account expenditures create a cash deficiency in this account.
- ⑤ The department is directed to submit to the 1991 legislature a construction work plan for the 1993 biennium that is detailed by year and project. This work plan must specify by road system or project area, proposed projects on which one million dollars or more would be spent during the 1993 biennium and an aggregate cost for projects with anticipated expenditures of less than one million dollars. Costs must be detailed by year and project.

- ⑥ The legislature anticipates that the equipment program will receive, by budget amendment, additional spending authority if fuel costs exceed \$2,317,787 or 2,592,067 gallons in fiscal year 1990 and \$2,318,894 or 2,593,271 gallons in fiscal year 1991.
- ⑦ The legislature anticipates that the motor pool program will receive, by budget amendment, additional spending authority if gasoline costs exceed \$151,342 or 164,502 gallons in fiscal years 1990 and 1991.
- New ⑧ The legislature anticipates that the stores inventory program will receive, by budget amendment, additional spending authority if fuel costs exceed \$2,437,432 or 2,722,115 gallons in fiscal years 1990 and 1991.
- New ⑨ The department may request additional spending authority in the interfund transfers program to transfer residual equity from the internal services program account to the highway state special revenue account exceeding \$163,653 in fiscal year 1990.
- ⑩ The legislature anticipates the maintenance program will receive by budget amendment for each fiscal year of the biennium, additional spending authority for any funds in excess of \$473,272 in each fiscal year that it collects from damage situations.

	Fiscal 1988			Fiscal 1989		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
4. Service Revolving						
		2,903,023	2,903,023		2,882,715	2,882,715
5. Maintenance						
		40,613,889	40,613,889		40,865,147	40,865,147
6. Equipment						
		1,930,659	12,807,396		1,705,659	12,881,144
7. Motor Pool						
			787,608		701,709	701,709
8. Stores Inventory						
			13,602,298		13,672,810	13,672,810
9. Gross Vehicle Weight Division						
			3,497,307		3,503,362	3,503,362
Total						

## DEPARTMENT OF MILITARY AFFAIRS

1. Administration Program  
a. Operations  
166,816

WITNESS STATEMENT

NAME Berlie Swift BILL NO. Gen Budget  
ADDRESS Hamilton nt DATE 2/3/89  
WHOM DO YOU REPRESENT? Rep. District #64  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Comment on construction problem, litigation,  
Highway 93 S. of Hamilton City Limits.

## VISITOR'S REGISTER

SUBCOMMITTEE \_\_\_\_\_

AGENCY (S) \_\_\_\_\_

DATE \_\_\_\_\_

DEPARTMENT

Highways

NAME	REPRESENTING	SUP- PORT	OP- POSE
Jesse Munro	MDOH	✓	
John Prebre	-	-	
Rick Salzman	MDOH	✓	
Anna M. Kull	MDOH	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.  
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.