MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By Chairman Bardanouve, on March 22, 1991, at 8 a.m.

ROLL CALL

Members Present:

Francis Bardanouve, Chairman (D)
Ray Peck, Vice-Chairman (D)
Dorothy Bradley (D)
John Cobb (R)
Dorothy Cody (D)
Mary Ellen Connelly (D)
Ed Grady (R)
Larry Grinde (R)
John Johnson (D)
Mike Kadas (D)
Berv Kimberley (D)
Wm. "Red" Menahan (D)
Jerry Nisbet (D)
Mary Lou Peterson (R)
Joe Quilici (D)
Chuck Swysgood (R)
Bob Thoft (R)
Tom Zook (R)

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Jim Haubein, LFA Staff
Sylvia Kinsey, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Note: Because the chairmanship of the committee changed often during the meeting, the Chair is not specifically indicated in minutes except on occasion.

Announcements/Discussion: **CHAIRMAN BARDANOUVE** asked how many were present for the Prison proposal discussion. Since it was the majority of those present, he told the committee the Long Range Planning Committee was faced with 2 proposals, the one that was brought in by the Administration on how to build the women's prison and **REP. BROOKE** brought in a bill. The Subcommittee on Long Range Planning (LRP) was about evenly divided and it was proposed to bring the issue to the full committee without a recommendation. Since most of the witnesses were here on this issue, the committee would hear those two bills first.

HEARING ON HOUSE BILL AMENDMENTS TO HB 5

Administrative Proposal on Women's Prison

Proponents' Testimony: Curt Chisholm, Director, Department of Institutions, said there is the need for a new facility that is of sufficient size and appropriate design and environment to accommodate the increasing number of female felons committed by the district courts in the state. He said most members of the Legislature are convinced we need the facility, but what has not been concurred in are the size, method of determining where the facility will be located as well as how and who makes the decision, how to finance the endeavor and what is the best vehicle to accomplish this once the other issues are resolved. He passed out proposed amendments for HB 5, which is the bonding program, **EXHIBITS 1** and **2.** He said these amendments define the size recommended by the Dept. and empowers the Dept. to use a specific set of criteria to determine a site. We asked various communities to respond to a request for a proposal document last December, which 8 did so. He said there is a policy decision from their prospective that is important to this issue. 1. They need a new facility and a program of rehabilitation opportunities that do not currently exist for female offenders and the current location and site do not fulfill that need nor have the potential to do so. 2. The integrity of the program for women offenders, in their judgement, is best served now and for the long term in the large metropolitan area community of the state. He discussed the finances, in-kind services, etc. of the proposed program. He said he did not feel he should change the rules they established with their request for proposals last December. 3. The environment in which they make the proposals was another factor in the building of this facility. He also handed out **EXHIBIT 3** which gave comparisons between the 2 bills and gave some discussion on them.

Dan Russell, Administrator, Corrections Division DOI, said they had presented this issue a couple of times and in doing so, there were a number of questions that needed to be answered, and felt they should provide the committee with information on them: (1) facility size; (2) site selection criteria; and (3) site selection process. He explained **EXHIBIT 2.**

Keith Wolcott, Deputy Director,DOI, went over some of the issues involved in the financial proposal. The Dept. is proposing a lease financing for the proposed women's prison. It would have the community that is selected through the site selection process issue bonds, build a facility through state specifications and lease it back to the state through the D of A. This is known as a general obligation lease, a lease purchase or a triple net lease, meaning it is net of maintenance, taxes and insurance. He said a GO lease is basically the same as GO debt. Rental payments are a general obligation of the state for which the full state credit and taxing powers shall be pledged. It will require a 2/3 vote and that is why they are trying to amend HB 5. He explained more on the financing proposal to the committee.

REP. BARDANOUVE said since this is an unusual situation, rather than asking for opponents, the committee would consider the other proposal, HB 528.

HEARING ON HOUSE BILL 528

Presentation and Opening Statement by Sponsor: **REP. VIVIAN BROOKE, House District 56, Missoula,** explained her bill and said, at this point, she assumed she was a proponent for HB 528 and an opponent for the amendments to HB 5. She said the Dept. had given the committee a comparison of the two bills (**EXHIBIT 3**) and she would comment on that comparison. She said at this point HB 528 has received approval from State Administration and was then re-referred to House Appropriations. She said the DOI and HB 528 express the same end results which is the creation of a new facility to house women prisoners. As a member of the Governor's Council on Corrections and Criminal Justice she had become interested in this issue and watched the procedure after their meetings were over to see at what time this proposal would become a concept put before the legislature and in what manner it would come from the Dept. of Institutions. She said she had attended meetings and was concerned that the Legislature did not seem to ba a part of the process. She felt most buildings were and she took the concerns to the Legislative Council and discussed a bill to create the kinds of things she felt were very important. HB 528 does involve the Legislature in the site selection criteria and that sort of thing. She passed out **EXHIBITS 4 AND 5** and explained them. She said she felt if HB 528 is passed it is the best guarantee of avoiding public criticism in the site selection process for a $12 million construction project.

Proponents' Testimony: **Dianne Sands, Montana Women's Lobby**, said spoke in support of HB 528. She said her group had been involved in the process over the past few years and from their point of view, it was what is in the best interests of those women and their priority is that those needs get met in an efficient and productive sort of way.

Scott Chrichton, Executive Director, American Civil Liberties Union of Montana, showed a report they had commissioned by the National Center on Institutions and alternatives to critique the materials presented to the different legislative committees in regard to a Women's Prison. These people are experts in alternatives to sentencing and to building more prisons and have done work with other states on how many of the prisoners needed to be behind bars. They worked with the criminal justice system during the last year, monitoring meetings and trying to be constructive players in the dialogue of creating a women's prison. He discussed the offender risk assessment and criteria, classification and reclassification, and custody levels. He said a difference between Sandy Brown's report from the National Prison Systems grant is, in her report she lists talking to everyone who administers policy at the WCC. MCIA's first step is to thoroughly examine the history of the inmates. He said he would like the committee to seriously consider some of their concerns: They might be able to save $20,000 a bed by over building this prison in construction costs now, but the real costs are that once the prison is built it will be filled and those costs make construction pale in comparison. He hoped the committee would look at the long range as well as the costs of construction and realize we in Montana need to find the most cost effective ways to deal with people we must incarcerate. He felt it was much better to keep the pressure off filling the beds of the facility we construct by having more community alternatives. He handed in **EXHIBIT 6.**

REP. BARDANOUVE said, to clarify your position, you are not either for the Administration proposal or the Brooke bill, your primary concern is the size of the facility. **Mr. Chrichton** said the size is their primary concern. They have early gone on record as feeling it needs to be a state responsibility, just as building other institutions and corrections are state responsibilities and are concerned that somehow in this process we may end up with nothing at all. We do need to do something this session and would prefer the committee go with the mechanism laid out by **REP. BROOKE.**

REP. MENAHAN asked **Mr. Chrichton** if he endorsed the prison, and was told he thought it was inevitable. We have to have something for those people that cannot be put in alternative situations, but does not feel it necessary to have a facility of the magnitude recommended by the Administration.

REP. BROOKE asked if she could ask the Legislative Auditor and Greg Petesch to comment on the proposal.

Mike Wingard, Legislative Auditor, said in early December they were asked to examine and monitor the Dept. of Institutions process for identifying and selecting a site for the proposed Women's Correctional Facility. He told what they had done to evaluate the situation and their preliminary findings as of Jan. 9 indicated the site location criteria established by the Dept. was valid in terms of being similar to either national or other state standards for the siting of a correctional facility. He said they did have some concerns about the RFP language regarding the clarity of the RFP requirement. The Dept. did not modify their RFP to address the concerns prior to the RFP submittal deadlines of Jan. 30th. In early Jan. **REP. BROOKE** asked their office to review an RFP she had devised for the siting and to put together a revised RFP that addressed the concerns they had with the DOI, including any other criteria they felt was important and develop a potential method for the proposal submitted by the local government. The purpose of the RFP would be to give members of the Legislature some idea of what type of information should be collected to help the site collection committee make it's decision should HB 528 be given favorable consideration. HB 528 is a compilation of material obtained from various sources with the basic format being the DOI's RFP. He said the differences are significant and discussed the differences between the two proposals. He referred to **EXHIBIT 5.**

Greg Petesch, Legislative Council, said **REP. BROOKE** had asked him to look at some amendments proposed by the Dept. included in HB 5. He said the amendments this morning have alleviated several of the concerns he had about the previous amendments he had seen. A lot of the statutory conflicts with existing law governing lease-purchases have been eliminated in the current amendments, however he still felt the committee needs to consider the question of whether a general appropriations bill such as HB 5 is an appropriate mechanism for creating a committee. There is a provision in the Constitution, Article 5, Section 11, subsection 4, that provides general appropriation bills may only contain appropriations. There is a statute (Section 17-8-103, MCA) that says general appropriations bills may not be used to impliedly amend or amend statutes and can't be used to enact substantive law. He hoped we had all learned a lesson last session that people are not reluctant, including some of the members of the Legislature to challenge things you try to do substantively in Appropriations bills and win. He said his advise would be that whichever way the committee goes on the proposals, the substantive provisions be put into a separate piece of legislation.

<u>Questions From Committee Members</u>: **REP. PECK** asked **Mr. Petesch** if he were saying that concern exists about the bill or only about the amendments we are looking at and **Mr. Petesch** said HB 5, as it currently exists, is a traditional method of funding these things. There are statutes in place that provide the methodology to be used whichever way you go. He did not feel it was proper to create a committee in HB 5, but the appropriation for that committee fits well within HB 5. He said this bill has been traditionally used to authorize bonds, but there are statutes governing how those bonds are to be used. The Dept's current amendment eliminates several of the statutory conflicts that were inherent in their first amendment they proposed.

REP. BRADLEY said she had a question for both **REP. BROOKE** and **Mr. Chisholm.** She asked if they would strongly resist taking this down to a hundred bed facility because there have been some good arguments raised for doing that. **REP. BROOKE** said she felt that given the fact that as they view what types of crimes women are committed for, predominance of evidence shows they are non-violent crimes. They stated repeatedly they have a lot of concern about these women being close to their families. 80% of them are single parents and would strongly suggest the state go in the direction proposed for pre-release centers and community corrections to be more aggressive and progressive alternative sentencing and would have no problem in going down to 100 beds.

REP. BRADLEY asked **Mr. Chisholm** in addition to answering the above question to also discuss how he viewed the rental of space to out-of-state felons and whether there is a screening process of who comes in and whether those people would be eligible to go into pre-release centers that are now only beginning to get started and fill them up creating a shortage in that sort of option. There seems to be a disagreement within the state as to whether violent crimes are on the rise or decline and said everything she had read seemed to suggest they are on the decline. **Mr. Chisholm** said while he would strongly resist taking this down to a 100 bed facility he would not throw himself in front of a freight train to keep it at 200 beds, but would strongly encourage this committee to not just arbitrarily cut the project in half. They initially developed a proposal for a 120 bed facility, they are sure of their numbers and are sure of their design. If it is the will of this committee to reduce the number of beds he would recommend 120 beds with adequate ability to develop a corps of support facilities to support more than 120 beds. This would give them the flexibility 3 or 4 years down the road that if their projections they feel are valid actually pan out they are only in the business of having larger housing units at that time and not messing with the infrastructure of the facility. The projections are based on the current practices of the judiciary and the current sense of what needs to be done on the part of the prosecutors throughout the state, with full recognition of the emphasis they are giving the community based programs. This is an opportunity to plan long range and are simply trying to do that as adequately as possible. In regard to the out-of-state placements, the whole concept behind that was simply that they are aware that other states take advantage of the needs of the federal bureau of prisons primarily and secondarily, the needs of other states who are critically short of cell space for women offenders, that if they had a 200 bed facility and do not have the inmate population to fill that facility, they could generate substantial amounts of border income from the federal bureau of prisons to help us offset the cost of the debt service relative to the bonds issued to build the facility and the operational costs of the program itself. There are screening processes they would use to assure the inmates they accept would be compatible to the needs of that facility and those individuals would be subject to the jurisdictions from which they came and would not be eligible candidates for the state pre-release centers or any parole or probation officers within the state of Montana.

REP. JOHNSON said in the scored criteria and mandatory criteria **REP. BROOKE** had pinned down the things that are needed to be looked at by the committee, but there are points for the scored criteria and none for the mandatory. Does that give the leeway to the committee? **REP. BROOKE** said no, that isn't the case. Her intent was to say this is what we need to get into the ball game. These are the mandatory criteria a community **has** to have. Before the community would even get scored they would have to have the mandatory criteria. **REP. JOHNSON** said, as an example, "the proposed site must be 15 to 20 acres with expansion possible up to 30 acres", that would then give the committee leeway to look at that site and say you can't expand up to 30 acres, so that drops you out of that particular point. **REP. BROOKE** said that is the one area that is different from the RFP and was corrected in HB 528. She should have edited that out. It is 15 to 20 acres in the bill.

REP. GRINDE said in the legislative magazines this summer there was an article that said Alaska was doing something similar to the proposal you suggested on the community building the facility and leasing them back and asked **Mr. Chisholm** if this is true and if other states have done this. **Mr. Chisholm** said they are aware of a couple of ventures, Alaska and Texas, similar to this proposal. There has been a lot of private and local development of minimum and medium security pre-release centers, prison facilities etc. in other states similar to the proposal they are suggesting here. The reason they went in this direction was because they did not have the cash to build the facility especially taking into consideration all the other building needs within the DOI and other agencies. They were asked to develop an alternative method of financing, there is not enough cash and they did not add inappropriately to the bonded debt in the state of Montana. As it turned out, they cannot avoid that, but are standing with their option because of the relationship with the communities that responded to the RFP.

REP. GRINDE said he would like to address a question to both **REP. BROOKE** and to **Mr. Chisholm.** When the session started he was drafting a bill that would set up some type of selection committee for all of these different proposals we have. The people in the communities do all this work, and commends **REP. BROOKE** for trying to make this fair, but would caution that when these crank up the criteria means nothing and it becomes 100% politics. He said he was to the point where when the bill was drafted that anyone who wanted to be on the site collection could send their name in and it would be drawn out of a hat. He said he would recommend first that there should be no Representatives on this or any Senators. Secondly, if Representatives or Senators are on there they should not be allowed to be from any of the communities involved in the project, and if anyone at large they should not be allowed to be from the community either. He asked for comments. **Mr. Chisholm** said you would have a uniform site selection committee for all sites that need to be established or a fairness issue and was told a fairness issue he said they would imply that he would prefer not to have any member of the Senate or the House on the committee representing a community that is already on record as being interested. He said his only concern about HB 528 was locking some of this criteria into law because once that was done it ties your hands and takes away any discretion the committee may have to exercise in applying uniformly and fairly the site selection committee. **REP. BROOKE** said sometimes in the legislative process they should all put their ideas into a computer and match them up. She said she had been trying to do this also all session. She said in her bill it does state no one can be from any community that has a proposal in and the only people who would necessarily have to be would be the Administration and Helena does have a proposal in.

REP. CODY asked **Mr. Russell** why the Department did not draft a separate piece of legislation and why are they trying to put it in HB 5, the Appropriations bill? **Mr. Russell** said for as long as he had been working with the Dept. whenever they had a LRB program they have come to the LRP and they have included that in their bill. He said he never recalled having a separate bill for this type of project. **REP. CODY** asked if they had ever taken into council when they were considering this bill process? When you decided to do this didn't you check with the council to see what their thoughts were as to a bill versus the LRP? **Mr. Russell** said those amendments were just drafted recently and in fact, when they saw there was a flaw in them they recognized it and as a result of **Mr. Petesch**'s review we changed those amendments to try to address those concerns.

REP. CODY said under the handout you say "revenue generation" that you have had interest from Minnesota in renting female cell space, then the gentleman from ACLU refers to Minnesota and there seems to be a contradiction she would like clarified. **Mr. Russell** said they personally talked to their research director this week and to the director of the Minnesota Dept. of Corrections and they have informed them that not only is their facility full but they have 40 inmates in an over flow facility and that in the future would see that population continuing to grow and that they would be interested in renting beds from us at that time if the room was available and if they still had the need. Minnesota over built the Oak Park Heights facility in the early 1980's and they contracted for over 200 inmates from Wisconsin and generated over $23 million in doing so. Now they are full and they are needing more space for their women and are in an over flow facility and are looking at getting some selected people out of there in the future.

REP. CODY said she would refer a question to the gentleman from ACLU. She said he referred to the fact that the group that did a study studied the inmates themselves rather than the need for so many single cells and made the comment that 75% of our inmates are first termers who shouldn't really be in that prison. She asked if he would address that a little more. **Mr. Chrichton** said he was not clear enough on the issue. He said the NCIA that are consultants on the size of building construction and alternatives to sentencing. In the other states where they have been contracted by the states to come in and serve as professional consultants, they focus on their interviews with the inmates as a point of departure when you start figuring out how many need to be classified as minimum low security risks or how many need to be medium or maximum security risks. **REP. CODY** commented it is not necessarily that they shouldn't be there, but in what category they should be in. **Mr. Chrichton** said how many need to be classified, and that is what the classification **Dan Russell** was talking about earlier. They contracted with Sandy Brown from South Carolina to do a classification review. From what he can tell from the report, the focus of her work was not in talking to the inmates as to how many times they had been arrested or any of that, but in talking to the officials within the institution. The statistic he gave the committee comes out of Susan Byorth's study on "who are the people behind bars in our system".

REP. CODY asked how he addressed the Minnesota situation and **Mr. Chrichton** said he felt it was a double edged sword. If you talk about needing 200 beds and can rent this out and all the beds are filled, that can prove both sides of the point. He felt it was a philosophy of corrections on whether we want to continue to incarcerate people that could be better served in other facilities. There is a crises in corrections nation-wide and we can respond to the next century by continuing to build more prisons than any other nation in the world, or we can start to try to deal with some of the problems by looking at who we are putting behind bars and why. He felt many were put behind bars because they had health problems and not necessarily served in that regard.

REP. GRADY said it is difficult to analyze the difference in the proposals in a short time, but in an over view he did not feel that was really the main issue here. He felt the issue was the funding, but said **Mr. Chisholm** that some of the criteria was not as mandatory in his amendments as in the bill, and said it would not be too late to go back and change some things if the Legislature so desired. **Mr. Chisholm** said he had told the committee he would stand firm in what he went out on the RFP with. If the Legislature changes the rules of the game, that is your prerogative and we can then go back to the communities and tell them they will either have to submit additional information or respond in a different manner. **REP. GRADY** said he heard that you informed the communities this is what might happen and **Mr. Chisholm** said he did warn them of that.

REP. GRADY referred to **Mr. Petesch**'s concern about appointing a committee within these amendments. He asked if **Mr. Chisholm** was aware of this and was told he was not aware of that concern and said they made a mistake based on tradition. They traditionally put a lot of boiler plate in the appropriations bill for LRP and thought this was an appropriate vehicle. He said his judgement was that all the amendments do is to empower the Dept. to go out with a committee and select a site to build a facility to your appropriating money or the authority for money found in this bill. If that is a major problem he was not sure what to do about it.

REP. MENAHAN commented that none of the staff is being considered n this movement. There is no money to move the people, just the facility and it upset him when the people were not considered in anything. He asked if anyone had seen the model Shackapie. It is a very minimum security model and it is in a community-based area in Minnesota on the outskirts of Minneapolis. Why are we not considering two half-way houses, Butte wants one and Great Falls wants one, and with those two we could drop the population from 65 to about 30 or 35 and then work more toward community based facilities. Why isn't that a part of the plan? **Mr. Chisholm** said the reason was because he can't cut the population in half. He said he had to keep people locked up who have specific time sets to serve. He said he does not control the judiciary or the back door relative decisions made by the board of pardons. The whole need for a women's correctional center and the cells to incarcerate is prefaced upon the current practices of the judiciary, the board of Pardons and the prosecutor. Based on the number of women they feel they have to keep incarcerated as opposed to pre-release centers and other forms of community based alternatives.

REP. MENAHAN said when a judge sentences someone they do not tell you where to put them in most cases. A bill just came up in Legislature to cut their parolees in half. Once they are a part of the state we can do about anything we want with them. The law does not say they have to be in a cell nor does it say what type of facility you have to have them in. He asked why we couldn't model after Shackapie where there are no fences etc. and have about 15 in each and no cells. **Mr. Chisholm** said Shackapie looks like a medium security, but in fact it has all ranges of security from high to low. They do have maximum security capability within that facility. It is a campus design and there are maximum security cells within that facility. For about $500,000, we could put one up. He said the reason they could not go to the community-based system was that at the front end, the inmates, unless there are certain provisions attached to their sentence, must at least do a fourth of their sentence less good time, and that is a period of time that within classification processes, keep a certain amount of inmates locked up contingent on their behavior and what the classification tells them as to the level of security they need.

REP. MENAHAN said there are only 15 locked up now, the others are free to walk all over, and what he could not understand is why those could not be put in a community based facility.

REP. GRINDE asked if we are in a crisis situation now where this has to be built within the next 2 years? **Mr. Chisholm** said absolutely. We started out in the women's correctional center which is a dormitory for 30 and had to expand during this last biennium to a 15 cell site of the old forensic unit and they are both filled and they will run out of room.

REP. BARDANOUVE said he was concerned about the financial area--how are we less liable if we have a guarantee obligation lease or a guaranteed general obligation bond? What is the difference so far as the credit rating of Montana is? If the financial people know we have an absolute guaranteed lease, what difference is that than if we have a bond since the liability is exactly the same? **Mr. Chisholm** said this was correct, they know it now but did not know it 6 months ago. **REP. BARDANOUVE** said then there is no advantage so far as the bonding program to go either way. There is no advantage to having the community build the facility. He asked if that is so, and he realizes it would put the Dept. and the director in a bad light with the community, but you have committed the Legislature in this process also to your moral obligation. It puts you in a bad position if the Legislature reverses anything you have committed to do does it not? **Mr. Chisholm** said he did not think that was true. He did not feel he should change the rules. If the Legislature changed it, they were warned about the possibility and it is something the Legislature can do.

REP. QUILICI said he was concerned about changing the rules in the middle of the ball game. These communities have spent a lot of time and a lot of money trying to live up to the criteria set down by the Dept. and looking at the amendments it would not change it drastically and he liked the amendment. He would have trouble if the Legislature changed it so drastically that everyone would have to do a new RFP and they would have the cost of doing it over. **Mr. Chisholm** said he did not see that happening in any of them. The GO bond or whatever, the communities would have to be advised of it, and some information would have to be requested, but not the whole thing.

REP. BARDANOUVE asked where we are in this process and **Mr. Chisholm** said they have received responses from the RFP from 8 communities and they are Helena, Great Falls, Billings, Butte, Anaconda, Shelby, Livingston and Sidney. They have done a preliminary analysis of those 8 responses to make sure we have sufficient number of communities that have demonstrated evidence of compliance with our program criteria. We told the LRP committee we feel we have a sufficient number of respondents of one degree of compliance or another. Out of the 8 we don't have anybody coming close responding to our requested criteria. We have sufficient numbers and some respond better than others and we have evaluated the amenities they have offered such as land plus their ability to raise capital to do this project. He said he felt comfortable they had enough to work with, and that is the extent to which they have gone.

REP. BARDANOUVE said he was concerned about certain communities which because of their financial concerns about getting involved or other reasons, may have dropped out. In essence, maybe one of the communities that have not applied, if we had an absolute impartial system, that community that did not apply may have been the best location for the facility. In essence we have already eliminated certain areas because they did not want to get involved financially. **Mr. Chisholm** said he did not agree because they emphasized the program more than the ability to raise capital or the amenities of land, SID improvements, etc. **REP. BARDANOUVE** mentioned Missoula which he felt was one of the most progressive cities in Montana in regard to human relationships. They have completely been eliminated. He felt they should be considered in the process. **Mr. Chisholm** said that was their choice. **REP. BARDANOUVE** said, yes, but it is not the city's choice of where the prison should be. It should be what is best for Montana, not Missoula. If the Legislature thinks it would be better for Montana to be in Missoula, then it should be there. **Mr. Chisholm** responded by saying that is one of the things he didn't want to do. He didn't think they should presume to place a prison in anybody's community unless they were willing to have it there, and that is one of the driving philosophical impetus behind our approach.

CHAIRMAN BARDANOUVE closed the hearing on both, the proposed amendments to HB 5, and HB 528.

Tape 2

CHAIRMAN BARDANOUVE said House Bill 5 is the principle Long Range Building bill in this session. It has a lot of money in it, a lot of projects, bonding, etc. They have worked on this since the first part of the session. We had a bipartisan committee and the issues were pretty much resolved.

After a 5 minute break, it was decided to delay the hearing on HB 5. **EXHIBIT 7** for **House Bill 827 heard 3/21** was handed to the secretary and is included in these minutes.

HEARING ON HOUSE BILL 73

Appropriate Portion of Lottery for Juvenile Detention

Presentation and Opening Statement by Sponsor:

REP. JIM RICE, House District 43, Helena, was attending another hearing and **REP. STRIZICH** presented the bill on his behalf. He said this bill was one of several funding approaches discussed by the interim committee. This was chosen because it deals with a source of revenue that has been increasing. He said they had talked to OPI and people in MEA fully understanding this source of revenue does flow to the Foundation Program and essentially does impact general fund.

Proponents' Testimony: Steve Nelson, Board of Crime Control, said they have worked on the issue of juvenile detention for an extended period of time. He said on July 1, 1991 our local county jails will not be able to hold juveniles within them for more than 24 hours. The interim put together a package for providing detention services that limits the problem as small as they could possibly do so. When they started to deal with the problem, there were about 2,500 youth a year that were held in jail. They reduced that figure 85 to 90%. Over the past decade, the size of the problem has been reduced and the package we put together calls for approximately 28 secure beds across the state and a marriage between state government and county governments for providing that service. This is not a single county problem and requires a multicounty approach and state funds are critical in bringing counties together to provide that service.

Gordon Morris, Montana Association of Counties, said they would ask the committee for favorable consideration. It is an important funding contribution on the part of the state of Montana in addressing all of our problems in regard to juvenile needs in Montana.

Questions From Committee Members: **REP. SWYSGOOD** said when the people in the state passed the lottery it was for a specific purpose which was for teachers' retirement, hopefully to reduce the millage that was levied in the respective areas. HB 28 changed this funding and let it flow into the Foundation Program and now looking at the fiscal note, you will offset the loss to the school equalization fund by general fund monies. Why didn't you just come in and ask for general fund money? **REP. STRIZICH** said they felt in this particular area, there is a significant growth in revenue. We found a couple funds that were growing and tried to draw a correlation between that money and the juvenile problems.

REP. SWYSGOOD said with a 15% growth in the lottery, as that would grow your income for this program would also grow and you feel more comfortable having that source of revenue than coming back and justifying to the Legislature the need for these funds? **REP. STRIZICH** said no, he thought there was no problem in coming back to the Legislature and doing that. They were just trying to be responsible about finding an ongoing source of funds. **REP. SWYSGOOD** asked if we aren't impacting existing programs and **REP. STRIZICH** said yes, he agrees in philosophy, and essentially that is why the Judiciary Committee amended SB 37 which had no appropriation in it at all, and amended that bill to a general fund appropriation.

REP. KADAS asked how much was amended into SB 37 and **REP. STRIZICH** said an amount equal to this bill. **REP. KADAS** said if this bill dies, you still have a funding vehicle alive. **REP. STRIZICH** said that is why SB 37 was amended.

REP. KADAS asked what gets cut if we reduce the amount and **REP. STRIZICH** said if the amount is reduced that would take care of SB 37. We would dump the responsibility back on local government and we lose control of our ability to create an environment to bring the counties together to do the kind of inter-local agreements and inter-local cooperation that would lend to the economy of getting this job done.

REP. PECK said, given what you said about SB 37, is there some overlap on the appropriations? **REP. STRIZICH** said the Judiciary Committee said we are impacting general fund with HB 73. We need one or the other, and are giving you the option.

__Closing by Sponsor__: **REP. STRIZICH** thanked the committee for their consideration and said if there was anything he could do about explaining more about the background of that whole package of bills and why this is the keystone of getting the job done, he would be happy to help.

HEARING ON HOUSE BILL 907

Revise Volunteer Firefighter Contributions/Membership

__Presentation and Opening Statement by Sponsor__:

REP. DAN HARRINGTON, House District 68, Butte, said this would increase the contribution of the insurance premiums which would go from 5% to 8%. He said their pensions will vary from $70 to $120 and that is why the bill was introduced.

__Questions From Committee Members__: **REP. QUILICI** said in raising them from 5 to 8% was there a chance to get a fiscal note, and what would it cost? **REP. HARRINGTON** said it would reduce the fund by $363,000 and $371,000 in premium the second year. That would be the general fund impact since it is premium tax which would go into the general fund normally.

REP. BARDANOUVE said you talk about premiums and premium tax, but really this is general fund because in 1959 insurance companies agreed in lieu of any other assessments and corporation license payments, this would be what they would pay, so this is really the same as a corporation license tax. **REP. HARRINGTON** said that is basically correct.

__Closing by Sponsor__: **REP. HARRINGTON** said he agreed this is where the pension money comes from anyway and would hope the committee would look kindly on this bill and hoped before the day was over he could have someone come in and speak to the committee on the bill.

REP. GRINDE asked if there was some idea of when the committee would start executive action. He said the reason he was asking was that he had a hearing at 11 and another at noon. **REP. BARDANOUVE** said we have HB 1003 which might get moved to Taxation Committee, HB 5, HB 710 around 4 p.m. Floor action was called off for the day so this committee could continue to work. He said there is a caucus at noon, and it sounded like 1 p.m. would be about right for Executive action to begin.

EXHIBIT 8 for HB 528 was received by the secretary and is attached to these minutes.

HEARING ON HOUSE BILL 5
(Amendments were heard earlier on this day)

Appropriation for Capital Projects

__Presentation and Opening Statement by Sponsor__:

REP. MARY ELLEN CONNELLY, House District 8, Kalispell, handed out **EXHIBIT 9**, a copy of the gray bill. She also handed out **EXHIBITS 10** and **11**, and said this is the bill that provides the money for capital projects and authorizes the sale of the general obligation bonds for them. The LRP Sub-committee spent about 6 weeks on this bill with a lot of meetings and arguments about projects. It appropriates the proceeds of the bonds for the various projects which the committee approved. She said any existing capital projects may not be expanded beyond the scope of the project unless authorized by an approved budget amendment. The cost of the federal funds are financed through the general fund and if there is any extra on the amount it reverts to the general fund. Remaining balances on the capital projects would return to the general fund if they are not used, and all the new construction proposals that are submitted have to go through the Architecture and Engineering program's major maintenance plan. She pointed out the list of projects which the Sub-committee approved for the full committee to look through.

REP. SWYSGOOD said through the FW&P, the removal of the underground storage tanks, he asked **REP. KIMBERLEY** if there was any money in their budget for this purpose? **REP. KIMBERLEY** said he didn't remember and **Dave Mott, Administrator, Management Services, FW&P,** said no, there was nothing in the normal budget that addressed this removal. He said they felt it was more appropriate to put it in the capital budget as opposed to operations. **REP. SWYSGOOD** asked why and **Mr. Mott** said it was a judgement call.

SPONSOR CONNELLY explained the bill section by section. She said the bond authorization is not to exceed $50,785,230, which is the amount in the bill. She said on page 12 there was a hold-over on the Creston Spring Hatchery and they reauthorized it since it had been appropriated and had not been completed. She said the Lake Elmo project was also reappropriated, and had some contingencies on it. She said a vote of 2/3 of the members in each house is required for passage of this bill. She said the money in the bill was based on the use of inmate labor and there is a bill in the labor committee which deals with this and will be heard today. The total projects in the bill are $115,998,099 of which $8,032,298 is from the Capital Projects cash account and $50,785,230 are the bond proceed funds which would come from the sale of the general obligation bonds. The total requests received by the A & E division were $318,701,415. Three projects are funded by G O bonds, the prison expansion is $20,238,245; MSU Engineering Physical Science building $22,235,000 and U of M Business Admin. building at $15,486,000. She said the other major building projects are the armory addition, Military Affairs at $16,305,000 which is mostly federal funds; the Parks Improvement FW&P at $4,923,000 which is funded by State Special Revenue funds and federal funds. The Wildlife Habitat Acquisition for $4,923,356; the Centennial Mall at MSU funded by donated funds for $1,600,000 and the Life Science Building at U of M funded with federal funds at $12 million. NMC gym was deleted with the bill because they couldn't come up with any way to fund it. They had presented several proposals they talked about for a couple of hours and they really need to have some work done, but they really need a whole new complex and at this time they just couldn't afford to do that. They are working on it and we told them to come in with an amendment if they can figure out some way to finance it. There are 3 projects at the prison which have costs based on using inmate labor and the prison expansion cost is also assuming the use of inmate labor. The additional costs which would have to be added if inmate labor was not used are about $1.9 million plus the interest because of the increase in the bonding.

REP. BARDANOUVE said as a sponsor of the bill he would like to add a little more. He referred to **EXHIBIT 11** saying it shows the additional interest if the prison labor bill is not approved. The original bill was killed and the committee came up with a committee bill, and it was referred back to the same committee that killed the first bill, so it is a catch 22 situation. Labor is violently against the bill as was one member on our committee. The requirement of the original bill was that the University units, MSU and U of M were required to have up-front money of 15% of the project. The University System felt this was a very heavy burden. 15% for the building at MSU was over $3 million they would have to dig up, and it is not easy to finance that much. They came up with a compromise which helped them some and in the original proposal it was $1.3 million for renovation of the hall in **REP. KIMBERLEY**'s area, but this was not a high priority of the Regents, so they sacrificed that $1.3 million to reduce the 15% up-front money to 12%. If we keep Galen open, there is no money in the bill for repairs for Galen and they have put in a chunk of money to repair the roof, but if it is kept open we will have to make some major repairs. He said on page 3, line 14 there is an item there for law suits. This was the prison building program we had a few years ago when everything went wrong. There were bankruptcies, a failure of contractors to carry out the job. There were about 3 contractors plus the architect on the same building that went bankrupt. Then they had a propane tank down in one of the tunnels which went out and filled the tunnels full of propane and one of the workers turned on a light. A spark from the light switch blew the tunnel and a high guard tower, killed the guard on the top of the tower and the man who turned on the switch lived. Law suits and counter law suits were filed, Because of cost over-runs and delays, the contractors sued Montana. An arbitrator was appointed and the suit has been settled. The trial alone would have cost a quarter of a million and if we lost it could have been $800,000 or more. Montana accepted the arbitrators proposal and it is a little less than what is in this bill.

REP. BARDANOUVE said the prison labor situation is an out-crop of the 1989 session where we had a substantive change in the bill and the court got involved. The unit was finally built with some prison labor, but they oppose the permission to build one of the smaller units of this project. If we do not use the prison labor on a small portion, it is $1,483,000 more in the bond program, we will have to add the interest plus the amount to a contractor and will cost $3,428,000. He said in the bill only a small amount went into inmate labor, much of the amount listed is for materials and related costs.

<u>Questions from the Committee:</u> **REP. PECK** commented that Eastern had lost $1.3 million and Northern lost $8 million with the executive recommendation. **REP. BARDANOUVE** said Northern never had anything, and **REP. PECK** said the Governor recommended $8 million on his list.

REP. SWYSGOOD said the 12% the University System has to match for the construction is still over $2 million for MSU and $1.5 million for U of M, was there any indication by the University System as to how they were going to come up with this match? Was it donations or taken out of existing programs, or what? **Bill Lannan, University System,** said the amount of money the two campuses are going to have to raise is in excess of $4 million which is a large sum of money, and they will try to do what they can. He said they have never taken on that size of task before to come up with hard cash for bricks and mortar. He said there are constraints on the project if they don't meet the obligation, and have asked the Dept. of Admin. if in-kind services like equipment could be included as a part of the match. **REP. SWYSGOOD** asked what type of equipment and **Mr. Lannan** said any kind of equipment that would be included in the bill. **REP. SWYSGOOD** asked if this would be computers and **Mr. Lannan** said yes, computers, furnishings, laboratory tables, high technology and scientific equipment. The answer he got from he DOA was they felt the match had to be in cash. **REP. SWYSGOOD** asked if there was any indication of when the University System had to come up with their match in this process? Was it through the duration of the bond, or up-front before the project could start, and when is the bond expected to be let? **Mr. Lannan** said in the bill, it seemed to them that the interpretation would be that before project bids could be sent out to the contractors the money would have to be available. He said if people pledge money it is not necessarily available up front. **REP. BARDANOUVE** said he did not feel the Administration was entirely happy that they reduced it from 15% to 12%, but they did not oppose it, but felt they were quite firm that the University System will have to have money up-front and not after the building is constructed. **REP. SWYSGOOD** said he could understand, but this was a considerable amount of money and with the problems facing the University System already, he questioned how they were going to raise the kind of money needed in time without sacrificing some programs. **REP. BARDANOUVE** said the U of M is much better off than MSU. They received quite a good donation; however, MSU, because of higher costs to begin with, has a considerable burden.

REP. SWYSGOOD referred to **EXHIBIT 11** with the extra costs for the prison construction if the prison inmate labor bill dies, and asked if this bill would have to have the $3,428,000 amended into HB 5 and **REP. BARDANOUVE** said the first part of the prison money, the $1.9 million was in the bonding bill already, and **Mr. Haubein** said no, the $1.6 million would have to be added to the bonding and possibly some of the other fund so there would probably be $1.9 that would have to be added. The $1.483 million makes the assumption that you would add the $1.6 million to the bonds and then pay that much more interest.

REP. JOHNSON said he would like to go back to the 12% and address a question to Mr. Lannan. In a building contract such as you anticipate, what is included in that in the way of equipment? **Mr. Lannan** said moveable equipment and specialized equipment necessary that would be moveable and would be included in the equipment budget for the facility. There is fixed equipment that is included in the construction costs. **REP. JOHNSON** said there wouldn't be equipment which might be used for experimentation and added equipment you would need for the educational program? **Mr. Lannan** said there could and there could not, and it would depend on how it drawn up during the planning process, and he did not know if there was a lot of very specialized scientific equipment included in the $1,350,000 equipment budget. **REP. JOHNSON** asked if he had said they had equipment donated or there was a possibility of donating equipment, and **Mr. Lannan** said there has been a considerable amount of equipment donated for the programs and pledged to the MSU engineering physical science building and the order of magnitude is between $900,000 and $1 million. **REP. JOHNSON** said this could be considered an in-kind donation, but would it fulfill the portion? **Mr. Lannan** said no, because it is above whatever is in the furnishings for the building. **REP. THOFT** said the whole object was to hold down the bonding liability and that takes cash. He said they are just trying to keep the bonding package down to somewhere within reason. **REP. JOHNSON** said you would have that donated equipment in place so you wouldn't have to buy it and **REP. THOFT** said not necessarily because the assumption is there that it would be donated anyway.

REP. BARDANOUVE said he shared the concerns and also those about the high costs. He said he had not taken the legislative break, but had worked with the different entities involved in these issues. One finding was that **Mr. Carpenter, President of Eastern**, recognized early on that it would not be a major loss to Eastern if we used that money. In regard to the gymnasium, part of that gym was poorly maintained, and was in danger of collapse. The architect says over 4 inches of snow blew in the building and it had to be evacuated. The swimming pool has been shut down and abandoned completely, and they have made some emergency repairs on the big overhead beams where dry rot has set in. It is a very costly project to replace and LRP never should have built it, since a gym is usually built outside the bonding program. Havre being a small unit, you could not possibly put on fees large enough to build it.

REP. ZOOK said he wondered why they are talking about building new buildings when the slides we see and the comments we hear shows we can't take care of the buildings we have. **REP. BARDANOUVE** said these buildings that are involved in these bonding proposals was a decision the Administration made. He said he personally thought if they had built one big building and the Administration had recommended maybe the engineering building along with the prison it would be better not to have so many at one time. This is the policy of the Administration and the University Systems needs are there.

REP. KADAS said the Regents had a priority list of maintenance issues that they wanted dealt with, and at one point it was about $9 million and was talked about being put in this bill. He asked if that is in this bill now and **REP. BARDANOUVE** said the A & E Division put priorities on institutions, buildings in the capitol area and in the universities for repair out of the cash program. Had we put the list the Regents asked for in this bill there would not have been anything else done anywhere except for the university unit. He said they took care of the highest priority items as they usually do. There is another list the Regents have that is much larger.

REP. KADAS asked **Mr. Haubein** at what point do the University units have to raise their part of the match? What is the latest date they can get that and still proceed with the project? **Tom O'Connell, A & E Division, DOA,** said there is no set date that the University System would have to come up with that money or lose the state share of the money. The way the bill reads is that we do not go to bid with the project until they have raised their share so we have a complete package we put out for a contractor to bid on. **REP. KADAS** said if the U of M isn't able to raise its share of the money by July of '93 then does the whole thing have to be done all over again? **Mr. O'Connell** said no, typically in the LRP bill we would have a reappropriation clause because many of our projects cannot be completed in one biennium. Even if these projects were to begin today they would not be completed by the end of the biennium. **REP. BARDANOUVE** said on major projects it takes about 3 years to complete after it is approved. **REP. KADAS** said when you have a major project do you let one bond to pay for the project or do you let a series of bonds to pay for it? **Mr. O'Connell** said they can do it several ways. They have in the past issued bonds to cover the planning cost of the facilities so we don't run into arbitrage problems with the sale of bonds for a $50 million facility sitting until we complete the planning process. In this bill we have cash available to complete the planning process so we would not anticipate selling those bonds and whether it would be one issue or several for this particular bill remains to be seen, but suspect the bonds for the prison project would go first because that project will be accelerated because there is no money to be raised except for the state money that will be made available by HB 5. As to whether the bonds for the University would be sold together or separately would be a function to be decided when it was time to bid. **REP. KADAS** said realistically when would you decide when they are ready to bid, when the University has raised its share of the match? **Mr. O'Connell** said that is correct.

REP. KADAS asked what the debt service of this would be in this biennium and in future years? **Mr. Haubein** said he had the figures in his office, not here, but could get them.

REP. SWYSGOOD said if one unit is able to raise the money and the other isn't, will the one that raises the money be allowed to go forward with the construction at the time their money is together or be held back because the other unit has not made theirs? **Mr. O'Connell** said the projects would be treated completely separate and one would not impact the other.

REP. BARDANOUVE said there is something in the bill that he would raise an issue with the Administration. The committee took $1.8 million out of the cash and maintenance repair program to have up-front money to hire A & E and get prepared for the bids. The reason it was done was because the Administration did not want to issue the bonds until the end of the biennium so there wouldn't be interest charged which the general fund would have to pick up. By using the up-front money for A & E and delaying the sale of bonds it will help the general fund this year but does short change our operation and maintenance of these programs by that amount. **REP. SWYSGOOD** asked if those costs are recovered at the bond letting? **REP. BARDANOUVE** said no, that cost will not be in the bonds which are reduced by that amount.

REP. KADAS asked what kind of arbitrage earnings would there be on a bonding program of this size? **Mr. Haubein** said he would defer the answer to the Dept. **Dave Ashley, Deputy Director, DOA** said they looked at that particular question with reference to the $20 million men's prison issue which is the only issue they would anticipate having an arbitrage question this coming biennium. You look at the yield of the money you would be able to invest through the Board of Investments and subtract the amount of cash you would be spending for your contractors. They think there would be approximately a million dollars which potentially would be available, but not available at the beginning of the biennium. The arbitrage restrictions are considerably more constrictive now than they were 1983 when we last did a large bonding program. **REP. KADAS** asked if the arbitrage earnings go to the general fund and **Mr. Ashley** said no, they stay in the cash program and would be available for reappropriation by the 1993 session.

REP. BARDANOUVE said he felt there was a risk which could go either way, and it is that if they were to issue the bonds sooner we are at the lowest interest we have had for many years right now. If we issue them 2 years down the road the interest picture may completely change and a couple percentage of interest higher would be very costly over the life of the bonds. We are taking a gamble by reducing the pressure on the general fund now but we may have higher interest in 2 years. **REP. SWYSGOOD** said in the same sense, with the Universities having to come up with the 12% match of these funds almost precludes you from issuing bonds now because there is no way they can go out and get the commitment immediately. **REP. BARDANOUVE** said we cannot close this bill until after the Labor Committee meeting this afternoon since we may have to make a major amendment.

Discussion: Wildlife Habitat Acquisition (FW&P) and Women's Prison Issue

REP. PETERSON said she would like a brief overview of the Wildlife Habitat Acquisition for $4.9 million. She asked what is going to be bought. **Mr. Cool, Director, FW&P**, said that would just provide the appropriation authority for the earmarked funds that were set aside by the 1987 Legislature in HB 526 and it does not provide the necessity for a prioritized list of acquisition priorities. That authority was granted by that bill to their commission, however with the passage of SB 252 which is on the way to the Governor, they will be developing through a study process a list of priorities in terms of acquisition and policy guidance for the commission, so that will actually come after the fact, but the appropriation authority necessary for acquisition is encumbered in the Capital budget.

REP. PETERSON asked if they already have a listing of projects you might put into that priority? **Mr. Cool** said they have a preliminary list. These types of acquisitions, whether they be free title or conservation easements, are always from willing sellers and are opportunistic, so often the highest priorities they are unable to negotiate the market value or an agreement that is acceptable to both the buyer and the seller. He said there is a property in Red Lodge that has a resident elk herd that is totally dependent on winter range just outside the town of Red Lodge and provides a significant opportunity for watchable wildlife and they would lose that elk herd without that property. He said they are in the process of negotiating either a conservation easement or free title, but their preference is a conservation easement.

REP. BARDANOUVE said he was concerned since there is $50.785 million in the proposal and if we add $3.4 million on the prison labor situation that will bring the bond issue up to $54, 213,000, however you heard testimony today that the women's prison will now become a part of the general obligation debt even though it is not called a bond, so we will have a $12 million on top of this and will have a bonding bill or obligation of $66,213,000. **REP. SWYSGOOD** asked if that was within the range of comfort on our rating? **REP. BARDANOUVE** said there is nothing absolute, but it makes him very uncomfortable. **REP. THOFT** said he felt we were crowding the rating.

REP. MENAHAN said if we are crowding it at this time, there is way to limit the women's prison with another halfway house, you could take approximately 30 inmates out of there, drop the population to 35 until the next biennium and then have the money to build a women's prison. **REP. BARDANOUVE** agreed but said there is a political situation they are facing in Montana. The women feel they have been discriminated against by having to have second-hand facilities for the last hundred years, and we will run into problems there if we don't give them a new prison. **REP. THOFT** said he didn't have the figures but did not think in the next session they would have $12 million of bonding capacity.

REP. MENAHAN said in '95 we will have the bonding capacity and **REP. BARDANOUVE** said on our present bonded debt the payments are high now, when we hit '95 and '96 there is a big balloon there and when that is paid off our present bonded debt we are obligated for will take a sharp decline.

CHAIRMAN BARDANOUVE called a recess for lunch subject to the call of the chair.

Tape 2, side 2.

HEARING ON HOUSE BILL 710

Appropriation for Capitol First Floor Metamorphosis

Presentation and Opening Statement by Sponsor:

REP. DOROTHY BRADLEY, House District 79, Bozeman, said she had worked with Professor Clark Lewellen who has received national recognition. She had asked about doing a metamorphosis for the ground floor of the capitol. They made the design not only beautiful but meaningful so far as state symbols and to make it useful for all the people that have to live down here including the huge number of lobbyists who have no places to work except to sit on the cold stone steps, etc. They had a model of the proposed metamorphosis set up on the first floor of the Capitol and the committee went to look it over.

Proponents' Testimony: **Dr. Clark Lewellen, MSU**, said the students put in innumerable hours and enjoyed working with the members of the Administration and the people who occupy this building. He said the students attitude about the Capitol was to see this building as a symbol of the state which entertains numerous visitors from across the nation as well as children and members of the state that come to tour the Capitol. He discussed the dungeon in the basement and the lack of good planning for space, windows, etc. and said the building could be made much more efficient in the way it operates.

Closing by Sponsor: **REP. BRADLEY** thanked **Tom O'Connell** and his office for their cooperation and said this was not a superficial study. They went into the function and foundation of the Capitol. She said she would like to give her thanks to Professor Lewellen and the class for doing the project.

HEARING ON HOUSE BILL 661

Guaranteed Annual Increase in PERS Benefits

Presentation and Opening Statement by Sponsor:

REP. JAN BROWN, House District 46, Helena, said this bill would provide an annual increase to PERS retirees and was a companion bill to the teachers retirement annual increase that **REP. HARRINGTON** brought before your committee.

Proponents' Testimony: **Dick Williams, President, Association of Montana Retired Public Employees,** said they support HB 661. He said the federal employees received a 5.4% increase in their retirement during the past fiscal year and read where the President's budget for the next fiscal year contains a 4.5% increase. He said a 2% increase in PERS was not a cure all, but would represent a step in the right direction. He gave figures on PERS benefits, erosion of buying power, etc.

Questions From Committee Members: **REP. BARDANOUVE** asked **Mr. Williams** if the federal employees receive social security and **Mr. Williams** said he was sure the majority would. **REP. BARDANOUVE** asked if they received both a federal retirement and a social security and was told yes, most of them did.

Closing by Sponsor: **REP. JAN BROWN** closed by saying **Linda King** is present from PERS and has some figures she ran for a revised fiscal note. She only had penciled figures but could get a copy for the committee if they desired.

Linda King said as the bill has currently been amended the general fund impact in FY '92 would be $4.65 million and in FY '93 $4.859 million.

EXECUTIVE ACTION

CHAIRMAN BARDANOUVE said they would begin executive action. He said he would like to impress on the committee there was not enough money for many of the "cat and dog" bills in the committee. If we pass them we might feel good, but when the chips are down it will have to die somewhere and it is our responsibility to be as selective as possible because we have to live within the reality of the budget.

REP. GRINDE asked about the direction of the pay plan, and asked how the Chair intended to proceed on it since it is one of the bigger parts of the puzzle. **CHAIRMAN BARDANOUVE** said it is one of the bigger parts of the budget. The committee has been working hard on it and it is in the area of $40 some million. It will be considerably less than it was and there are members that want more, but feel it will have to be cut down. **REP. SWYSGOOD** asked if that was $40 million general fund or $12 million more than what the Executive has in general fund? **CHAIRMAN BARDANOUVE**

said yes and $27 million less than the first bill that came out. **REP. QUILICI** said the first bill over all was $119 million and the way it is looked at now it would be $75 million including all funds, so there is about $40 million general fund. **REP. THOFT** said it is still $12 million over the Governor's budget.

REP. CODY asked if we have any idea of what we are looking at for the "cats and dogs"? **Mrs. Cohea** said she did not have the total of all the "cats and dogs" that are in the committee, some of them are statutory, some are general fund and some a combination. She said she did not have the figures but could tell the committee it was considerably over $100 million.

REP. BARDANOUVE said **Mrs. Cohea** had a flip chart and as the dollars were spent on executive action she would put up a running total of how much was spent so the committee could see where they were at in spending the dollars they don't have.

REP. THOFT asked if they could receive a run-down on the ending fund balance, the pay plan money, the Foundation Program etc. with no tax increases so we have some idea of what we are headed for. **Mrs. Cohea** discussed a status sheet put out yesterday that showed completed committee action on HB 2 as headed for the floor, it reflected all taxation miscellaneous appropriations that had come out of committee or passed from one house to the other. She said she could run some off if the committee needed them. She said you have approved $47.4 million of budget modifications and those are listed individually in the bill so you can see them agency by agency. The revenue bills at this point are a positive $18.5 million and the big plus item is SB 226, the retirement income tax exemption which will now exempt the first $3,600 of retirement income and make taxable the remainder. This bill came out of the Senate with a 2% adjustment and the cost of Administration has not been decided and they cannot tell how much it will cost or the source of funding at the present time. She explained where they were at on the pay plan and the Foundation Program and said at this point in the legislative process there is a positive ending fund balance in the general fund at the end of the next biennium of $49.1 million. This shows bills that have either been signed by the Governor or passed by both houses and are so indicated.

REP. THOFT asked if the committee were to plug in the $40 million that the majority party is talking about for the pay plan and the Foundation Program, would we have a $9 million ending fund balance? **Mrs. Cohea** said if the Legislature approved a play plan that cost $40 million general fund with this scenario you would have an ending fund balance of $9.1 million. **REP. BARDANOUVE** said if there is a 2 and 2 in the Foundation Program? **Mrs. Cohea** said roughly, a 2 and 2 on the Foundation Program will cost approximately $23 million. **REP. BARDANOUVE** asked what the ending fund balance be with that out? **Mrs. Cohea** said if a $40 million pay plan and 2 and 2 on the foundation, you would be at $14 million negative ending fund balance. **REP. THOFT** asked what she would consider a prudent ending fund balance? 5%? **Mrs. Cohea** said the National Association of Budget Officers has traditionally said that a 5% of annual expenditures ending fund balance is prudent. The issue is whether you would take that from the traditional general fund or include the school equalization in it. Traditionally, the Legislature has included only the general fund and that would get you in the $20 million to $25 million range. If you chose to have 5% of both school equalization and general fund you are talking in the $43 million range.

REP. THOFT asked how much this leaves for "cats and dogs" and was told zero, since we are already in the hole.

REP. CODY said on the ending fund balance of $98.524, you said that included the $232 million? **Mrs. Cohea** said yes. She said there is a page in the Budget Analysis there is a page in the summary that shows ending fund balance, current level, revenue estimate, debt service and reversion and it all tallies up to $98.524 and included is the $232 million you must transfer from the general fund to the school equalization to keep the account solvent at the current funding level.

REP. asked if it takes $232 million over the biennium to fund the Foundation Program at zero and zero? **Mrs. Cohea** said that is only a portion of it. Funding the Foundation Program is in excess of $400 million, but this is just the general fund transfer necessary.

REP. GRINDE said he believed HB 892 the flat tax on oil and gas contains schedules for the Foundation Program at 2 and 2. **REP. KADAS** said it is at 3 and 3. It was at 2 and 2 and the reduction of income because of the oil and gas holidays, put it back in. It was introduced at 3 and 3 and thought it had been amended.

CHAIRMAN BARDANOUVE said there is another figure floating around but not official. They will hope the "cats and dogs" will be held at the top level of $5 million. There are a few necessary ones that have to be passed. He said it was suggested by the LFA that the bills be acted on in the order they are listed.

EXECUTIVE ACTION ON HOUSE BILL 12

Increase Silicosis Benefits

CHAIRMAN BARDANOUVE said it costs $145,000 and the second year $132,000. **Mrs. Cohea** said for those using their books there is a revised fiscal note reflecting the bill as amended by State Administration Committee which increased the amount of the benefit above the introduced version. **REP. SWYSGOOD** said the total of the two figures is $277,000. **REP. CONNELLY** said if she remembered this correctly some people were getting $100 and some $200 a month. **REP. QUILICI** said the $200 is for the silicotics themselves and the $100 is for the widows of the silicotics.

This would raise those benefits by $25. **Mrs. Cohea** said it would increase payments by $25 in both the $100 and the $200 per month recipients.

Motion/Vote: **REP. QUILICI** moved HB 12 do pass. Second by Rep. Menahan. Motion failed 9 to 9, roll call vote # 1.

EXECUTIVE ACTION ON HOUSE BILL 13

Annex of Veterans' Home in Galen

Motion: **REP. QUILICI** moved House Bill 13 do pass. Second by Rep. Menahan.

Discussion: There were questions about the money to fund this bill and **REP. MENAHAN** said it was in the cigarette tax. **Mrs. Cohea** said the bill currently has a blank in the appropriation amount. It says there is appropriated from the LRP fund in the Capital project fund the sum of blank. **CHAIRMAN BARDANOUVE** said if the committee wants to approve this they will write in the amount they want.

Motion/Vote: **REP. MENAHAN** moved to amend the bill to put in the amounts that were in 2 years ago. Second by Rep. Peck.

Discussion: **REP. PECK** said the figures can always be adjusted and the figure for '92 on the fiscal note is $893,602 and for '93 it is $766,736. It was decided this amount is operating expense and the renovation is not to exceed $300,000. **REP. QUILICI** said the renovation costs according to the fiscal note and the balance available in LRP is $215,433. **CHAIRMAN BARDANOUVE** asked if that is including federal dollars for operating or not? **Mrs. Cohea** said the fiscal note is showing general fund cost of over $.5 million and third party reimbursements $700,000, medicaid of approximately $60,000 and capital project funds of approximately $300,000. **CHAIRMAN BARDANOUVE** said the other party would be federal dollars for reimbursement of veterans. He asked what was proposed to be renovated and **REP. MENAHAN** said one of the bed areas that is not being used at the present time that will be fixed up and cleaned up and allotted to 40 beds for the veterans. **CHAIRMAN BARDANOUVE** said the best information he can get is that this facility will not be approved by the Veterans' Administration for reimbursement. **REP. MENAHAN** said they had tried to get it before, and each time when this is done, we get by word of mouth that if it had not been vetoed last time, they would have taken that out and had it as a veterans' domiciliary. It is not a nursing home and he felt it would pass. **CHAIRMAN BARDANOUVE** said if we pass this and the federal government does not reimburse it is 100% Montana dollars.

Motion to amend amendment: **REP. QUILICI** moved to amend HB 13 to put in $300,000 Capital Projects fund. Second by Rep. Peck.

Discussion: **REP. THOFT** asked if there was that much money in the

Capitol Projects fund? **REP. MENAHAN** said this was the cigarette tax imposed last time, it was not voted for the general fund, it was voted for the domiciliary at Galen. **Mrs. Cohea** said **REP. MENAHAN** is correct, the increase was designed to help fund the new center. The bill however worked so that the appropriation for the state fund ended this biennium and the cigarette tax increase does not sunset under the bill and continues to flow into the Capital Project account. **REP. PECK** said we can pass the bill with the figure the Budget Office gave us and then check it when the bill hits the floor. **Mr. Haubein** referred to **EXHIBIT 10** that shows everything in HB 5. It shows $148,000 ending fund balance in that account, however that $148,000 is meant to be working capital cash or for contingencies. It is below what the committee had set for A & E and if you go much more below that you will really impact their operation over there.

Vote: Motion passed 15 to 5, roll call vote # 2.

Discussion: **REP. THOFT** asked if there had to be operating money in this and **REP. QUILICI** said there has to be another amendment because if this passes they have to add the number in it that will pick up the federal funds for it. **Mrs. Cohea** said section 2 of the bill says there is an appropriation to Montana State Hospital -- blank -- in spending authority from a state special revenue fund for revenues received from the operation of the veterans' nursing home annex. On the fiscal note they show approximately $750,000 for the biennium of third party funds and approximately $67,000 of medicaid funds and if the committee would care to appropriate that amount it would be one number you could put in this account for spending authority.

MOTION: **REP. QUILICI** moved the above suggestion as an amendment. Second by Rep. Peck.

Discussion: **REP. PECK** said there is no general fund in this is there? **Mrs. Cohea** said if you use the numbers in the fiscal note and exclude the general fund you would have $724,481 of 02 spending authority from third party reimbursements and $67,359 of spending authority for medicaid.

Vote: Motion to amend passed unanimously.

MOTION: **REP. QUILICI** moved HB 13 as amended do pass. Second by Rep. Menahan.

Discussion: **REP. CODY** asked about the $1.9 million the 2 cent tax has raised. Is that part of this bill? **REP. JOHNSON** said no, not in this bill. The 2 cent cigarette tax goes for the veterans' home in Glendive. It is $1.9 million plus, and by the end of this biennium that money should be there from the tax that has been collected over this past biennium. There is $1.6 million there now.

Vote: Motion failed 9 to 9, roll call vote # 3.

EXECUTIVE ACTION ON HOUSE BILL 20

Appropriate Money from General Fund for Service Women's Memorial

Motion/Vote: **REP. CONNELLY** moved HB 20 do pass. Second by Rep. Cody. Motion passed 16 to 2 with Reps. Cobb and Grinde voting no.

EXECUTIVE ACTION ON HOUSE BILL 30

Implement and Fund Educational Telecommunications Network

Motion/Vote: **REP. PECK** moved HB 30 do pass. Second by Rep. Quilici. Motion passed 11 to 7, roll call vote # 4.

EXECUTIVE ACTION ON HOUSE BILL 67

Appropriate to Board of Public Education for Capital Outlay Grants

Motion/Vote: **REP. PECK** moved to table HB 67. Second by Rep. Menahan. Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 70

State Jail Standards

Motion: **REP. KADAS** moved amendments given to the committee at the time of the hearing.

Discussion: **REP. KADAS** said the amendments make the program voluntary rather than mandatory and reduces the price tag from about $1 million each year to $40,000 each year. Second by Rep. Cody.

Vote: Motion passed unanimously.

MOTION: **REP. CODY** moved HB 70 moved do pass as amended.

Discussion: **REP. THOFT** said **REP. STRIZICH's** heart is in the right place but he has been involved in this type of thing for 10 years and the National Institute of Corrections has all this information available for anyone who wants it. They bring County Commissioners down to Boulder, Colorado, to put them through seminars so they all are aware of the standards, needs, etc., and any architect hired to build the jail will know all the NIC standards. He said he did not really think they need the bill.

Substitute Motion/Vote: **REP. THOFT** moved to table HB 70. Second by Rep. Grady. Motion passed 14 to 4 with Reps. Quilici, Bradley, Cody and Nisbet voting no.

EXECUTIVE ACTION ON HOUSE BILL 73

Appropriate Portion of Lottery Proceeds to Fund Juvenile Detention Program

Mrs. Cohea said the fiscal note that shows the school equalization account would lose approximately $2 million over the biennium.

Motion/Vote: **REP. ZOOK** moved HB 73 be tabled. Second by Rep. Kadas. Motion passed 16 to 2 with Reps. Cody and Nisbet voting no.

EXECUTIVE ACTION ON HOUSE BILL 77

Use Automobile Insurance Premium Tax to Increase Highway Patrol Pension

Motion: **REP. QUILICI** moved HB 77 do pass. Second by Rep. Nisbet.

Discussion: **Mrs. Cohea** said for those working from the book there is a revised fiscal note reflecting the amendment in the Taxation Committee and it has a negative impact on the general fund balance of $1.3 million.

Vote: Motion failed 8 to 9 with Rep. Thoft absent, roll call vote # 4 A.

Motion/Vote: **REP. COBB** moved HB 77 be tabled. Second by Rep. Swysgood. Motion passed, reverse vote of roll call # 4 A.

EXECUTIVE ACTION ON HOUSE BILL 96

Appropriate Money to DHES to Train Family Practice Doctors

Motion: **REP. BRADLEY** moved HB 96 do pass. Second by Rep. Quilici.

Discussion: **Mrs. Cohea** said this bill appropriates $70,000 general fund money.

Vote: Motion failed 3 to 14 with Rep. Thoft absent, roll call vote # 5.

Motion/Vote: **REP. PECK** moved HB 96 be tabled. Second by Rep. Swysgood. Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 103

Prohibit Pretrial Detention of Mentally Ill Persons in Jail

Motion: **REP. COBB** moved HB 103 do pass. Second by Rep. Cody.

<u>**Discussion:**</u> **Mrs. Cohea** said the revised fiscal note shows a general fund cost for the Dept. of Institutions of $1.8 million in '93.

<u>**Motion to amend:**</u> **REP. CODY** moved to take the money out of the bill.

<u>**Discussion**</u>: **CHAIRMAN BARDANOUVE** said it is the bill itself that makes the cost so we would have to strike all the language in the bill.

REP. COBB suggested getting **Tom Gomez, Legislative Council,** who says the money is in the Dept. of Institutions' budget. There is no money in the bill and they can do it already. **CHAIRMAN BARDANOUVE** asked if this makes an ongoing obligation and **REP. COBB** said the way it was amended we have to appropriate something. It says if we don't appropriate money this does not do anything. **Mrs. Cody** said there is a revised fiscal note and the title requires the Dept. of Institutions to establish a crisis intervention program. Assumption 3. says if funds are appropriated by the Legislature the DOI would contract with private non-profit mental health service providers. **Ms. Whitney** is the analyst for the DOI if there are questions on what is in the budget she could answer them.

REP. COBB asked **Ms. Whitney** to explain if the money is somewhere else in the Institution budget or in some other bill in the Senate? **Ms. Whitney** said it is not, so far as she could recall.

CHAIRMAN BARDANOUVE said this is a mandatory bill with no money. **REP. GRINDE** said he understood the concept **REP. CODY** is trying to accomplish. He asked how many times we find ourselves complaining that the federal government passes the bills and does not send money with them, and that is exactly what we would be doing in this case. If it is mandatory then someone has to take care of this program. **CHAIRMAN BARDANOUVE** said if we pass this bill in '93 the Governor and the Dept. will have to request an appropriation. **REP. PECK** said he had a note on his bill that says Sen. Bill 391 includes the appropriation. **Mr. Haubein** said he thought SB 391 is in this committee,but has not been heard yet.

REP. CODY withdrew her motion. She said this bill addresses mentally ill people who are put in jail. If we are going to take the public policy that we feel that is okay, then we have to be willing to pay the consequences over what will happen.

Ms. Cohea said she had not researched this carefully, but SB 391 does not appear to have an appropriation in it. SB 37 has an appropriation in it that was amended in when it was in House Judiciary and believed it is expected to fund several of these and that bill is also in this committee. SB 37 requests funding of $.75 million. **CHAIRMAN BARDANOUVE** requested a delay on this bill so research could be done on it before it was acted upon.

EXECUTIVE ACTION ON HOUSE BILL 122

Provide General Assistance Medical Relief
- Hospital Care to Jail Inmates

REP. QUILICI submitted an amendment on behalf of **REP. RUSSELL, EXHIBIT 12.** **Mrs. Cohea** said the cost is approximately $600,000 general fund. **REP. QUILICI** said the amendments would limit the counties to the 22 assumed counties.

Motion: **REP. QUILICI** moved the amendments, **EXHIBIT 12.** There was no second to this motion, and the motion failed for lack of a second. There was no motion on the original bill.

Discussion: House Bill 124

HOUSE BILL 124 was discussed briefly and it was decided to delay action on this bill since **Mrs. Cohea** said she believed the committee had asked for a staff report on the U I Admin tax and that report is being printed today and should be to you later today if you would like to defer action on all bills dealing with the UI Admin. tax.

EXECUTIVE ACTION ON HOUSE BILL 125

Appropriation for Director of American Indian/Minority Achievement

Mrs. Cohea said this is $175,648 general fund.

Motion: **REP. NISBET** moved HB 125 do pass. Second by Rep. Quilici.

Discussion: **REP. SWYSGOOD** said there was a budget amendment which included private funds on this also.

Vote: Motion failed 7 to 11 with Reps. Peck, Cobb, Connelly, Grady, Grinde, Kadas, Peterson, Swysgood, Thoft, Zook and Bardanouve voting no.

Motion/Vote: **REP. COBB** moved HB 125 be tabled. Second by Rep. Swysgood. Motion passed 16 to 2 with Rep. Kimberley and Quilici voting no.

EXECUTIVE ACTION ON HOUSE BILL 145

Encourage Oil Recycling Through Retail Store Sign Display

Motion/Vote: **REP. KADAS** moved do pass. Second by Rep. Grady. Motion passed 16 to 2 with Reps. Swysgood and Cobb voting no.

EXECUTIVE ACTION ON HOUSE BILL 155

Generally Revise Salary of County Attorney

Motion: **REP. KADAS** moved HB 155 do pass.

Motion: **REP. PECK** moved to amend HB 155 to change the 95% of the District Judge's salary to the County Attorney to 90%. Second by Rep. Kadas.

Discussion: **REP. PECK** said the Association has indicated they are willing to accept the 90% and remove the 95%. **Mrs. Cohea** said the bill as it stands before the proposed amendment has a general fund impact of approximately $.5 million for the biennium.

Vote: Motion passed unanimously.

Motion/Vote: **REP. KADAS** moved to amend HB 155 which brings in a new section of law 46-18-236, imposition of charge upon conviction or forfeiture by changing the fee from $10 to $15.

Discussion: **REP. KADAS** said that is supposed to fund this and may have a little more for the general fund.

REP. CODY said this is a surtax on all misdemeanors. It is already in place in the law and they are increasing it by $5 to cover the cost of the salary increase.

Vote: Motion passed 10 to 7 with Reps. Swysgood, Grady, Cody, Menahan, Peterson, Grinde and Cobb voting no and one absent.

Motion/Vote: **REP. KADAS** moved HB 155 do pass as amended.

Discussion: **REP. COBB** asked if there wasn't a bill on the floor that raised the District Judge's salaries? He was told yes, and then asked if this would affect it because the old law was 95% and we went to 90% -- how much more money? It was decided this would be a higher amount than before and would have a fiscal impact.

REP. KADAS withdrew his motion until figures were received. Action was deferred.

EXECUTIVE ACTION ON HOUSE BILL 179

Appropriation for Maintenance of Veterans' Cemetery

Motion: **REP. QUILICI** moved HB 179 do pass

REP. BARDANOUVE asked what the fiscal impact was and was told it was $100,000 and was the same as general fund.

Discussion: **REP. BARDANOUVE** said they talked about a primary need for a sprinkler system as a primary need. It is an ongoing appropriation the way it is written. **REP. SWYSGOOD** asked if they didn't have the figures for the cost of the sprinkler system and it was decided they were not provided. **REP. QUILICI** said this is an ongoing $50,000 a year, but in the event we cannot go with that he felt the committee should come up with a number on the cost of the sprinkler system.

ACTION ON HB 179 was deferred until the committee learned the figures for the sprinkler system.

EXECUTIVE ACTION ON HOUSE BILL 234

Appropriation for Veterans' Home Project from Capitol Project Funds

Mrs. Cohea said it is an appropriation for $1.99 million from the Capital Project fund, the Glendive Nursing Home.

Motion: **REP. CODY** moved HB 234 do pass. Second by Rep. Zook.

Discussion: **REP. NISBET** asked if the language that there is appropriated to the Dept. of Administration correct or should it be reappropriated? **REP. BARDANOUVE** said either way is correct.

Vote: Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 257

Death Benefit for Public Safety Officers Killed in the Line of Duty

REP. MENAHAN said he was not satisfied this bill covers all the people it should that are involved in public safety. He said this really should include police officers and prison guards etc. **REP. BARDANOUVE** said this bill is a life insurance policy.

Motion/Vote: **REP. CODY** moved to table HB 257. Second by Rep. Peck. Motion passed 17 to 1 with Rep. Nisbet voting no.

EXECUTIVE ACTION ON HOUSE BILL 273

Appropriate Money to OPI for Canyon Ferry Science Camp

Motion: **REP. GRADY** moved HB 273 do pass.

Substitute Motion: **REP. PECK** moved HB 273 do not pass. Second by Rep. Quilici. Motion passed 17 to 1 with Rep. Grady voting no.

EXECUTIVE ACTION ON HOUSE BILL 277

Establish Grasshopper Management Program and Provide an Appropriation

Motion/Vote: **REP. ZOOK** moved HB 277 be tabled. Second by Rep. Cody. Motion passed 16 to 18 with Reps. Bradley and Grady voting no.

EXECUTIVE ACTION ON HOUSE BILL 278

Fund Administration of Courts of Limited Jurisdiction

Motion: **REP. CONNELLY** moved HB 278 be tabled. Second by Rep. Cody.

Discussion: **Mrs. Cohea** said there is $90,000 general fund in this bill.

Vote: Motion passed 14 to 4 with Reps. Cobb, Menahan, Quilici and Bradley voting no.

EXECUTIVE ACTION ON HOUSE BILL 282

Payments in Lieu of Taxes to Counties for Certain State Land

EXHIBIT 13 was given to the committee.

Motion/Vote: **REP. CODY** moved HB 282 be tabled. Second by Rep. Kimberley. Motion passed 17 to 1 with Rep. Quilici voting no.

EXECUTIVE ACTION ON HOUSE BILL 299

Appropriate Money to DFS for Permanency Planning for Children in Foster Care

Motion/Vote: **REP. PECK** moved HB 299 be tabled. Second by Rep. Zook. Motion passed 9 to 8 with one absent, and Reps. Nisbet, Kimberley, Menahan, Peterson, Cody, Connelly, Quilici, and Johnson voting no.

EXECUTIVE ACTION ON HOUSE BILL 300

Eliminating State Financing of Sales of State Lands

Motion/Vote: **REP. GRADY** moved HB 300 do pass. Second by Rep. Nisbet. Motion passed 17 to 1 with Rep. Cobb voting no.

EXECUTIVE ACTION ON HOUSE BILL 321

Requiring Interest & Penalty on Individual & Corporation License Tax to General Fund

Motion: **REP. KADAS** moved HB 321 do pass. Second by Rep. Peck.

Discussion: **REP. KADAS** said DOR came in and complained this would cost them $61,000 since they would have to reprogram their computers. We seem to change the income tax distribution every session and do not think it will cost them that much.

REP. SWYSGOOD said on the summary sheet it says $61,000 would be required by the DOR to implement the bill. Is that in the bill and do we have to take it out? **REP. KADAS** said no, if we don't appropriate the money for what they claim is the implementation cost they will have to do it without the money. They have been doing this every session for the past several sessions and have not asked for $64,000 before.

Vote: Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 337

Appropriation to Dept. of Highways for Excepted Employee Salaries

Motion/Vote: **REP. PECK** moved to table HB 337. Second by Rep. Grinde. Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 349

Appropriation to Assist Non-Beneficiary Students Attending Tribal Colleges

Motion/Vote: **REP. CODY** moved HB 349 do pass.

Discussion: **Mrs. Cohea** said there was some concern about how the bill would work and who would actually receive the money and there was a proposed amendment. **EXHIBIT 14.**

Discussion was held and action on the bill was deferred.

EXECUTIVE ACTION ON HOUSE BILL 365

Fund MSU Applied Genetic Engineering Technology Research and Development

Motion: **REP. COBB** moved HB 365 do pass. Second by Rep. Menahan.

Discussion: **REP. SWYSGOOD** said this was done the same way last session and said the fee was not raised.

Vote: Motion failed 8 to 9 with Rep. Thoft absent. Roll call vote # 6.

Motion/Vote: **REP. COBB** moved HB 365 be tabled. Second by Rep. Menahan. Motion passed 9 to 8. Reverse vote of roll call vote # 6.

EXECUTIVE ACTION ON HOUSE BILL 366

Appropriate Money to Family Services to Provide Services to Indian Children

Motion: **REP. BRADLEY** moved HB 366 do pass. Second by Rep. Quilici.

Discussion: **Mrs. Cohea** refreshed the committee's memory that HB 2 had 36 additional social workers and it was amended to 8 the first year and 16 the second. Those additional social workers are in HB 2. **REP. BRADLEY** explained the numbers requested, those the subcommittee granted and those the full committee granted. She said there was a real need for social workers to do the job and the allotment given was not sufficient to do the work.

Substitute Motion/Vote: **REP. GRADY** moved to table HB 366. Second by Rep. Peck. Motion passed 9 to 8, with Rep. Thoft absent, and Reps. Quilici, Connelly, Cody, Bradley, Kadas, Menahan, Kimberley and Nisbet voting no.

The committee took a 10 minute break and resumed at 4 P.M.

EXECUTIVE ACTION ON HOUSE BILL 369

Health Education Specialist in Family Planning Program

Motion/Vote: **REP. GRINDE** moved HB 369 be tabled. Second by Rep. Cobb. Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 370

Appropriation Bills to Separately Show Increase or Decrease from Prior Level

Mrs. Cohea said there are some questions in the comment section on page 10. It does not specify a time period, and it is unclear as to whether it applies to all bills.

Jane Hammond, OBPP, said she had contacted **Mr. Petesch** in regard to this bill. He indicated it would apply to HB 2, 5, the water development grants, to all the loans as written and they believe it would make it virtually impossible to implement.

Motion/Vote: **REP. ZOOK** moved to table HB 370. Second by Rep. Peterson. Motion passed with Rep. Cobb and Grinde voting no.

EXECUTIVE ACTION ON HOUSE BILL 371

Appropriating Money to Family Services for In-Home Services

Motion: **REP. MENAHAN** moved HB 371 do pass. Second by Rep. Nisbet.

Motion to Amend: **REP. MENAHAN** moved to amend to cut the appropriation to $200,000.

<u>**Discussion**</u>: **REP. COBB** asked if the committee had put some money in under the Governor's program for this? **REP. MENAHAN** said he thought that was for youth.

Mrs. Cohea said the write-up says the Executive modified request includes $3.5 million and of this total $500,000 was specifically for family based services and income support. **REP. MENAHAN** said we can save money by people not going into nursing homes with this money. $50,000 can serve about 130 people.

REP. BRADLEY said this should not be confused with medical waiver. These are not medical services, these are home services to help people live at home and that budget was not expanded.

Mr. Olson said in the write up that refers to $3.5 million to establish a continued service. That is for youth services and this $500,000 is for ageing services and they are two different programs.

REP. QUILICI said this could really save money. He said he has an aunt that is in a nursing home and it costs $2,200 a month. She is 93 years old and has been there for 5 years. She has used all her savings and part of a lot of other people's savings. The longer you can keep them home the more you will save the state general fund if you can keep them out of the nursing home.

REP. ZOOK says in the write-up that $500,000 of the $3.5 million is for in-home services, specifically for family based services and in-home support. **REP. COBB** said that is incorrect. The $3.5 million is for youth. This is $500,000 for senior citizens who might not be entitled to any medicaid or medicare and there is no matching federal money with this.

Mrs. Cohea said she had asked **Sandy Whitney, LFA analyst** to address this. **Ms. Whitney** said she did not believe any of the $3.5 million was for the elderly, it was all for youth.

REP. MENAHAN said this is a biennial appropriation. **REP. CODY** said the bill reads "an act appropriating money to DFS for in-home services". Should it be more specific? **REP. MENAHAN** said in Section 53-5-101, MCA, it refers to it.

REP. BARDANOUVE said he was surprised this was in DFS and thought it would be in SRS. **REP. COBB** said SRS has the medicaid and a federal entitlement. These are not necessarily federal entitlements and that is over in DFS. **Mrs. Cohea** read that Section 53-5-101, MCA, details the functions of DFS and one of them is to coordinate the Area Councils on Aging and delivery of community-based care including, but not limited to, home health care, homemakers services, foster care, etc. **REP. MENAHAN** said the money is funneled through the Area Agencies on Aging.

<u>**Vote**</u>: Motion on the amendment to reduce the amount to $200,000 passed unanimously.

Motion: **REP. MENAHAN** moved HB 371 as amended do pass. Second by Rep. Nisbet.

Discussion: **REP. GRINDE** said $200,000 doesn't seem like a lot of money. Who decides who gets this money and who is administering it? **Mr. Olsen** said the program is administered by the Governor's Office on Aging and the money if funneled through the 11 local area agency offices. It is divided on a formula based on population and other factors they use to distribute the money to the 11 areas.

Vote: Motion passed 15 to 2 with 1 absent, roll call vote # 7.

EXECUTIVE ACTION ON HOUSE BILL 376

Require a State Immunization Program to Prevent Disease Among Children

Motion: **REP. GRINDE** moved to table HB 376. Second by Rep. Swysgood.

Substitute Motion: **REP. BRADLEY** moved to reinstate the portion that was previously in the bill.

Discussion: **REP. QUILICI** said in the event we lowered that, what kind of money would we be looking at? **REP. BRADLEY** said $200,000 and they had some block grant money in it. **REP. COBB** said of the $200,000 which is $109,000 each year, that is the maternal child block grant and was supposed to be in vaccine and we shouldn't have taken all that money out in HB 2. The $100,000 each year was for vaccine. Since that is wiped out, there would now have to be a $100,000 general fund in addition to the $100,000 we have to put in either this bill or HB 2 that should go back in for vaccine.

CHAIRMAN BARDANOUVE asked if this changes the law to make this a requirement, and at present it is not a requirement by law? **REP. BRADLEY** said it is a catch-up program to give round two of the immunizations.

Mrs. Cohea drew the committee's attention to section 4 of the bill. If you reduce the amount, the bill needs to be amended because it says full funding mandated. She read the language.

MOTION: **REP. KADAS** moved to strike section 4 of HB 376.

It was discussed there was already a motion on the floor and it was decided to defer final action on this bill.

EXECUTIVE ACTION ON HOUSE BILL 385

Reallocate Penalty and Interest Income from Past-Due UI Contributions

Motion/Vote: **REP. KADAS** moved to table HB 385. Second by Rep. Grady. Motion passed unanimously

EXECUTIVE ACTION ON HOUSE BILL 406

Transfer Postsecondary Educational Institutions to Higher Education Commissioner

Motion: **REP. MENAHAN** moved HB 406 do pass. Second by Rep. Kadas.

Substitute Motion/Vote: **REP. GRINDE** moved HB 406 be tabled. Second by Rep. Zook. Motion passed with Rep. Menahan and Quilici voting no.

EXECUTIVE ACTION ON HOUSE BILL 414

Establishing a Water Quality Rehabilitation Account

Motion: **REP. KADAS** moved HB 414 do pass. Second by Rep. Menahan.

Discussion: **Mrs. Cohea** said there are two disaster accounts. One for about $2 million for one you would have to call out the National Guard etc., and one from the RIT money, an additional amount up to about $1 million for the biennium to respond to emergencies. She said she believed this would put certain fines in an account and allow them to be spent for emergencies in regard to water quality.

REP. KADAS said the DHES did testify in favor of this and particularly deals with non-hazardous waste disposal problems and the example he used was the bears getting drunk on spilled fermented grain.

REP. GRADY asked if both accounts were only good for hazardous waste and **Mrs. Cohea** said the first does not necessarily deal with waste at all, it speaks of emergency funds the Governor has discretion for acts of nature such as floods, a strike at an institution, fire, etc.

Vote: Motion passed with 6 no votes and some members absent. Those voting no were Reps. Swysgood, Quilici, Zook, Menahan, Peterson and Grinde.

Discussion: House Bill 415

HOUSE BILL **415** was discussed with **REP. MENAHAN** wanting to amend in the Institution teachers and **REP. GRADY** requesting a delay until the committee knew more about the bill. This bill was deferred for later action.

Discussion: House Bill 449

HOUSE BILL **449** was deferred for later action.

EXECUTIVE ACTION ON HOUSE BILL 393

Long-Term Loans to Special Revenue Funds

Motion: **REP. COBB** moved HB 393 do pass. Second by Rep. Grinde.

Discussion: **CHAIRMAN BARDANOUVE** asked what protection we have if we open the door on this? **REP. COBB** said there is a legislative oversight committee watching this.

Vote: Motion failed with 6 yes votes. **Yes** votes were Reps.Grady, Bradley, Menahan, Quilici, Grinde and Cobb. Some members were absent and the remaining voted no.

Motion/Vote: **REP. GRINDE** moved House Bill 393 be tabled. Second by Rep. Menahan. Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 455

Appropriate Money to Dept of Military Affairs to Construct Libby Armory

Motion/Vote: **REP. PETERSON** moved HB 455 do pass. Second by Rep. Menahan. Motion failed 5 to 10 with 3 absent, roll call vote # 8.

Motion/Vote: **REP. PECK** moved to table HB 455. Second by Rep. Swysgood. Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 469

Appropriate Money for Multi-Purpose Building at Northern AG Research Center

CHAIRMAN BARDANOUVE said the bill has already been put into the LRP bill.

Motion/Vote: **REP. KADAS** moved to table HB 469. Second by Rep. Peck. Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 474

Appropriation to State Library Commission

Motion/Vote: **REP. NISBET** moved to table HB 474. Second by Rep. Quilici. Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 477

Microbusiness Development Act

Motion/Vote: **REP. KADAS** moved HB 477 do pass. Second by Rep.

Menahan. Motion failed 7 to 8 with 3 absent, and Reps. Swysgood, Bardanouve, Grady, Cody, Peterson, Johnson, Kimberley and Zook voting no.

There was no motion to table this bill.

EXECUTIVE ACTION ON HOUSE BILL 488

Use USDA Cost of Raising a Child to Set the Rate of Payment for Foster Care

Motion/Vote: **REP. ZOOK** moved to table HB 488. Second by Rep. Peck. Motion passed with 6 no votes and some members absent, with Reps. Bradley, Grady, Menahan, Johnson, Kimberley and Nisbet voting no.

EXECUTIVE ACTION ON HOUSE BILL 489

Define the Clothing Allowance for Children Placed in Foster Care

Motion: **REP. QUILICI** moved HB 489 do pass. Second by Rep. Bradley.

Discussion: **REP. BRADLEY** reminded the committee that they had listened to the foster parents come in and make a plea for this bill. She said the clothing allowance we give them now is a joke and it would be nice for the state to give some gesture of appreciation for the incredible work they are doing, **REP. PETERSON** asked what Human Services had done for Foster Care in the committee and **REP. BRADLEY** said 5% provider increases per year which was consistent with all the providers.

Mrs. Cohea said the amount is $532,000 general fund. **REP. BRADLEY** said they have $100 now for clothing for a year and this bill would make it $500 per year. **REP. CODY** said the bill says up to $500 and she wondered if it could be less.

Mr. Doug Matthies, Administrative Support Division, DFS, said when they did the fiscal note they prorated the $500 based on the estimated length of stay for the kids for a year. If they weren't going to be in for a year they wouldn't need a full $500 and for the amount of kids that would be there for 6 months, they would get $250.

REP. KIMBERLEY said one of the things wrong with the clothing allowance is that about half the time they get a clothing allowance is delayed so long that they have already outgrown the clothes.

REP. COBB asked if they send a bill for the cost or do you just give them the money? **REP. CONNELLY** said they have to itemize it. **REP. COBB** asked if it wouldn't be easier to raise the rates another $1 or $1.50 per day to give them more flexibility rather than try to figure out clothing allowances? **Mr. Matthies** said the reason they are doing it now is to make sure it does go for clothing.

Tape 3, side 2

REP. QUILICI said the lady who was here had $110 in clothes for a child that came into her home wrapped in a blanket and was not given the money to buy the clothes with. He said he felt it was about time the state started to take care of these kids. **CHAIRMAN BARDANOUVE** said that is an exceptional case, the average child does not come in naked.

REP. ZOOK said it does not sound like much money and said he raised 7 kids and never spent $3500 a year for clothes for the kids and 5 of them were girls.

SUBSTITUTE MOTION: **REP. GRADY** moved to amend HB 489 to have the maximum $300 instead of $500.

Discussion: **REP. JOHNSON** said he would have to speak against the amendment because if the committee would recall the amount of clothing for the young boy, it is not going to last long. The shoes might last 3 months and they are expensive. He said he felt the $110 worth of clothing represented about 3 months of clothing for that young lad, and they still had the rest of the year to clothe him.

REP. CODY asked, if a child goes to one foster home and stays 3 months and that does not work out and they move the child to another foster home are each of those homes entitled to the full clothing allowance? **Mr. Matthies** said no, it is one year from the date they get the first clothing allowance. **REP. CODY** asked what the average time of stay was for a child in a foster home. **Mr. Matthies** said he did not have the figures, but roughly they turn over about 3 times a year. They have 300 to 500 they expect to have permanent custody of or that will stay longer than the year at the present time so there are about 500 now that we know will be there for at least a year.

REP. KIMBERLEY said the lady who talked to the committee the other day said frequently the children show up with the clothes that are on their back. He asked if that was correct and **Mr. Matthies** said quite often that happens. If they move from foster home to foster home, we try to take the clothes with them, but if they are removed from an abusive situation a lot of times they don't have many clothes.

REP. PETERSON asked if the Dept. makes an effort when removing the child from an abusive home or some bad situation, to go and get their belongings? **Mr. Matthies** said yes, they do try.

REP. GRADY said he could agree they probably need the money but he would have trouble voting for the full amount because we are not doing anything for a lot of the kids out there. This would at least make an effort to do something.

Vote: Substitute motion for $300 maximum clothing allowance in HB 489 passed 10 to 6 with 2 absent, roll call vote # 9.

Mrs. Cohea as the bill stands with the amendment, you require the Dept. to pay the money, but you don't appropriate the money to them to pay it. You can pass the bill as it stands and they would have to absorb the costs or you can appropriate the funds for which to pay it. You could amend HB 2 or amend it directly into this bill. **REP. BARDANOUVE** said he felt it would be more proper to put it in HB 2.

Motion: **REP. MENAHAN** moved to appropriate the money in this bill. The money would be about 1/2 of the amount presently in the bill and he would move appropriation authority for any federal money with it. Second by Rep. Quilici.

Mrs. Cohea said there is a federal match for some of the children so the federal government would pay part of the cost of the clothing. **Mr. Matthies** said if the child is fully eligible, there is the 4E program which pays roughly 70% and the state pays 30%. Right now there are about 25 to 30% of the population are part 4E kids. The federal money is not extra, they simply reimburse 70% of the cost to the state.

REP. PECK asked if we are perusing the 4E eligibility diligently. He said he understood our percent was significantly below that of other states. **Rep. Matthies** said they have built 4E contributions in the base fund into our budget and are working on revising our recording system. We have a modification to revise our recording system which will allow us to capture more money next biennium. He said we are gaining ground and are catching up with North Dakota. **CHAIRMAN BARDANOUVE** asked why we were so far behind on the 4E and **Mr. Matthies** said a lot of it had to do with the system we inherited when we came from SRS. This is being revised now and the new recording system will allow them to do a lot of that.

Vote: Motion to appropriate the money into this bill passed unanimously.

Motion/Vote: **REP. CODY** moved HB 489 as amended do pass. Second by Rep. Kimberley. Motion passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 490

Provide a Program For Recruitment, Training and Retention of Foster Parents

Motion/Vote: **REP. MENAHAN** moved HB 490 do pass. Second by Rep. Quilici. Motion failed with all members voting no, except Reps. Quilici, Bradley, Menahan and Kimberley voting yes.

Motion/Vote: **REP. SWYSGOOD** moved HB 490 be tabled. Second by Rep. Zook. Motion passed with a reverse of the above vote.

EXECUTIVE ACTION ON HOUSE BILL 491

Require DFS to Provide Respite Care for Foster Children in Licensed Homes

Motion: **REP. MENAHAN** moved HB 491 do pass. Second by Rep. Quilici.

Discussion: **REP. COBB** said page 4, line 20. He said he had asked **REP. O'KEEFE** about it and he said $120,000 was what he wanted to provide respite care for foster children period and the remainder of that can be struck. He did not want it to be only left to intensive supervision, but to be wide open.

Motion/Vote: **REP. COBB** moved the above amendment. Second by Rep. Quilici. Motion passed 14 to 2 with 2 absent and Reps. Peterson and Peck voting no.

Motion/Vote: **REP. NISBET** moved HB 491 do pass as amended. Motion passed 10 to 6 with 2 absent, roll call vote # 10.

ADJOURNMENT

Adjournment: 5:15 p.m.

Francis Bardanouve
FRANCIS BARDANOUVE, Chair

Sylvia Kinsey
Sylvia Kinsey, Secretary

FB/sk

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL **DATE** 3-22-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB	✓		
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Mr. Speaker: We, the committee on Appropriations report that House Bill 20 (first reading copy -- white) do pass .

Signed: ______________________
Francis Bardanouve, Chairman

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Mr. Speaker: We, the committee on Appropriations report that House Bill 30 (first reading copy -- white) do pass.

Signed: Bardanouve

Francis Bardanouve, Chairman

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Mr. Speaker: We, the committee on Appropriations report that House Bill 145 (first reading copy -- white) do pass .

Signed: Bardanouve

Francis Bardanouve, Chairman

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Mr. Speaker: We, the committee on Appropriations report that House Bill 234 (first reading copy -- white) do pass .

Signed: Bardanouve
Francis Bardanouve, Chairman

3/25/91
3:40 pm

HOUSE STANDING COMMITTEE REPORT

March 25, 1991

Mr. Speaker: We, the committee on Appropriations report that House Bill 300 (first reading copy -- white) do pass.

Signed: Bardanouve
Francis Bardanouve, Chairman

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Mr. Speaker: We, the committee on Appropriations report that House Bill 321 (first reading copy -- white) do pass .

Signed: Bardanouve
Francis Bardanouve, Chairman

9:30
3-23-91

HOUSE STANDING COMMITTEE REPORT

March 23, 1991

Mr. Speaker: We, the committee on Appropriations report that House Bill 371 (first reading copy -- white) do pass as amended.

Signed: Bardanouve
Francis Bardanouve, Chairman

And, that such amendments read:

1. Page 1, line 10.
Following: "fund"
Strike: "$500,000"
Insert: "$200,000"

9:30
3-23-91
JDR

HOUSE STANDING COMMITTEE REPORT

March 23, 1991

Mr. Speaker: We, the committee on Appropriations report that House Bill 414 (first reading copy -- white) do pass.

Signed: [signature]
Francis Bardanouve, Chairman

9.30
3-23-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 23, 1991

Mr. Speaker: We, the committee on Appropriations report that House Bill 489 (second reading copy -- yellow) do pass as amended .

Signed: [signature]
~~Francis Bardanouve, Chairman~~

And, that such amendments read:

1. Page 1, line 6.
Following: "HOMES"
Insert: "AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF FAMILY SERVICES"

2. Page 3, line 21.
Following: "exceed"
Strike: "$500"
Insert: "$300"

3. Page 3, line 22.
Following: line 21
Insert: "NEW SECTION. Section 2. Appropriation. There is appropriated from the general fund to the department of family services for the biennium ending June 30, 1993, the sum of $266,186 to carry out the purposes of [this act]."
Renumber: subsequent section

9:3
3-23-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 23, 1991

Mr. Speaker: We, the committee on Appropriations report that House Bill 491 (second reading copy -- yellow) do pass as amended.

Signed: [signature]
Francis Bardanouve, Chairman

And, that such amendments read:

1. Page 4, line 19.
Following: "used to"
Strike: ":"

2. Page 4, line 20..
Strike: "(1)"
Following: "children"
Strike: remainder of line 20 through "providers" on line 23.

EXHIBIT 1
DATE 3-22-91
HB 5

AMEND HOUSE BILL 5, AS INTRODUCED

House Appropriations Committee
March 22, 1991

1. Page 1, line 9.
Following: "APPROPRIATIONS;"
Insert: "AUTHORIZING LEASE PURCHASE AND SITE SELECTION OF WOMEN'S CORRECTIONS CENTER; APPROPRIATING GENERAL FUND;"

2. Page 10.
Following: line 25.
Insert: "NEW SECTION. Section 16. **Authorization of lease purchase.** The state of Montana, through the department of administration, is authorized to enter into a lease with a city or county for the purpose of acquiring a new women's corrections center of approximately 200 beds upon the following terms and conditions:
(a) the lease shall be for a term not to exceed 20 years;
(b) upon the expiration of the lease term the state shall have the option to purchase the facility for a nominal consideration;
(c) the aggregate capital cost of the facility is to be included in the lease, including the land and site development costs;
(d) all design, construction, furnishing, and equipment costs shall not exceed $12,000,000, plus all costs incident to the financing of the facility by the lessor;
(e) the obligation of the state to pay the rental payments under the lease shall be a general obligation of the state for which the state's full faith and credit and taxing powers shall be pledged; and
(f) the unit of local government selected, based on site selection authorization in [section 17], shall finance and construct the facility to the design and program criteria established by the department of administration and the department of institutions.

"NEW SECTION. Section 17. **Site selection authorization.** The state of Montana through the department of institutions will select the site of the women's corrections center in accord with the following provisions. (1) Sites considered for the location of the facility must be limited to the eight communities responding to the department of institution's request for proposals which were received by the department on or before January 30, 1991.

(2) Site selection must be governed by criteria identified in the request for proposals issued by the department on December 14, 1990.

(continued on page 2)

- OVER -

2)

EXHIBIT 2
DATE 3-22-91
HB 5

I. INTRODUCTION

A. AMENDMENTS TO HB 5

II. PROJECTIONS/FACILITY SIZE

III. SITE SELECTION CRITERIA

A. PROGRAM CRITERIA

B. CONSTRUCTION SITE

C. FINANCIAL PACKAGE

IV. SITE SELECTION PROCESS

V. COMPARISON WITH HB 528

VI. FINANCING OPTIONS

- LEASE PURCHASE/SPECIAL REVENUE BONDS
- GENERAL OBLIGATION BONDS

EXHIBIT 2
DATE 3/22/91
HB 5

II. PROJECTIONS/FACILITY SIZE

1. Origin of Proposals

All proposed correctional programs for female offenders are based on recognized need and population projections. S.B. 38 and the Governor's CJACAC researched the female offender issues over the past 2 years. We used national consultants from Minnesota, North Carolina, South Carolina, Montana corrections professionals, and the collective criminal justice experience of the Council members including county attorneys, judges, public defenders, legislators, correctional staff, etc.

2. Projection Methods

Offender population projections were developed using nationally accepted methods. They are based on conservative interpretations of growth trends in Montana's female offender populations and address admissions and length of stay as primary components of projecting female inmate populations.

3. Historic data

Historical trends in female offender admissions, populations and average length of stay are:

	Fiscal Year						
	1983	1984	1985	1986	1987	1988	1989
FYE Pop.	25	25	39	46	51	53	70
Admissions	33	26	33	34	41	44	52
LOS (months)	11.0	11.3	11.3	11.2	10.6	11.2	12.6

4. Projections

Female offender population projections are as follows:

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Total	69	80	93	108	124	149	168	190	221	255
Prison	47	54	63	73	84	101	114	129	150	173
Commun.	22	25	30	35	40	48	54	61	71	82

- Allocations of the population to prison or community programs was based on Montana's Inmate Classification system and trends in the characteristics of female offenders.

- As of March 1991, we already have as many female offenders (80+) as is projected for the end of FY 92.

EXHIBIT 2
DATE 3/22/91
HB 5

5. Community Programs

Montana corrections also has requested substantial expansions in community-based program resources. These requests include:

> 16 new female pre-release center beds, which more than double our present female pre-release capacity of 12.

> adding 5 Intensive Supervision program slots to our present female total of 10, a fifty percent increase. (In January there were 10 females in ISP slots)

> maintaining chemical dependency treatment placements (at the Galen and Lighthouse programs)

> establishing House Arrest as an alternative to incarceration.

> acquiring funds for jail placements as alternative sanctions.

> operating a pilot Community Service Program in Missoula, using MBCC grant funds.

> instituting a range of intermediate sanctions as alternatives to incarceration including:

- o intervention hearings
- o increased supervision
- o relapse groups for offenders who are close to violating the conditions of their probation or parole
- o mandated treatment
- o special conditions of supervision
- o curfews

By 1995, over 32 percent of our female offender population will be located in community programs, if all our proposals are approved, compared to about 15% for our male inmate population.

6. Long-range planning

We extended our population projections to the year 2000, and proposed construction to meet projected demand, to give ourselves and the Legislature the time to do some long-range planning instead of reacting to emergency overcrowding issues every biennium.

7. Cost Savings

Our cost projections indicate that an additional 80 beds can be constructed for approximately $1.7 million today. Constructing those beds in the late 1990s will cost substantially more. The 120 bed facility would cost $84,000 per bed as opposed to $61,500 for a 200 bed facility. The total cost for 120 beds is $10,075.00 and that for 200 beds is $12,000,000.

EXHIBIT 2
DATE 3/22/91
HB 5

, . 8. Revenue generation

We have received strong expressions of interest from the Federal Bureau of Prisons and other state jurisdictions (including Minnesota) in renting any female cell space we may have. We estimate that rental of spare cells may generate over $10 million at 75 percent occupancy and $6.8 million at 50 percent occupancy in revenues that could be used to retire our debt. Such rentals would decline as the Montana female offender population increases.

9. Committee approval

The House State Administration Committee has reviewed HB 528, a bill introduced to build a new, 200-bed women's prison. A subcommittee was formed to review the validity of our population projections and that proposal. The full committee endorsed the 200-bed proposal after reviewing the population history and projections for the future.

10. Critics and the Criminal justice system

There is a recurring concern on the part of some that if we provide more prison beds, the system will fill them. This represents a misunderstanding of the criminal justice system. Corrections is a single layer of a five layer entity. We do not control the size of the correctional population. That element is largely determined by the other four layers - the police, the prosecutors, the judges and the Board of Pardons. As evidence of this, we now have a single cell capacity of 852 beds at Montana State Prison. We house 1154 inmates. The availability of beds hardly can be said to control the size of the prison population.

III. SITE SELECTION CRITERIA

The Department has identified criteria to be used in selection of an appropriate site for a new women's prison. The Department's criteria primarily address program issues - we concluded that the details of construction site and financial issues were best left to experts in those areas - staff of Architecture and Engineering and the State's investment program or the staff of the Department of Administration and their bond counsel.

The Department's program criteria were drawn from the recommendations of the Criminal Justice and Corrections Advisory Council, national correctional siting standards, experiences of other states, professional literature and the experience of correctional staff. Those criteria were announced in the Department's request for proposals.

A) Program criteria are:

1. Local support by the public and local units of government;

EXHIBIT 2
DATE 3/22/91
HB 5

2. Access to a referral hospital with 24-hour emergency services, an attending physician and medical specialties. The site should be within 15 road miles of such services;

3. 24-hour emergency medical services vehicles available with a 10-minute or less response time;

4. 24-hour active fire protection services available with a 15-minute or less response time;

5. Highway access - major highway or interstate highway within 10 road miles of the site;

6. Local law enforcement agencies capable of emergency response within 15 minutes of the site;

7. Presence of licensed and certified sources of the following services, within 15 miles of the proposed site:

   > chemical dependency counseling;
   > mental health;
   > vocational education;
   > post-secondary education; and,
   > child care and foster care;

8. Site must be served by interstate transportation services; and,

9. Site community must be reasonably close to the source communities of the majority of female offenders.

B) Construction Site Criteria

The Department identified only four criteria in this category. They are:

1. Site must be 15-20 acres in size;
2. Public water and sewage disposal facilities must be available on site;

3. Proposed use of the site must comply with local zoning ordinances; and,

4. Host communities must demonstrate an ability to complete substantial public works projects on schedule and within budget.

The Department deliberately left examination of such matters as soil and subsoil analysis, drainage, elevations, exposures and the like to A&E experts. Such criteria are well known to those experts, have been established for years and would be uniformly applied to any proposed site.

C) Financial Criteria

EXHIBIT 2
DATE 3/22/91
HB 5

The Department identified only one criterion - that the host community demonstrate the ability to raise sufficient funds to complete the proposed project. Detailed examination of proposed financial packages would be left to the State's financial experts. As with construction issues, such criteria are well established, are known to the experts and would be uniformly applied to any proposal.

IV. SITE SELECTION PROCESS

The Department proposes to create an 11-member site selection committee to evaluate the 8 proposals submitted on January 30, 1991 by competing communities. That committee would include a construction expert and a financial advisor. Those two members and the appointment method are the primary difference between the Department's proposal and that contained in HB 528, at least in terms of committee structure.

The committee will evaluate each proposal's compliance with each site selection criterion using a five-point favorability scale and differential weights for the criteria. The four communities receiving the highest scores in this process will be visited. In those visits, criteria compliance will be verified and the suitability of proposed sites for construction will be assessed by the construction expert. The financial expert also will review the proposal with his counterparts in the competing communities. At the conclusion of the site visits, the committee will advise the Director of the best choice for the site of the new women's prison. The Director will review the committee's findings and procedures which are binding unless there are errors in fact or process.

The Department's procedure here differs substantially from that contained in HB 528. HB 528 establishes strict numerical scales and mandatory minimums in site assessment. Site selection under HB 528 would be determined absolutely by the highest numeric score.

The Department proposal allows and relies on informed discretion on the part of the site selection committee. We see the need for informed and documented judgment in this process. We have identified those issues we believe to be essential to appropriate selection of the site for a new women's prison. We have insured that those issues will play a critical part in selection of that site. Beyond that, we rely on the informed judgment of the committee to choose that site which best meets the needs of female offenders and the state.

We will use weighted, scored criteria to assess compliance with program needs, assign scores to competing construction proposals and to competing financial proposals, the end result leading to identification of the best site for the new women's facility.

4h 3

3

DATE 3-22-91

HB

A COMPARISON OF HOUSE BILL 528 AND THE DEPARTMENT OF INSTITUTIONS' PROPOSAL FOR A NEW WOMEN'S PRISON

D of I Proposal	HB 528
1. Selection Committee	
Eleven member group comprising two Senators, two Representatives, two D of I representatives, two members of the CJACAC, one representative of A & E, one financial advisor and one citizen at large. No group member may be from a community competing for the new prison. The Department chooses all non-legislative members except the citizen at large who is appointed by the Governor, and the A&E representative who is appointed by the Director of the Department of Administration. Legislative members appointed by the legislative leadership as in HB 528.	Nine member group differing from the D of I panel only in the lack of a citizen at large and a financial advisor. House members would be appointed by the Speaker, Senate members by the President, D of I members by the Director, the A & E member by the Director of D of A and the CJACAC members by the Governor. No member may be from a community competing for the new prison.
2. Influences of Committee's Decision	
The committee initially identifies four top candidates for purposes of further consideration. Subsequently, the committee recommends its choice of the host community and such recommendation is binding unless the Director finds errors of fact or process.	Committee identifies single host community from top four candidates. Its decision is final.
3. Selection Process	
Selection Committee reviews proposals submitted by competing communities using D of I generated selection criteria. Communities are evaluated using a D of I generated scoring procedure assigning a range of scores to each community's ability to comply with site criteria. Criteria were assigned relative weights in importance to the operation of a women's prison. The four communities with the highest cumulative scores are to be visited. The committee also assigns points according to the quality of the construction site and the financial proposal of each community. The committee will identify the community that appears to be the best candidate.	Selection committee evaluates candidate communities using criteria and scoring procedures developed by Mike Wingard of the Legislative Auditor's Office. The four communities with the highest numeric scores are identified, the remaining proposals are eliminated. Site reviews are conducted and public hearings held. The community with the highest numeric score is selected.

EXHIBIT 3
DATE 3/22/91
HB 5

4. Site Selection Criteria

D of I criteria developed by Corrections Division staff. Sources of the criteria were national facility siting standards, CJACAC recommendations, professional literature, criteria used in other states and staff experience. The D of I criteria address the following ten areas:

(a) Demonstrations of public and local government support;

(b) Availability of emergency medical services and vehicles with on-site response time of 10 minutes or less;

(c) Public water supply and sewage disposal facilities available on site;

(d) 24-hour active fire protection services with 15 minute or less response available on site;

(e) Interstate or highway exit available within 10 road miles of the site;

(f) Reasonable proximity to a certified local law enforcement agency with emergency response capability;

(g) Proposed site compatible with local zoning ordinances;

(h) Site reasonably close to certified/licensed sources of:

- ▶medical services
- ▶chemical dependency programs/services
- ▶mental health services
- ▶vocational education/higher education programs
- ▶child care/foster care
- ▶community volunteer organizations;

(i) Host community served by interstate transportation services; and,

(j) Site community is reasonably close to counties contributing the majority of female offenders,

(k) Site must be 15-20 acres in size.

Criteria prepared by Mike Wingard of Legislative Auditor's Office. Criteria are of two types-mandatory and scored. The former are minimums, the latter are intended to allow comparisons between closely ranked candidates. The HB 528 criteria are

A) mandatory criteria:

- ▶15-20 acre site
- ▶access to paved streets and reliable utilities
- ▶not located in 100-yr. floodplain*
- ▶appropriate soils, subsoils and water table*
- ▶access via all-weather roads to 24-hour emergency medical and five protection services
- ▶location close to counties contributing a majority of inmates
- ▶service by interstate transportation resources

B) scored criteria:

- ▶medical services - 24-hr. referral hospital with emergency room and attending physician
- ▶hospital offering specialties needed by female inmates
- ▶dental services*
- ▶chemical dependency treatment
- ▶mental health services
- ▶vocational education or programmatic equivalent
- ▶licensed foster care/child care
- ▶public transportation
- ▶court and legal services*
- ▶hotel, motel accommodations*
- ▶vendors of food, fuel, other supplies*
- ▶skilled work force*
- ▶affordable housing for staff*
- ▶women's volunteer organizations*
- ▶Native American organizations*
- ▶job opportunities for inmates*.

*Designates additions/differences from D of I criteria.

EXHIBIT 3
DATE 3/22/91
HB 5

5. Scoring Procedures

Competing communities wold be given one of five possible favorability scores, ranging from highly favorable to highly unfavorable, for their compliance with each site criterion. That score then would be multiplied by the weight assigned to each criterion and the results totalled. The four communities receiving the highest cumulative scores would be visited by the Committee.

The weights assigned the criteria are as follows:

- ▶10 points: local support, medical services, fire protection
- ▶ 9 points: ambulance services, law enforcement resources, compliance with zoning ordinances, interstate transportation
- ▶ 8 points: availability of public water/sewer, human services, education/vocational resources
- ▶ 7 points: proximity to counties of commitment
- ▶ 6 points: availability of a major highway/interstate highway

Total possible points = 206

Additional points will be assigned according to the characteristics of the proposed construction site and each community's financial package. This scale will be developed by A&E and the State's investment program staff.

No proposal that fails to meet any mandatory criterion may be considered. Scored criteria will be assessed "using a weighted scale process that assigns a numeric score for each criteria and then totals the score for each proposal. The score for each must be . . . based upon a documented demonstration of:

a)the proximity, availability and number of resources satisfying the criteria;

b)the strength and quantity of the resources satisfying the criteria; and,

c)the local government's willingness and ability to provide resources satisfying the criteria" (p 9, lines 13-23, HB 528). The scored criteria to be used are described in item 4, above.

The weighting system to be used under HB 528 is

- ▶190 points: vocational/educational resources
- ▶100 points: medical, mental health services
- ▶ 60 points: chemical dependency services
- ▶ 55 points: organizational support
- ▶ 50 points: employment for inmates
- ▶ 40 points: child care and foster care
- ▶ 20 points: workforce availability, housing availability
- ▶ 10 points: public transportation, court access, motel/hotel accommodations, vendor access

Total possible points = 675

EXHIBIT 3
DATE 3/22/91
HB 5__

	D of I Proposal	HB 528
6. Selection Procedure	The four candidate communities with the highest scores are to be visited by the committee. The committee will inspect the proposed sites, evaluate more technical issues and insure that the sites meet the descriptions as scored. Relative strengths of each proposed site are to be summarized and a recommendation prepared for the Director. The Director will choose the host community recommended by the Committee unless that body committed errors of fact or process.	The four top-scoring communities will be visited by the committee. Each visited community will be scored again on each criterion after the site visits. "Tie-breaker" criteria are identified as follows: ▶strength of community volunteer resources ▶ability of post-secondary education resources to provide on-site interns ▶receptiveness of local schools to inmate children ▶ethnic and cultural diversity of the community. The facility "must be located at the site . . . whose proposal receives the highest numeric score in" (p 12, line 16-18, HB 528).
7. Funding	Funding to be provided by host community subject to lease/purchase agreement with the State of Montana through the Department of Administration.	State issued general obligation bonds.
8. Construction	Construction would be completed by the host community under agreements entered with the State.	Traditional methods of construction using the services of the A&E Division.

EXHIBIT 4
DATE 3-22-91
HB NB 528

MONTANA WOMENS' PRISON FACILITY
FINANCING SUMMARY

SOURCE AND APPLICATION OF FUNDS SCHEDULE(1)

SOUCE OF FUNDS:	
Proceeds of Bonds	$13,295
Interest earnings on cunstruction acct	820
TOTAL FUNDS PROVIDED	$14,115
APPLICATION OF FUNDS:	
Construction and related costs	$12,000
Capitalized interest-net	1,836
Financing costs	279
TOTAL FUNDS APPLIED	$14,115
AVERAGE ANNUAL PAYMENTS	$1,237

(1)Figures are in thousands and are preliminary estimates only.

EXHIBIT 5
DATE 3-21-91
HB 528

REQUEST FOR PROPOSALS
FOR
COMMUNITY SITE SELECTION FOR A
WOMEN'S CORRECTIONAL FACILITY

General requirements for the proposals concerning a site selection for a women's correctional facility. (as revised for HB 528)

I. Project Description

The Department of Institutions, hereinafter called the Department, will propose that a 200-bed minimum, medium, and maximum security prison for women be built. The Department/Legislature requests proposals from communities wishing to locate and construct a new women's prison to be built to Department pre-established specifications. The Montana Legislature is asked to authorize the spending and approve the project. The host community and prison site will be chosen by a site selection committee using specific, scored site criteria developed by the Legislature and the Department.

II. Proposal

The Respondent shall present a proposal which outlines the community's ability to best provide the site and services required for the placement of the proposed 200 bed, minimum, medium, and maximum security women's correctional facility. The proposal must include:

A. Documented demonstration of the extent to which a sponsoring community complies with the Department and Legislature's mandatory and scored site criteria;

III. Criteria

The Legislature has determined criteria will be categorized into "mandatory" and "scored" criteria. Mandatory criteria are defined as services/circumstances which must be available prior to consideration of the proposal by the site selection committee. Scored criteria are defined as services/considerations which should be available, but which may vary among the communities responding. These criteria will be judged and given a score by the site selection committee based on the extent to which the criteria are met by the responding communities. The following outlines the mandatory and scored criteria based upon construction and ancillary requirements.

[redacted]
Exhibit # 5
3-21-91 HB 528

A. Mandatory Construction Criteria

1. The proposed site(s) must be 15-20 acres with potential for expansion up to at least 25-30 acres if the inmate population increases beyond 200 inmates. (The Respondents may submit more than one site for consideration) The respondents must provide the following information about the proposed site(s):

   a. Ownership information including the name of the legal owners and the location of the deed book and page number where the owner's deed is recorded;

   b. If the site is not already in the Respondent's possession, identify how long acquisition will take and the projected costs for both the initial site and any future expansion.

   c. Identify site configuration for the site(s), e.g. is the site square, rectangular, oblong?

   d. Identify site topography.

      1) Land contours.

      2) Do buffer zones exist around the perimeter to minimize unauthorized contact, prevent passage of contraband, and protect privacy. (Generally a zone width of 200 feet is considered adequate).

      3) Identify whether the site has any natural or manmade features to screen the site from the community.

      4) Document surrounding land use, current and projected.

2. For each proposed site, drawings should be included which detail the following.

   a. Location plan: indicate general location of site within community. Also indicate retail districts, hospitals and medical facilities, city/county offices, parks, schools, churches, libraries, fire stations, and arterial streets.

b. Area-wide master plan: indicate planned and existing land use of community.

c. Site plan: indicate property lines, adjacent property, road right of ways, easements, sidewalks, encroachments, deed restrictions, and available service and utility lines, both public and private.

3. The proposed site must have direct access to paved public streets, reliable utilities such as water, sewer system, natural gas, electricity, and telephone services. The respondent should respond to the following questions about the above site requirements:

   a. Does the site have year around access?

   b. Does the site have limited, but maintained road access?

   c. Does the site have two access points to developed roadways?

   d. Does the site have a water system that is able to provide a minimum of 1500 GPM with 20 PSI residual pressure and meet EPA primary drinking water regulations?

      1) If city water, how far will water lines have to be extended in order to provide service to the site, what are the projected hookup costs, and what are the user fees?

      2) If not city water, identify the distance of the water source to the site, hookup costs, cost of test wells, drilling, treating, etc.

   e. Does the site have local sewer access or on-site treatment capability sufficient to support the staff and population of the facility?

      1) If city sewer facilities, what are the costs to extend services, hookup costs, and user fees? Would sewage have to be pumped to the plant or would gravity pipes be sufficient?

t # 5
1 HB 528

2) If not city sewer, identify what is being proposed and the associated costs.

f. Does the site have natural gas available?

1) How far will lines have to be extended?

2) What are the costs for hookup?

g. Does the site have available three phase power with a minimum of 3500 KVA?

1) What is the distance from the site to the nearest power source?

2) What is the cost of extending the service?

3) What is the load capacity?

h. Does the site have phone service to support regular and reliable telephone service?

1) Is there capability for remote communications via computers and facsimile service?

2) What are the costs of extending phone services to the site?

i. Identify where the closest sanitary landfill is.

1) What is it's remaining capacity?

2) What is the hauling distance?

3) What are the hauling fees and user fees?

4) What are the days of operation?

4. For each proposed site there must be documentation that the property does not lie in FEMA Flood Hazard Boundary Maps, Soil Conservation Service Flood Hazard Studies, or Corps of Engineers Flood Information Reports.

5. For each proposed site there must be documentation that the water table will allow the facility a

will demonstrate the proximity of an interstate or major highway exit to the proposed site.

4. The site shall be within a 10 minute response time of a certified local law enforcement agency capable of emergency response. The Respondent will demonstrate the proximity of a certified local law enforcement agency to the proposed site, and the level of capability of emergency response.

   a. Identify the agencies represented and the number of personnel in each.

5. The respondent will demonstrate the compatibility of the proposed site(s) with local zoning ordinances.

6. The site community must be served by interstate transportation services (e.g. air, bus, or train services). The Respondent will demonstrate the proximity and availability of these services.

7. The site must be located reasonably close to counties contributing a majority of the inmates. The Respondent will demonstrate their proximity to these counties. Proximity to the committing counties is particularly important in terms of transportation for parent/child relational development, legal counsel, and other visitors.

C. <u>Scored Criteria</u>

The proposed site must be reasonably close to certified and/or licensed sources of the following services.

1. <u>Medical Services</u> The site shall be within 15 road miles of a referral hospital with 24-hour emergency room service and an attending physician. The Respondent will demonstrate the proximity and current availability of a full range of medical care for the routine and emergency medical care of the inmates on a 24-hour basis including, but not limited to:

   a. a referral hospital with a 24-hour emergency room service and an attending physician.

   b. the hospital must offer medical specialties (on both an in-patient and out-patient basis) needed by female inmates (i.e., obstetrical and gynecology, family practice, basement structure; and must include subsurface soils and water table analyses based on actual site investigations or general description based on soils in the immediate area. (Final selection will require an actual soil investigation). The respondents must also answer the following questions:

a. What has the land use been for the past 30 years?

b. Are or have there been any hazardous wastes of any kind stored or dumped on the property?

6. The respondent must document climatic information about the general location including but not limited to: average monthly temperature, average monthly precipitation, monthly solar days, and monthly average wind speeds and direction.

B. <u>Mandatory Ancillary Criteria</u>

1. A 24-hour emergency medical service vehicle must be available with a 10 minute or less response time upon notification of an emergency. The Respondent will demonstrate the proximity and availability of a 24-hour emergency medical service vehicle to the proposed site upon notification of an emergency.

   a. Identify the number of emergency vehicles typically available for responses.

   b. Identify the number of designated EMS personnel and their certification levels.

2. A 24-hour active fire protection service must be available with a 15-minute or less response time upon notification of an emergency. The respondent will demonstrate the proximity and availability of a 24-hour active fire protection service to the proposed site upon notification of an emergency.

   a. Identify current firefighting equipment.

   b. Identify the number of certified firefighters.

3. An interstate or highway exit must be available within 10 road miles of the site. The Respondent

internal medicine, etc.) The Respondent will also demonstrate the willingness of medical providers to provide these services to inmates of the proposed prison.

c. Identify available dental services (dentists, orthodontists, periodontists) and demonstrate their willingness to provide services to inmates of the proposed prison.

2. Chemical Dependency The Respondent will demonstrate the proximity, availability, current levels of service, and willingness to contract with the state to deliver chemical dependency services.

3. Mental Health Services The Respondent will demonstrate the proximity, availability, current levels of service, and willingness to contract with the state to deliver mental health services. These services must include all levels of mental health services including, but not limited to, psychiatric care, clinical services, inpatient and outpatient treatment, and programs appropriate to women's needs.

4. Vocational education center or programmatic equivalent and unit of higher education (public or private) The Respondent will demonstate the proximity, availability, and types of training available in the vocational education center and the programmatic post-secondary institutions such as units of higher education (public or private). The Respondent will demonstrate the extent to which the available programs present basic skill development opportunities and should demonstrate a willingness to allow selected inmates to attend the programs; a willingness to meet inmate's special needs; and, the willingness to allow their staff to contract with the prison to provide these services on-site to educate those unable to leave the facility. The institutions should show a willingness to place interns from appropriate fields of study in programs at the prison.

5. Child care and foster care The Respondent must demonstrate the quantity and availability of licensed foster care and all levels of child care including, but not limited to, registered day care, licensed group care and out-of-home care. A Respondent may do this by contacting the

Department of Family Services Regional Administrator for their region.

6. Public Transportation The Respondent must identify what public transportation services are available, e.g. taxis, bus service, etc.

7. Court Access The Respondent must identify the proximity to the court system and legal community.

8. Motel/Hotel Accomodations The Respondent must identify the number and availability of motels/hotels in the community and their proximity to the proposed site(s).

9. Vendor Access The Respondent must identify the proximity and availability of various vendor services to the proposed site(s).

   a. Food vendors.

   b. Fuel supply vendors.

   c. Other service vendors such as vehicle repair, office supply/repair, building supplies.

10. Availability of Workforce The Respondent must demonstrate the availability of a local work force to adequately staff the facility.

11. Availability of Staff Housing The Respondent must demonstrate there is available and affordable housing resources to support the proposed staff of the facility.

12. Organizational Support The Respondent will demonstrate the existence of established organizations whose primary missions are specific to women's needs, i.e. battered spouse, incest victims support groups, rape victims programs, parenting skill support groups, self-esteem building, employment skills, displaced homemaker programs, etc. The Respondent must also demonstrate the existence of established organization(s) which emphasize and are concerned with Native American issues.

13. Employment The Respondent will demonstrate the community's ability to sufficiently absorb out-of-facility possibilities for inmate employment. This should be shown by supplying potential

Exhibit # 5
3-21-91 HB 528

employment data from local Job Service Offices, JTPA providers and prospective employers, etc.

IV. Building Model

A. The design and construction of the facility will represent the latest conceptual advancements for constructing a women's correctional facility, conform to American Correctional Association standards, and be similar to the design of the Minnesota Correctional Facility at Shakopee, Minnesota.

V. Special Instruction to Respondents

A. Authorization: This request for proposal (RFP) is issued in accordance with 18-4-304, Montana Code Annotated and 2.5.602, Administrative Rules of Montana. The RFP process is a procurement option allowing the award to be based upon stated criteria or evaluation factors.

B. Financial Information: The estimated cost of this facility is approximately $12,000,000. This estimated cost does not include land acquisition costs. The Respondent is expected to provide site(s) which comply with the mandatory and scored criteria outlined in the RFP.

C. RFP Information:

1. Proposals must be signed, sealed, and delivered to the:

   Department of Institutions
   1539 11th Avenue
   Helena, MT 59620

   no later than 5:00 pm ______________ 1991. The proposal should contain an original document and four copies. The proposals will remain sealed and unopened until the closing date and time.

2. Proposals must provide all data required herein. Failure to submit all such data will be deemed sufficient cause for rejection of a proposal.

3. If it becomes necessary to revise any part of the RFP, revisions will be provided to all Respondents who receive the initial RFP at least one week (seven calendar days) before the close of the response period.

Exhibit # 5
3-21-91 HB 528

4. The Respondent must assume sole responsibility for the complete efforts as required by this RFP and will be considered the sole point of contact with regard to contractual matters.

5. The Department of Institutions assumes no responsibility or liability or costs incurred by communities prior to issuance of a Contract.

6. The Respondent shall be responsible for any and all injury or damage as a result of the research and preparation of the proposal.

7. A Contract may be awarded in response to a proposal considered to be in the best interest of the Department contingent upon project approval by the Legislature.

D. Approach to the selection criteria:

1. A Respondent must specifically identify the method and manner in which the community proposes to provide the required services.

2. A Respondent must submit a written narrative and may submit any other printed material to demonstrate the community's ability to satisfy the selection criteria.

E. Oral Presentation: Respondents may be requested to orally present their proposal to the Department of Institutions and the site selection committee who will schedule the time and location of any requested presentations.

VI. <u>RFP Evaluation Process</u>

A. Legislative authority (time line)

B. Community submission of proposals (time line)

C. The proposals will be evaluated as follows:

1. <u>ALL</u> provisions of III A and B <u>must</u> be present for a proposal to be considered by the site selection committee.

2. The site selection committee will consist of the following persons:

a. one representative of the Architecture and Engineering Division of the Department of

Exhibit # 5
3-21-91 HB 528

Administration, appointed by the Director of the Department of Administration:

b. two members of the subcommittee on women's correctional center from the Governor's Criminal Justice and Corrections Advisory Council, appointed by the Governor;

c. two representatives of the Department of Institutions, appointed by the Director of the Department of Institutions;

d. two members of the House of Representatives neither of whom may be a resident of a local governmental unit submitting a proposal, appointed by the Speaker of the House; and,

e. two members of the Senate, neither of whom may be a resident of a local governmental unit submitting a proposal, appointed by the president of the senate.

3. The scored criteria will be judged with a weighted scale process, with the site selection committee establishing a score for each criteria listed. For example, an individual score will be established for medical services, mental health services, child care, etc. The scoring will be determined based upon the documented demonstration of:

   a. the number of available resources in the community;

   b. the strength of a community's resources; and,

   c. the community's willingness through both contracted and volunteer entities to provide the resources to the Women's Correctional Center.

   The four communities with the highest total scores on the scored criteria will be eligible for further consideration, which will be based upon on-site reviews and input from public hearings. Additional consideration will be made regarding community contributions to the proposed project.

4. In addition to establishing scores for each submitted proposal, the Department of Institutions and the site selection committee will perform on-

site evaluations of the proposed sites of the top four communities and conduct public hearings regarding the potential siting of a correctional facility at the proposed site(s).

5. In the event of a tie among or between proposals, further details from the submitted data will be used to make a final site determination. The following describes the criteria to be used in the event of a tie-breaker:

   a. Documentation of the strength of community volunteer resources in terms of providing help and services to the WCC inmates;

   b. The ability of the community's post-secondary programs to provide appropriate interns. For example, are there programs relating to the services outlined in the scored criteria, such as mental health services, chemical dependency, etc.?

   c. Does the community have the ability to provide employment for released inmates as demonstrated by female employment statistics in the community;

   d. Documented demonstration of district schools' receptivity to enrolling inmates' children in local schools; and,

   e. Documentation of the community's ability to provide ethnic and cultural diversity, as demonstrated by identification of community social and cultural resources such as social organizations, theatres, museums, art galleries, etc.

D. Basis of Awards

The facility will be awarded to the Respondent whose proposal best serves the interests of the program as defined by the site selection committee and the Department of Institutions in the site and selection criteria and the needs of the Department.

E. Department Responsibility

The Department will comply with all reasonable requests from Respondent's for additional information that may be required in order to respond to this request. Such requests may be addressed in writing or requested

Exhibit # 5
3-21-91 HB 528

verbally through Department contacts listed in this section.

Department of Institutions contacts are Dan Russell, Administrator, (406) 444-3902, or Ted Clack, (406) 444-4907, Corrections Division, Capitol Station, Helena, MT.

Exhibit # 5
3-21-91 HB 528

RFP SCORING METHODOLOGY FOR COMMUNITY PROPOSALS FOR THE WCC

Introduction

The following outlines the methodology to be used for scoring the information submitted by the respondents to the criteria established to help determine the location of the Women's Correctional Center (WCC).

The site selection committee will establish a score for each criterion in the scored criteria section of the RFP. A total possible score has been established for each criterion based upon its importance relative to serving the best interests of the program. For example, medical services and education have a higher potential score possibility than does the availability of public transportation or motel/hotel accomodations. The total possible score for each criterion will be determined based upon the information provided by the respondents, with the following questions being answered for each:

1. Are the required resources available?

2. What is the strength of those resources in terms of quantity and quality?

3. What is the community's demonstrated willingness to provide these resources?

The following identifies the total possible points which could be awarded for each criterion and how the total was arrived at.

SCORED CRITERIA

<u>Medical Services</u>:	Total Possible Points
W/in 15 miles-10 points	
24 hr. ER w/ Physician-10 points	
Applicable Medical Specialists-50 points	
Gynecologist(s)	
Obstetrician(s)	
Family Practitioner(s)	
Internist(s)	
Dentists/Orthodontists/Etc.	
Willingness to provide services-30 points	
Total	100 points
<u>Chemical Dependency</u>:	
Proximity/Availability-10 points	
Current Level of Service-20 points	
Willingness to Contract-20 points	
Total	50 points
<u>Mental Health Services</u>;	
Proximity/Availability-10 points	
Current Levels of Service-20 points	
Willingness to Contract-20 points	
Specific Services Provided-20 points	
Psychiatric Services	
Clinical Services	
Inpatient Treatment	
Outpatient Treatment	
Appropriate Women's Programs-20 points	
Total	90 points
<u>Voc. Ed Capabilities and Unit of Higher Education</u>:	
Proximity/Availability-10 points	
Voc.Ed Training Available-30 points	
College Training Available-20 points	
Demonstration of Basic Skills Training-50 points	
Institution(s) Willingness To:-80 points	
Allow Inmate Attendance	
Meet Special Inmate Needs	
Allow Staff Visits	
Provide Interns	
Total	190 points
<u>Child Care and Foster Care</u>:	
Quantity of Licensed Foster Care-10 points	
Availability of Licensed Foster Care-20 points	
Quantity of all Levels of Child Care-10 points	
Availability of all Levels of Child Care-20 points	
Total	60 points

EXHIBIT 6
DATE 3-22-91
HB 528

A New Women's Prison Facility in Montana
Response from the
National Center on Institutions and Alternatives

SUBMITTED BY:
Lindsay M. Hayes, Assistant Director
March 4, 1991

At the request from the ACLU-Montana, the National Center on Institutions and Alternatives (NCIA) submits the following response to a proposal to dramatically increase prison capacity for female offenders in the state of Montana. Headquartered in the Washington, D.C metropolitan area, NCIA is a private, nonprofit agency that provides training, technical assistance, research and direct services to criminal justice, juvenile justice, social service, and mental health organizations across the country. In preparing this response, NCIA reviewed the following documents regarding female offenders in the state of Montana:

- *Women's Correctional Center, Corrective Action Plan,* May 24, 1990;
- *Report to the Governor,* Criminal Justice and Corrections Advisory Council, July 1990;
- *Montana Women Inmate Population,* No author, no date;
- *History of Women Inmates,* Susan Byorth, May 1989;
- *Impact of CJCAC Recommendations on Correctional Populations,* No author, no date;
- *Proposed Women's Prison,* No author, no date.
- *Report on the Women's Correctional Center Classification Policies and Procedures,* Sammie D. Brown (NIC Consultant), July 1990; and
- *Responses to WCC Educational Status Survey,* Rich Petaja, April 12, 1990.

State and local governments throughout the country are facing a common dilemma — having more jail and prison inmates than space to house them. In 1990, 38 states were under court order to make significant changes and reductions in their prison populations. The dilemma is complex: how does a state government maintain public safety and respect for the law, while confronting the ever-increasing costs of new prisons, and explore alternatives — all at the same time?

> You — a legislator, county supervisor, or budget officer — have just been presented with a proposal to build a new prison or jail. The old institution is a decrepit firetrap, and it is so overcrowded that inmates are sleeping on the floors. Everyone agrees something must be done.
>
> In the front of the meeting room, graph lines climb up a chart projecting the number of inmates expected in the future. A lawyer is waving a federal lawsuit filed by the inmates; it has your name on the front. An easel holds an artist's concept of the new facility, and it certainly looks better than what you have now. But they're talking about a lot of money. For each inmate, you calculate, it will cost $40,000, or maybe even $75,000 just to build the place. Then you will have to pay for the guards. Where will you get the money? How much will the interest charges be on it? Where will you put the institution? Can it be built in time to prevent a riot or a court order? Will it still be useful in 20 years? WHAT ARE YOUR OPTIONS?
>
> *From: Time to Build?*
> *The Realities of Prison Construction*
> *Edna McConnell Clark Foundation*
> *1984*

Experience has shown that building new cell space is generally not the only solution to an overcrowding problem. On the contrary, existing research shows jail populations to be "capacity driven," concluding that if jail space is available, it will not go unused. Historically, new facilities are at capacity soon after they open. This research suggests it is unlikely states or counties can build their way out of the overcrowding crisis.

The state of Montana is apparently well aware of this phenomenon. In September 1989, the Criminal Justice and Corrections Advisory Council was formed in an attempt to address overcrowding in both male and female prisons statewide. In the introductory statement to its report to the Governor, the Council stated that:

> . . .the state of Montana cannot continue to build additional prison beds in hopes that construction will solve the problems of overcrowding. However, until such time as there is change in public policy which is reflected in sentencing practices or until criminal activity is significantly reduced, our crowding problems have to be addressed through a combination of additional prison housing and expanded alternatives to incarceration.

Exhibit # 6
3-21-91 HB 528

> The Council strongly believes that the public and policymakers must be informed that correctional resources are limited and expensive and should be used wisely. Many offenders who are now sentenced may be successfully dealt with through intermediate sanctions and still accomplish the goals of punishment and rehabilitation.

With regard to the female offender, Montana policymakers and practitioners agreed that correctional programming for women, as well as physical conditions at the Women's Correctional Center in Warm Springs, were both inadequate and antiquated. Approximately 79 female offenders are currently housed in Montana correctional facilities. They are distributed as follows:

- Women's Correctional Center — 65
- Life Skills Center (pre-release) — 12
- Galen/Lighthouse (drug and alcohol) — 2

The Criminal Justice and Corrections Advisory Council had several major goals, including:

1) To address the needs of Montana's female offenders;

2) To develop statistical data on Montana's sentencing statutes and practices and to review sentencing and release practices; and

3) To further examine ways to address the crowding problems in adult male institutions and provide viable alternatives for addressing both male and female problems.

In July 1990, the Council released its *Report to the Governor*. The *Report* contained the following 17 recommendations:

1) Establishment of a Corrections Oversight Committee;

2) Establishment of a Task Force on Sentencing, Treatment and Release;

3) Increase Probation and Parole Resources (Field Services staff);

4) Increase Probation and Parole Resources (Board of Pardons staff);

5) Targeted Case Managers;

6) Local Jurisdictions Encouraged to Initiate Sentencing Alternatives;

7) Construction of Three Additional Units at Montana State Prison;

8) Pre-Release Center (PRC) Expansion;

9) Selected Use of House Arrest for PRC Offenders;

10) Graduated Intermediate Sanctions for Parole Violator;

11) Expansion of Intensive Supervision Program;

12) Good-time Provision for Parolees;

13) Commitment to Correctional Authority;

14) Temporary Programming and Housing for Female Offenders (if Recommendation 8 is not authorized);

15) New Facility for Female Offenders (initially 100 to 120 beds, later revised to 200 beds);

16) Proposed Additional Level of Supervision; and

17) Parole Issues.

At first glance, the Council's recommendations look impressive and thorough. A closer look, however, indicates that despite the Council's obligation to "address the needs of female offenders" and "provide viable alternatives for addressing. . .female population needs," women offenders have been grossly neglected and overlooked.

Of the 17 recommendations, only three specifically impact the female offender, one of which is realized only following the failure of another. For example, ***Recommendation 8*** calls for the creation of a 12 to 15 bed pre-release center for women, as well as two additional beds at the Life Skills Center. ***Recommendation 14*** calls for contingency funding and alternate, unspecified housing if Recommendation 8 is not funded. ***Recommendation 11*** calls for expansion of the state's Intensive Supervision Program (ISP) for male offenders, but does not recommend any increase of the five current ISP slots for females, concluding, "there have not been 5 women in the ISP program at one time (see page 42 of *Report*)." Responding to the current overcrowding and antiquated physical plant of the Women's Correctional Center, ***Recommendation 15*** initially called for a new women's facility with a 100 to 120 bed capacity. This figure was later revised and increased to 200 beds.

Thus, despite a specific "charge" from the Governor to "review incarceration alternatives for adult female offenders," the net effects of the Council's recommendations are a new 200-bed institution and 14 to 17 additional pre-release beds if funding is available.

As previously stated, the Criminal Justice and Corrections Advisory Council recognized "that the state of Montana cannot continue to build additional beds in hopes that construction will solve the problems of overcrowding." The Council then seemed to go to great lengths to ignore this reality by recommending that the state increase the prison capacity for women by 300 percent. It cited data indicating that admission rates and lengths of stay for female offenders were increasing. The Council reasoned that — "If such a facility is constructed, the Montana female corrections system will have extra prison capacity through the year 2000. A Department survey of 18 states and the Federal Bureau of Prisons revealed that eight states and the federal government would favorably consider renting prison bed space from Montana, should such beds become available." The Council then calculated that if a 200-bed female prison were built and had a 75 percent occupancy rate through the year 2000, the state of Montana would generate $10.2 million in revenue through "bed-space rental."

This projection is not only grossly misleading, but inconceivable. NCIA does not know of a single state that has enough excess prison space to be in a landlord position. Experience has clearly demonstrated that new facilities are filled to capacity shortly after they open, regardless of size. If states could generate over $10 million in revenue by renting prison beds, more departments of correction would be in the hotel business. We know of no such enterprise.

What is equally disturbing about these projections is the data the Council apparently chooses to ignore, as well as secondary data that is critical, yet missing from the equation. There is no question that two factors normally determine the size of any institutional population: how many people are put into a facility, and how long they remain. There are, however, several secondary factors, i.e., state population, crime rate, and availability of sentencing alternatives, which must be utilized when projecting both current and future bed space needs. According to data cited in the Council's *Report* — "Montana's civilian population increased only 4.8 percent from 1980 to 1985 and has declined steadily since. . .Data provided by the Montana Board of Crime Control indicate that Montana's rate of index crime has declined substantially since 1980."

In addition, "nearly one-half of 1989 prison admissions were for first Montana felony convictions. A surprising percentage of that group — 76 percent — were incarcerated for a single offense." Further, inmates admitted to Montana's prisons for violent crimes is also on the decline and represented only 19 percent of all offense types in 1989. While data confirmed an overall decrease in the severity of offenses for which inmates were incarcerated, the Council reasoned that current prison overcrowding "is the result of a decade-long trend of increasing severity in the treatment of criminals." Experience throughout the country has demonstrated, however, that with the exception of mandatory sentencing laws, the judiciary is more inclined to sentence appropriate defendants to alternative programs rather than prison when such resources are available. A 1984 study by Abt. Associates, which interviewed judges in every region of the country, found that the judiciary recognizes that prison overcrowding was a significant factor in sentencing decisions. Justices are now implementing intermediate sentencing sanctions to allow low-risk offenders to remain in the community on structured probation.[1]

The state of Montana has few, if any, alternative and intermediate resources for the female offender. There are two beds available for drug and alcohol treatment, and five slots available for intensive probation. It would seem rather obvious that with a declining crime rate and state population, as well as less violent offenders entering the system, the increased admission rate and length of stay for female offenders is caused principally by the grossly inadequate number of sentencing alternatives.

[1] Finn, Peter, "Judicial Responses to Prison Crowding," *Judicature,* February 1984, Volume 67 (7), pp. 319-325.

Montana is not alone in failing to provide adequate resources for its female offenders. In December 1986, the Minnesota Department of Corrections released a report on the female offender that stated, in part, that:

> Women continue to represent a small proportion of the corrections population. that is one of the reasons why women frequently are overlooked: they simply are not particularly visible. Furthermore, women commit fewer offenses than men, are far less apt to be involved in violent crime, and are somewhat less likely to become repeat offenders. Thus women are ***not*** squeaky wheels in the criminal justice system, and, therefore, do not get much 'oil' in either systematic planning or programming.[2]

As a result, Minnesota followed the lead of several other states and began to address the needs of the female offender. Unlike the state of Montana, however, Minnesota developed a comprehensive approach that combined both institutional and non-institutional sanctions. For example, the state of Minnesota has a population in excess of 4 million people and an average daily prison population of approximately 3,200 inmates. Of this total, approximately 144 are women housed at the Minnesota Correctional Facility in Shakopee. In addition, the state contracts for numerous community-based services for its female offender population, including day treatment programs, community service, drug and alcohol treatment, and work release. Hundreds of female offenders are supervised in alternative programs, and non-prison slots far exceed the number of institutional beds. In contrast, the state of Montana has a population of under 1 million people, maintains a prison population less than half to that of Minnesota, yet plans to build a 200-bed women's facility while continuing to operate few non-prison slots.

The state of Montana is "eyeing" the Minnesota Correctional Facility in Shakopee as the model women's prison to replicate. State officials should be equally impressed and driven to replicate Minnesota's commitment to a vast array of comprehensive services to its female offenders.

---

[2] Hokanson, Shirley, *The Women Offender in Minnesota: Profile, Needs and Future Directions*, Minnesota Department of Corrections, December 1986, p. 7.

Exhibit # 6
3-21-91 HB 528

It has been NCIA's experience, as well as that of other organizations, that determining the profile of the prisoner population, as well as who requires incarceration, are prerequisites for future projections on bed space needs. NCIA has provided technical assistance to two states comparable in size to Montana (i.e., Delaware and Hawaii) in an effort to assist those jurisdictions in determining future prison beds for female offenders. In each case, an in-depth survey and analysis of the female prison population was conducted (see attached survey instrument). As bluntly stated by the Minnesota Department of Corrections — "Without current, quantifiable data on women offenders, planning for this population would be like working in a vacuum. Thus it was determined that an up-to-date profile of women offenders was needed and that subsequent programming would be predicated on this profile. In other words, it was determined that until the question, 'Who is the women offender?' was answered, it was premature to proceed with programing for her."[3]

[3] *Ibid*, p. 19.

Conclusion and Recommendations

Despite exhaustive discussion and study, the "needs of Montana's female offenders" have been confined to a recommendation that a new 200-bed prison be built while pre-release be expanded by 14 to 17 beds. It would be NCIA's position that such a recommendation is both a simplistic and inadequate reaction to the needs of women offenders.

NCIA offers the following recommendations. ***First,*** the state of Montana should abandon its decision to build a 200-bed women's facility based upon the rationale that it will rent out beds to neighboring states and generate revenue. This belief is historically naive because regardless of expansion size, prisons are capacity driven and a new women's facility will in all likelihood be filled soon after it opens. ***Second,*** the state of Montana should determine "Who is the Women Offender?" currently housed in the state's prison, determine whether the most effective use of prison bed space is being realized, and investigate why the five currently allotted ISP slots for female offenders are not regularly utilized. ***Third,*** the state of Montana should follow the lead of Minnesota and embark upon a comprehensive program of community-based services for female offenders.

In conclusion, the state of Montana should carefully examine its current female offender population, reserve cell space for those inmates requiring incarceration and exhaust all community-based alternatives before making a major and irrevocable commitment to a larger women's facility.

GENERAL OFFICES : 40 EAST BROADWAY, BUTTE, MONTANA 59701
MONTANA POWER COMPANY

EXHIBIT 7
DATE 3-22-91
HB 827

March 21, 1991

House Appropriations Committee
State Capitol
Helena, MT 59620

RE: House Bill 827

House Bill 827 will establish a public/private partnership in the funding of economic development organizations on a local level. Under this bill, the funds provided by the state, including the matching requirement of 3 to 1 (private to public), will help the economic development efforts on a grass-roots level with the basic funding capabilities allowing them to develop a robust economy in Montana. Montana Power has helped fund local economic development organizations for many years and sees this public/private partnership as a win/win situation for the state of Montana.

Currently the funding available to these organizations comes predominately from the private sector. Since there is such a demand for these funds, private-sector financing is stretched to the limit and is inadequate to support the local development corporations properly to do the work on the local level that is so desperately needed. Many Montana economic development organizations expend much of their energy fund raising, to keep operating. This energy could be better spent on proactive recruitment.

Economic development must be done on a local level to be effective. Currently the local development organizations in Montana are competing against well-funded groups from other states for companies seeking new locations. This situation puts Montana at a great disadvantage in the competitive area of economic development. This bill would provide the basis for financing that should help support economic development in the state for many years to come.

Sincerely,

Jim Smitham

James B. Smitham
Economic Development Specialist

HB 827 - March 22, 1991
House Appropriation Committee
Dan Walker - U S WEST Communications

Chairman Bardanouve and Members of the Appropriations Committee:

U S WEST urges your favorable consideration of HB 827, An act appropriating money to the Department of Commerce for the Certified Communities Program.

HB 827 provides qualified, front-line economic development organizations in Montana access to limited state support. Funds for local economic development are important because most major victories and losses occur at the local level.

While State policies clearly affect business decisions, businesses don't move to Montana. They move to Butte or Missoula or Livingston. Montana, as a state, does not retain businesses. The communities of Havre or Bozeman work to retain a business. Local people allocate resources to local infrastructures and make decisions on quality of life issues that determine their community's ability to attract and retain industry. The HB 827 appropriation would directly impact that local level.

Local communities struggle to find sufficient funding for an effective economic development effort. Organizations look to private sector grants and memberships or, in some instances, local city or county budgets for funding. Most fund raising efforts are conducted by volunteers.

Three provisions of HB 827 make it particularly attractive.

First, it does not create a new bureaucracy to administer funds. It is administered by the Department of Commerce, using an existing vehicle designed to make local economic development more effective. To be eligible for funds an organization must be the lead organization in a town with a Certified Community designation. That designation assures that the community has assessed its potential for economic development and developed a strategic plan to address that potential.

Second, the bill recognizes local effort. Within the $1,000 to $25,000 range of potential funding, grants are based on a formula of $1 in state monies for every $3 raised from public or private sources in the community.

Third, because of the funding floor, even the smallest of qualified communities can obtain $1,000 in financial support. That amount can be very important to rural economic development efforts.

We urge your support of HB 827.

Sincerely,

Dan Walker

Exhibit # 7
3-22-91 HB 827

HELENA AREA ECONOMIC DEVELOPMENT CORP.
P.O. Box 221 • Helena, Montana 59624 • 442-6882

MEMORANDUM

TO: Rep. Francis Bardanouve, Chairman
and Members of the House Appropriations Committee

FROM: Rose Leavitt, Executive Director
Helena Area Economic Development Corporation

Rose Leavitt

RE: HB 827 - "An Act Appropriating Money to the Department of Commerce for the Certified Communities Program, etc."

I would like to urge your thoughtful consideration and a do pass recommendation for the above bill.

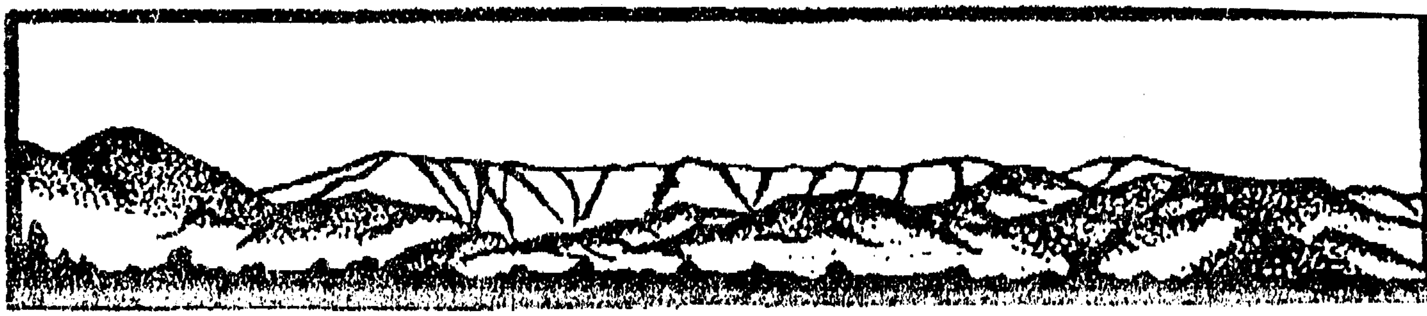
Approval of the funding for this measure will greatly assist economic development activities across the state. Unless we are able to continue sustained efforts through local economic development organizations Montana will not grow and prosper. An expanded tax base and increased job opportunities are vital to maintain and expand the population in our state.

Thank you for your time and consideration.

From : GALLATIN DEVELOPMENT CORP. PHONE No. : 406 587 9565 Mar.21 1991 4:18PM P03

Exhibit # 7
3-22-91 HB 827

Belgrade Chamber of Commerce



March 21, 1991

FRANCIS BARDANOUVE
Chairman
House Appropriations Committee
Montana House of Representatives
Helena, Montana 59601

RE: house Bill 827

Dear Representative Bardanouve:

Please accept this letter of our extreme support for passage of the above referenced Bill. As we as Montanans strive to "do for ourselves" in the case of establishing a strong basic economy and providing systematic growth to sustain that economy, it must be recognized that such stability and growth will come about through the efforts of economic development organizations within progressive communities. In the past, the majority of the financial support for these efforts has been from the private sector, and there have been many successes through these efforts. However, limited funding has been a significantly restricting factor. Passage of House Bill 827 will provide the additional funding to enhance a strong "help us to help ourselves" approach for Montana communities. I certainly urge your favorable consideration and endorsement of the Bill.

Sincerely,

Douglas F. Tillett

DOUGLAS F. TILLETT
Chairman of the Board

DFT:wmr

P.O. Box 1126 • Belgrade, Montana 59714 • 406-388-1616

Exhibit # 7
3-22-91 HB 827

Valley Bank
P.O. Box 106 • 406-388-4283
Belgrade MT 59714

March 21, 1991

HONORABLE FRANCIS BARDANOUVE
Chairman, House Appropriations Committee
Montana House of Representatives
Helena, Montana 59601

RE: House Bill 827

Dear Representative Bardanouve:

Your committee has for consideration the above-referenced Bill which, if passed, can do more for the stimulation of the Montana economy than most of the many previously instituted programs aimed at broadening our base, and at a significantly lower cost. By providing funding to Montana communities with organized economic development efforts, not only are they encouraged to provide support for expanding businesses, but to solicit new businesses which build the tax base, provide additional jobs, and help stabilize fluctuating factors within our State. As written, local groups also are provided the incentive to seek matching funding from the private sector in their communities to further solidify these economic development efforts. As we all search for ways to make our great State more self-sufficient, the Bill provides part of the solution. I strongly support House Bill 827, and ask your assistance with a strong "do pass" endorsement from your committee.

Thank you for your consideration and I applaud your continuing [illegible] to the citizens of Montana.

Sincerely,

Douglas F. Tillett

DOUGLAS F. TILLETT
President

DFT:wmr

Exhibit # 7
3-22-91 HB 827

COLUMBUS CHAMBER OF COMMERCE
P.O. BOX 783 • COLUMBUS, MONTANA 59019

March 21,1991

Representative Bardanouve
House Appropriations Committee
Montana State Legislature
Capitol Station
Helena, MT 59620
Fax 1-444-4105

Re: HB 827

Representative Bardanouve:

The Columbus Chamber of Commerce has participated in the Certified Communities program. As a result the Town of Columbus is a Certified Community and is active in economic development issues.

HB 827 provides for grants to Certified Communities. This could benefit both the Chamber of Commerce and the Town's economic development efforts in the future. Please enter this letter into the record in support of HB 827 at the House Appropriation Committee Meeting.

Sincerely,
Columbus Chamber of Commerce

Jon Brown

Jon Brown, President

EXHIBIT 8
DATE 3-22-91
HB 528

Office of the Legislative Auditor

COMPARISON OF HB 528 AND THE DEPARTMENT OF INSTITUTIONS' PROPOSAL FOR A WOMEN'S CORRECTIONAL CENTER
Legislative Request 91L-21
March 18, 1991

In response to the Department of Institutions' proposal to have a local government entity finance and construct a women's correctional center, House Bill 528 was created as an alternative to the department's proposal. The following outlines the general differences between the two proposals and provides areas for legislative consideration when determining which proposal to select.

House Bill Versus Institutions' Proposal

Financing

HB 528 funds the construction of the facility in a traditional manner: state-backed general obligation bonds.

The department's proposal requires the successful local entity to finance and construct the facility and then lease it back to the state for a pre-determined period of time (up to 30 years) with the state purchasing the facility at the end of the lease period.

Considerations:

The use of general obligation bonds is a generally accepted procedure for financing the state's infrastructure. By using this methodology it is relatively easy to evaluate and identify the State's costs. However, with the department's lease proposal it is more difficult to determine the costs to the state. Department representatives contend the financing packages of applicants are similar because they all have similar funding sources, but discussions with some applicant representatives indicate some local governments may be using multiple funding sources to finance their proposals. The effect of multiple funding sources have not been considered in the department's cost comparisons. Since no one but Department of Institutions' staff have seen the proposals, it is not possible to develop estimates of the State's costs associated with a lease/purchase proposal. As a result, a comprehensive cost comparison of the lease option versus the state bond proposal is not available.

An additional consideration regarding the funding concerns the state's ability to monitor and control the construction of a facility which is being financed by a local government entity. Although department representatives believe the state can retain control via language put into the lease agreement, at this time there is no assurance the state will ultimately be able to control facility construction.

Department officials contend some costs will be offset in the leasing scenario by boarding out-of-state inmates in vacant beds and charging a per day rate for

Exhibit # 8
3-22-91 HB 528

from other statutes. Without exemptions, the city/county must follow all applicable statutes and rules regarding facility construction should the lease/purchase proposal be approved.

3. The MCA provisions cited in the amendments do not address all of the potential statutes governing lease/purchases entered into by the state. For example, the department's amendments indicate the lease term will not exceed 30 years. Existing statutory language (section 18-3-304, MCA) states a lease/purchase rental contract cannot exceed 20 years. Additionally, there are other specific laws and rules regarding the bidding and construction of public buildings which apply regardless of who builds the facility.

4. The Department of Institutions' amendments do not address the role of the Department of Administration in the lease/purchase proposal. Under existing statutes the Department of Administration's Architecture and Engineering Division would play a significant part in the construction/maintenance of the proposed facility. The statute noted in Institutions' amendments does not mention the Department of Administration.

5. Section 90-5-106, MCA, states that prior to leasing of any project, the governing body (the local government entity) must determine the estimated cost of maintaining the project in good repair and keeping it properly insured, <u>unless</u> the terms of the lease provide that the lessee shall maintain and insure the project. At this time it is unclear who will be responsible for maintaining and insuring the facility, however, if it is the local government entity, the current projected facility costs do <u>not</u> include the anticipated maintenance and insurance costs. As a result, the total facility financing costs will exceed the department's established cost figure of $13,925,000.

EXHIBIT 9
DATE 3-22-91
HB 5

HOUSE BILL NO. 5

INTRODUCED BY BARDANOUVE, CONNELLY

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR CAPITAL PROJECTS; TO AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION LONG-RANGE BUILDING PROGRAM BONDS; TO APPROPRIATE THE PROCEEDS OF THE BONDS FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1993; TO PROVIDE FOR AN AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE BOARD OF REGENTS; TO PROVIDE FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. **Definitions.** For the purposes of [sections 1 through 19], unless otherwise stated, the following definitions apply:

(1) "Agency" includes each state office, department, board, commission, council, or committee, the university system, or any other entity or instrumentality of the executive branch, office of the legislative branch, or office of the judicial branch of state government.

(2) "Approved budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within an agency in order to increase the appropriations of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

(3) "Capital project" means acquisition of land or improvements, planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 19].

(4) "LRBPF" means the long-range building program fund in the capital projects fund type.

(5) "Major maintenance" means building maintenance or repair projects that are not needed on an annual or biennial basis or are not the function of the permanent maintenance staff of the agency.

(6) "Major maintenance plan" means a 6-year schedule of anticipated major maintenance requirements and costs for the first 2 years of the schedule, developed for each state building, as determined by the department of administration. The plan must include a record of major maintenance performed in the previous biennium.

(7) "Other funding sources" means money other than general fund money or long-range building program fund money, including special revenue fund money, that accrues to an agency under the provisions of law.

<u>NEW SECTION.</u> Section 2. **Expansion required to be authorized.** An existing capital project may not be expanded beyond the scope of the project as approved by the 52nd legislature unless the capital project expansion is authorized by an approved budget amendment.

<u>NEW SECTION.</u> Section 3. **Federal funds for administration.** All federal funds received as a reimbursement for the cost of administering the federal funds when the cost was financed from the general fund revert to the general fund.

<u>NEW SECTION.</u> Section 4. **Reappropriation.** Notwithstanding any other provision of law, the remaining balances on capital projects previously appropriated are reappropriated until June 30, 1993, for the purposes for which originally appropriated.

<u>NEW SECTION.</u> Section 5. **Major maintenance plan -- requirements.** For all new construction proposals submitted to the legislature and for all existing applicable state buildings, as determined by the department of administration, each agency, in consultation with the architecture and engineering division of the department of administration, shall provide a major maintenance plan. This plan must be submitted by the agency to the department of administration by July 1 of each even-numbered year, along with the proposed long-range building program required under 17-7-202.

Exhibit # 9
3-22-91 HB 5

NEW SECTION. Section 6. **Capital projects appropriations.** (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project	LRBPF	Other Funding Sources	
DEPARTMENT OF ADMINISTRATION			
Hazardous Material Abatement, Statewide	$ ~~650,000~~	$ 150,000	Auxiliary
	617,500		
STATE BUILDING ENERGY RETROFIT, STATEWIDE		500,000	NONSTATE STATE SPECIAL REVENUE
		1,000,000	FEDERAL SPECIAL REVENUE
		500,000	AUXILIARY OR OTHER
Construction Litigation, Architecture and Engineering Division	345,000		
Develop Alternate Water Supply, Capitol Complex		50,000	Proprietary Funds
Property Acquisition and Development, Capitol Complex		123,014	Capitol Land Grant
DEPARTMENT OF COMMERCE			
Improve Pavement and Lighting, Yellowstone Airport		51,773	Proprietary Funds
		465,957	Federal Special Revenue
DEPARTMENT OF EDUCATION			

Agency/Project	LRBPF	Other Funding Sources	
Replace Academic Building Roof and Miscellaneous Repairs, Montana School for the Deaf and Blind	339,000		
DEPARTMENT OF FAMILY SERVICES			
Expand Security Fence, Pine Hills School	27,000		
Replace and Repair Roofs, Family Services	127,600		
DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
Remove Underground Storage Tanks, Statewide		150,000	State Special Revenue
Headquarters Maintenance and Improvements, Statewide		85,000	State Special Revenue
Department Property Development, Statewide		360,000	State Special Revenue
State Park Maintenance and Development, Statewide		3,798,500	State Special Revenue
		1,124,500	Federal Special Revenue
Fish Hatchery Maintenance, Statewide		37,500	State Special Revenue
		112,500	Federal Special Revenue
Fishing Access Site Improvements, Statewide		286,000	State Special Revenue
		858,000	Federal Special Revenue
Motorboat Access Facilities, Statewide		67,000	State Special Revenue

Exhibit # 9
3-22-91 HB 5

Agency/Project	LRBPF	Other Funding Sources	
Wildlife Habitat Maintenance, Statewide		201,000	Federal Special Revenue
		304,000	State Special Revenue
Waterfowl Habitat Enhancement, Statewide		~~399,500~~	State Special Revenue
		349,500	
DEPARTMENT OF HIGHWAYS			
Maintenance Projects, Statewide		~~300,000~~	Highways State Special Revenue
		450,000	
Construct and Expand Maintenance AND STORAGE Buildings, Statewide		~~715,000~~	Highways State Special Revenue
		1,167,600	
~~Equipment Storage Buildings, Statewide~~		~~568,525~~	~~Highways State Special Revenue~~
		115,925	FEDERAL SPECIAL REVENUE
DEPARTMENT OF INSTITUTIONS			
Replace Water and Steam Lines, Montana Developmental Center	~~149,200~~		
	116,708		
Replace Roofs, Institutions	30,000		
Moisture Protection, Eastmont Human Services Center	98,450		
Maintain Roads and Parking Lots, Institutions	~~150,000~~		
	37,625		

Agency/Project	LRBPF	Other Funding Sources	
MONTANA STATE HOSPITAL INFRASTRUCTURE STUDY	112,375		
Seal Buildings, Montana State Prison	25,000		
Building Improvements, Center for the Aged	105,015		
Replace Multipurpose Building Flooring, Montana State Hospital, Warm Springs	26,800		
GALEN REPAIR PROJECTS	181,000		
DEPARTMENT OF LABOR AND INDUSTRY			
Renovate and Expand Job Service, Great Falls		310,000	Federal Special Revenue
VARIOUS MAJOR MAINTENANCE PROJECTS		209,450	FEDERAL SPECIAL REVENUE
DEPARTMENT OF STATE LANDS			
Construct Unit Office, Plains	235,000		
Construct Two Greenhouses, Missoula		191,900	State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS			
Kitchen Upgrade, Statewide	45,000		
Rifle Range Rehabilitation, Statewide	10,000	555,000	Federal Special Revenue
Armory Additions and Alterations, Statewide	150,000	16,155,000	Federal Special Revenue
Acquire Land and Preplan Armory, Billings	150,000	200,000	Federal Special Revenue

Exhibit # 9
3-22-91 HB 5

Agency/Project	LRBPF	Other Funding Sources	
Expand Military Vehicle Compounds, Statewide	5,000	275,000	Federal Special Revenue
Federal Spending Authority		300,000	Federal Special Revenue
MONTANA UNIVERSITY SYSTEM			
Primary Electrical Vault Disconnect, Eastern Montana College	31,000	14,000	Auxiliary
Install Fire Alarm System, University of Montana	70,000		
Replace and Improve Roofs, University System	~~1,089,550~~ 1,154,550	350,000	~~Auxiliary~~ PLANT
Improve Underground Utilities, Phase I, University System	296,000	200,000	Auxiliary
Repair and Improve Heating System, Western Montana College	57,900		
Improve Handicapped Access, University System	335,000		
Replace Carpet, Great Falls Vo-Tech	60,000		
Improve Sidewalks and Fire Access, University System	86,000		
Plan Chemistry/Pharmacy Renovations and ~~Life Sciences Building~~, University of Montana	50,000	~~50,000~~	~~Federal Special Revenue~~
		~~150,000~~	~~Donations~~

Agency/Project	LRBPF		Other Funding Sources
Plan Metallurgy Remodel, Montana Tech	50,000		
WINDOW RETROFIT MUSEUM BUILDING, MONTANA TECH	142,000		
Various Improvements, University of Montana		2,584,600	Federal, Higher Education Funds, and/or Donations
CENTENNIAL MALL, MONTANA STATE UNIVERSITY		1,600,000	PLANT
Remodel Student Union Building, Western Montana College		600,000	Auxiliary
Construct Engineering/Physical Sciences Complex, Montana State University		~~3,335,250~~	Higher Education Funds and/or Donations
		2,668,200	
LIFE SCIENCE BUILDING, UNIVERSITY OF MONTANA		12,000,000	FEDERAL SPECIAL REVENUE
Construct Business Administration Building, University of Montana		~~2,322,900~~	Higher Education Funds and/or Donations
		1,858,320	
MULTIPURPOSE BUILDING, NORTHERN AGRICULTURAL RESEARCH CENTER	150,000		

(2) FOR PURPOSES OF OBTAINING CASH FOR THE CONSTRUCTION LITIGATION APPROPRIATION AUTHORITY IN

Exhibit # 9
3-22-91 HB 5

[SECTION 6(1)], THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION IS AUTHORIZED TO REQUEST A BUDGET AMENDMENT FOR TRANSFER OF ANY EXCESS LONG-RANGE BUILDING PROJECT FUNDS FROM ANY AGENCY SO LONG AS THE AMENDMENT DOES NOT MOVE FUNDS REQUIRED TO COMPLETE ANY AUTHORIZED AGENCY PROJECT.

~~(2)~~(3) The following money is appropriated to the department of administration in the indicated amounts for the purpose of planning projects described in [section 12] and authorized in [section 13]:

Agency/Project	LRBPF	Other Funding Sources
Preliminary Design for Prison Expansion	$ 877,500	
Preliminary Design, University System:		
Engineering/Physical Sciences, MSU	1,165,290	
Business Administration, UM	604,705	
~~Apsaroke Hall, EMC~~	~~71,640~~	

NEW SECTION. Section 7. **Capital improvements appropriation to Montana state prison.** The following money is appropriated to Montana state prison in the indicated amounts for the purpose of making capital improvements to the Montana state prison industries facilities:

Agency/Project	LRBPF	Other Funding Sources
Expand Industries Facilities, Montana State Prison		$321,976 Proprietary Funds
		14,000 Federal Special Revenue

NEW SECTION. Section 8. **Land acquisition appropriation.** The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land leasing, or easement purchase:

Agency/Project	LRBPF	Other Funding Sources

Agency/Project	LRBPF	Other Funding Sources
Fishing Access Site Acquisition, Statewide		$ 881,000 State Special Revenue
Wildlife Habitat Acquisition, Statewide		4,923,356 State Special Revenue
Bighorn Sheep Habitat Acquisition, Statewide		48,500 State Special Revenue

NEW SECTION. Section 9. **River restoration.** The following money is appropriated to the department of fish, wildlife, and parks for river restoration:

Agency/Project	LRBPF	Other Funding Sources
River Restoration, Statewide		~~$261,000~~ $219,000 State Special Revenue

NEW SECTION. Section 10. **Capital improvements.** (1) The following money is appropriated to the department of highways in the indicated amount for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBPF	Other Funding Sources
Maintenance Projects, Statewide		~~$143,500~~ $243,500 Highways State Special Revenue

(2) The following money is appropriated to the department of state lands in the indicated amounts for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBPF	Other Funding Sources
Maintenance and Improvement Projects, Statewide	$118,280	$100,000 Federal Special Revenue

(3) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IN THE INDICATED AMOUNTS FOR THE PURPOSE OF IMPROVING WATERFOWL HABITAT:

Agency/Project	LRBPF	Other Funding Sources

Exhibit # 9
3-22-91 HB 5

Agency/Project	LRBPF	Other Funding Sources
WATERFOWL HABITAT ENHANCEMENT, STATEWIDE		$50,000 STATE SPECIAL REVENUE

NEW SECTION. Section 11. **Disposition of unspent bond proceeds and related investment income.** Excess investment income and excess principal of bonds issued for a specific purpose or project may be placed in the debt service fund to retire bonds issued for the purpose or project.

NEW SECTION. Section 12. **Appropriation of bond proceeds and other funds.** The following money is appropriated from the bond proceeds and other funding sources to the department of administration for the capital projects described in this section contingent upon the respective authorization and sale of general obligation long-range building program bonds by the 52nd legislature and the board of examiners:

Agency/Project	LRBPF	Other Funding Sources
Major Expansion, Montana State Prison	$19,360,745	
Construct Engineering/Physical Sciences Complex, Montana State University	~~17,734,460~~ 18,401,510	
Construct Business Administration Building, University of Montana	~~12,558,395~~ 13,022,975	
~~Construct--Gymnasium,--Northern--Montana College~~	~~8,000,000~~	
~~Renovate-Apsaruke-Hall,-Eastern--Montana College~~	~~1,228,360~~	

NEW SECTION. Section 13. **Authorization of bonds.** The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding ~~$58,881,960~~ $50,785,230 for the projects described in [section 12] over and above the amount of general obligation long-range building program bonds outstanding on January 1, 1991, to be issued in accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds.

~~NEW-SECTION:--Section-14:--Agreement-with-the-board-of-regents:-For-the--proceeds--of--bonds--or notes--authorized--and--appropriated--by--[this-act]-for-the-construction-of-a-gymnasium-at-northern Montana-college;-the-board-of-examiners-and-the-board-of-regents-may-enter-into-an--agreement--under the--terms--of--which--the--regents--shall--pay--the-state-treasurer;-for-deposit-in-accordance-with 17-2-101-through-17-2-107;-as-determined-by-the-state-treasurer;-an-amount--sufficient--to--pay--the principal--and--interest--as--due-on-the-bonds-or-notes-from-which-the-appropriation-was-made-and-to accumulate-and-maintain-reserves-required-under-such-bonds:-The-agreement-must-further-provide--that income--from--the--investment--of-bond-proceeds;-unused-principal;-and-the-reserves-not-required-for construction-or-renovation-costs-may-be-credited-against-the-regents'-payment--obligation:--Payments by-the-regents-must-be-made-from-available-funds:~~

~~NEW-SECTION:--Section-15:--Benefit--of--state:--The--agreement--made-pursuant-to-[section-14]-is solely-for-the-benefit-of-the-state-of-Montana-and--is--not--enforceable--by--bondholders--or--other third-party-beneficiaries:~~

NEW SECTION. Section 14. **Capital projects reauthorization.** (1) The appropriations for capital projects authorized in section 5, House Bill No. 900, Laws of 1983, and in section 6, House Bill No. 5, Laws of 1987, for the Creston Springs hatchery operated by the department of fish, wildlife, and parks are appropriated through the biennium ending June 30, 1993, for a kokanee salmon facility.

(2) The appropriation for capital projects authorized in section 6, House Bill No. 777, Laws of 1989, for the construction of statewide sandhouses operated by the department of highways is appropriated through the biennium ending June 30, 1993, for the construction of an equipment storage garage near Lincoln.

Exhibit # 9
3-22-91 HB 5

<u>(3) THE APPROPRIATIONS FOR CAPITAL PROJECTS AUTHORIZED IN SECTION 6 ON PAGE 4, LINE 3, AND IN SECTION 8, PARAGRAPH (3), ON PAGE 7, LINE 12, IN HOUSE BILL NO. 777, LAWS OF 1989, FOR THE LAKE ELMO IMPROVEMENTS PROJECT IS REAPPROPRIATED AS FOLLOWS:</u>

<u>THROUGH JUNE 30, 1991, APPROPRIATED FUNDS ARE RESERVED FOR THIS PROJECT. ANY CAPITAL PROJECTS FUNDS THAT HAVE NOT BY THAT DATE BEEN MATCHED WITH LOCAL FUNDS ON A CASH BASIS, THROUGH A DEPOSIT OF CASH WITH DEPARTMENT OF FISH, WILDLIFE, AND PARKS ACCOUNTS, ARE NO LONGER RESERVED FOR THAT PROJECT. ANY REMAINING BALANCE OF CAPITAL PROJECTS FUNDS NOT DESIGNATED FOR LAKE ELMO IMPROVEMENTS AS OF JULY 1, 1991, SHALL BE AVAILABLE TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO EXPEND FOR STATE PARKS IMPROVEMENTS. FUNDS FOR SUCH PROJECTS MUST BE MATCHED EQUALLY BY LOCAL FUNDS. THE DEPARTMENT OF ADMINISTRATION MAY EXPEND ONLY THAT PORTION OF THE APPROPRIATION THAT IS EQUALLY MATCHED WITH LOCAL FUNDS ON A CASH BASIS. IN-KIND SERVICES MAY NOT BE CONSIDERED FOR MATCHING PURPOSES.</u>

<u>NEW SECTION.</u> Section 15. **Planning and design.** The department of administration may proceed with the planning and design of capital projects prior to the sale of bonds or the receipt of other funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs incurred prior to the receipt of bond proceeds or other funding sources.

<u>NEW SECTION.</u> Section 16. **Capital projects -- contingent funds.** (1) If a capital project is financed in whole or in part with appropriations contingent upon the receipt of other funding sources, the department of administration may not let such projects for bid until the agency has submitted a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:

(a) the level of funding provided under the financial plan deviates substantially from the funding levels provided in [sections 1 through 19] for that project; or

(b) the scope of the project must be substantially altered or revised from the preliminary plans presented for that project in the 1992-93 long-range building program presented to the 52nd legislature.

(2) The funds appropriated in [section 6(1)] for the construction of an engineering/physical sciences complex at Montana state university and for the construction of a business administration building at the university of Montana shall be expended before expenditure of state bond proceeds for construction.

NEW SECTION. Section 17. **Legislative consent.** The appropriations authorized in [sections 1 through 19] constitute legislative consent for the capital projects contained in [sections 1 through 19] within the meaning of 18-2-102.

NEW SECTION. Section 18. **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 19. **Requirements for approval of state debt.** Because [section 13] authorizes the creation of a state debt, a vote of two-thirds of the members of each house is required for enactment of [sections 12 through 15]. If [section 13] is not approved by the required vote, [section 6(2) and sections 12 through 15] are void. The remaining sections of [this act] are valid and remain in effect in all valid applications upon enactment.

NEW SECTION. Section 20. **Effective date.** [This act] is effective on passage and approval.

-End-

Amendments to House Bill No. 5
First Reading Copy

Requested by Committee on Appropriations

Prepared by Robert Person and Jim Haubein
March 21, 1991

1. Page 3, line 8.
Strike: "650,000"
Insert: "617,500"
Following: line 8
Insert: "State Building Energy Retrofit

Statewide	500,000	Nonstate State Special Revenue
	1,000,000	Federal Special Revenue
	500,000	Auxiliary or other"

2. Page 4, line 24.
Strike: "399,500"
Insert: "349,500"

3. Page 5, line 2.
Strike: "300,000"
Insert: "450,000"

4. Page 4, line 3.
Following: "Maintenance"
Insert: "and Storage"

5. Page 4, line 4.
Strike: "715,000"
Insert: "1,167,600"

6. Page 5, line 5.
Strike: line 5 in its entirety

Insert: "	115,925	Federal Special Revenue"

7. Page 5, line 8.
Strike: "149,208"
Insert: "116,708"

8. Page 5, line 13.
Strike: "150,000"
Insert: "37,625"
Following: line 13
Insert: "Montana State Hospital

Infrastructure Study	112,375"

9. Page 5, line 20.
Following: line 19
Insert: "Galen Repair Projects 181,000"

10. Page 5, line 23.
Following: line 22
Insert: "Various Major Maintenance Projects 209,000 Federal Special Revenue"

11. Page 6, line 18.
Strike: "1,089,550"
Insert: "1,154,550"
Strike: "Auxiliary"
Insert: "Plant"

12. Page 7, line 5.
Strike: line 5 in its entirety

13. Page 7, line 6.
Strike: "50,000 Federal Special Revenue"

14. Page 7, line 7.
Strike: "150,000 Donations"

15. Page 7, line 9.
Following: line 8
Insert: "Window Retrofit Museum Building, Montana Tech 142,000"

16. Page 7, line 12.
Following: line 11
Insert: "Centennial Mall, Montana State University 1,600,000 Plant"

17. Page 7, line 16.
Strike: "3,335,250"
Insert: "2,668,200"

18. Page 7, line 18.
Following: line 17
Insert: "Life Science Building University of Montana 12,000,000 Federal Special Revenue"

19. Page 7, line 19.
Strike: "2,322,900"
Insert: "1,858,320"

20. Page 7, line 21.
Following: line 20
Insert: "Multipurpose Building Northern Agricultural Research Center 150,000

(2) For purposes of obtaining cash for the construction litigation appropriation authority in [section 6(1)], the architecture and engineering division of the department of administration is authorized to request a budget amendment for transfer of any excess long-range building project funds from any agency so long as the amendment does not move funds required to complete any authorized agency project."

Renumber: subsequent subsection

21. Page 8, line 5.
Strike: line 5 in its entirety

22. Page 8, line 25.
Strike: "$261,000"
Insert: "$219,000"

23. Page 9, line 5.
Strike: "$143,500"
Insert: "$243,500"

24. Page 9, line 11.
Following: line 10
Insert: "(3) The following money is appropriated to the department of fish, wildlife and parks in the indicated amounts for the purpose of improving waterfowl habitat:

Waterfowl Habitat Enhancement Statewide	$50,000	State Special Revenue"

25. Page 9, line 22.
Strike: "17,734,460"
Insert: "18,401,510"

26. Page 9, line 24.
Strike: "12,558,395"
Insert: "13,022,975"

27. Page 10, lines 2 through 5.
Strike: lines 2 through 5 in their entirety

28. Page 10, line 7.
Strike: "$58,881,960"
Insert: "$50,785,230"

29. Page 10, lines 13 through 25.
Strike: lines 13 through 25 in their entirety
Renumber: subsequent sections

30. Page 11, line 9.
Following: line 8
Insert: "(3) The appropriations for capital projects authorized in section 6 on page 4, line 3, and in section 8, paragraph

(3), on page 7, line 12, in House Bill No. 777, Laws of 1989, for the Lake Elmo Improvements project is reappropriated as follows:

Through June 30, 1991, appropriated funds are reserved for the Lake Elmo Improvements project. Any capital projects funds that have not by that date been matched with local funds on a cash basis, through a deposit of cash with the department of fish, wildlife, and parks accounts, are no longer reserved for the project. Any remaining balance of capital projects funds not designated for Lake Elmo Improvements as of July 1, 1991, shall be available to the department of fish, wildlife and parks to expend for state parks improvements. Funds for such projects must be matched equally by local funds. The department of administration may expend only that portion of the appropriation that is equally matched with local funds on a cash basis. In-kind services may not be considered for matching purposes."

EXHIBIT
DATE 3-22-
HB 5

Long-Range Building Program
1993 Biennium

22-Mar-91

LRB Committee Action

Agency	A&E Priority	Capital Projects Fund	State Special Revenue	Federal Special Revenue	Other Revenue	LRBF Bond Proceeds	Total
Administration							
Hazardous Materials Abatement	4	$617,500			$150,000		$767,500
Construction Litagation	10	345,000					345,000
Alternate Water Supply	32				50,000		50,000
Property Acquisition	33				123,014		123,014
Commerce							
Pavement - West Yellowstone Airport	34			465,957	51,773		517,730
Fish, Wildlife, & Parks							
Remove Underground Storage Tanks	35		150,000				150,000
Headquarters Maint. & Imporvements	36		85,000				85,000
Property Development	37		360,000				360,000
State Parks Development & Improve.	38		3,798,500	1,124,500			4,923,000
Fish Hatchery Maintenance	39		37,500	112,500			150,000
Fishing Access Site Improvements	40		286,000	858,000			1,144,000
Motorboat Access Site Facilities	41		67,000	201,000			268,000
River Restoration	42		219,000				219,000
Fishing Access Site Acquisition	43		881,000				881,000
Wildlife Habitat Maintenance	44		304,000				304,000
Wildlife Habitat Acquisition	45		4,923,356				4,923,356
Waterfowl Habitat Enhancement	46		399,500				399,500
Bighorn Sheep Habitat Acquisition	47		48,500				48,500
State Lands							
Maint. & Improve. Projects	11	118,280		100,000			218,280
Construct Unit Office	24	235,000					235,000
Construct Greenhouses	52		191,900				191,900
Labor							
Rennovate Job Ser. Bldg. G.F.	51			310,000			310,000
Major Maintenence				209,450			209,450
Highways							
Maintenance Projects - Statewide	48		$693,500				$693,500
Construct & Expand Maint. & Equipment Buildings	49 & 50		1,167,600	115,925			1,283,525
Family Services							
Security Fence - Pine Hills	3	27,000					27,000
Repair Roofs - MVS and PHS	7	127,600					127,600
School for Deaf and Blind							
Academic Bldg Roof & Repairs	8	339,000					339,000
Military Affairs							
Kitchens Upgrade - Statewide	19	45,000					45,000
Rifle Range Rehab. - Statewide	25	10,000		555,000			565,000
Armory Additions	29	150,000		16,155,000			16,305,000
Land for Armory - Billings	30	150,000		200,000			350,000
Expand Vehicle Compounds	31	5,000		275,000			280,000

Ex. 10
3-22-91
HB 5

Maint. Existing Facilities	53			300,000			300,000
Institutions							
Water & Steam Lines MDC	5	116,708					116,708
Moisture Protection EHS	12	98,450					98,450
Infrastructure Study - Mt State Hosp		112,375					112,375
Roads & Park. Lots Maint.	14	37,625					37,625
Bldg. Improvements CFA	20	105,015					105,015
Multi purpose Bldg. Floor MSH	22	26,800					26,800
Galen Repair Projects		181,000					181,000
Roofs Bd. of Pardons & Warehouses	9	30,000					30,000
Seal Buildings - Prison	15	25,000					25,000
Expand Industries Facilities	54			14,000	321,976		335,976
Major Prison Expansion	57	877,500				19,360,745	20,238,245
University System							
Replace Roofs	6	1,154,550			350,000		1,504,550
Improve Underground Utilities	13	296,000			200,000		496,000
Improve Handicap Access	17	335,000					335,000
Improve Sidewalks & Fire Access	21	86,000					86,000
Montana State Univeersity							
Centennial Mall	-				1,600,000		1,600,000
Engineering/Physical Science Bldg.	58	1,165,290			2,668,200	18,401,510	22,235,000
University of Montana							
Install Fire Alarm	2	70,000					70,000
Plan Chem/Pharm Rennovations	26	50,000					50,000
Various Improvements	55				2,584,600		2,584,600
Life Science Bldg				12,000,000			12,000,000
Business Administration Bldg.	59	604,705			1,858,320	13,022,975	15,486,000
Eastern Montana College							
Primary Electrical Vault	1	31,000			14,000		45,000
Mt. College of Mineral Science							
Plan Metallurgy Bldg. Remodel	27	50,000					50,000
Retrofit Windows in Museum		142,000					142,000
Agricultural Experiment Station							
Multi-Pur. Bldg. N. Ag Resrch. Cntr.		150,000					150,000
Western Montana College							
Repair Heating System	16	57,900					57,900
Remodel Student Union	56				600,000		600,000
Vocational-Technical Center							
Replace Carpet - Great Falls	18	60,000					60,000
Total Approved by Committee		$8,032,298	$13,612,356	$32,996,332	$10,571,883	$50,785,230	$115,998,099
LRB Cash Available		$8,180,457					
Balance Remaining		$148,159					

EXHIBIT 11
DATE 3-22-91
HB 5

Prison Construction Projects

Project	Costs With Inmate Labor	Costs W/O Inmate Labor	Difference
..fs Board of Pardons & Warehouses	$30,000	$66,915	$36,915
..eal Prison Bldg.	25,000	61,540	36,540
Expand Industries Facilities	335,976	537,560	201,584
Expand Prison	20,238,245	21,908,710	1,670,465
	$20,629,221	$22,574,725	$1,945,504
Interest Costs to Bond the Inmate Labor Costs for the Prison Construction	0	1,483,137	$1,483,137
Total Costs	$20,629,221	$24,057,862	$3,428,641

..erest costs based on bonding for 20 years at 7 percent.

Amendments to House Bill No. 122
Second Reading Copy

Requested by Representative Angela Russell
For the House Committee on Appropriations

Prepared by Tom Gomez
March 21, 1991

EXHIBIT 12
DATE 3-22-91
HB 122

1. Page 5, line 19.
Following: "(b)"
Strike: "A"
Insert: "In a county with state-assumed welfare services, a"

HB012202.ATG

HOUSE BILL 282 - STATE EQUALIZATION PAYMENTS

% OVER 6%	COUNTY	$.29 P/A GRAZING	$1.94 P/A AGRI.	$.51 P/A FOREST	TOTAL	18 COUNTY* AVERAGE	PAYMENT	1990 REQUESTED	1990 PD	1989 REQUESTED	1989 P
3.50	BEAVERHEAD	34,500	2,666	720	37,886	38,458	20,633	38,482	26,171	37,215	26,76
0.62	BLAINE	4,496	3,070	0	7,566	7,563	4,120	7,151	4,863	5,020	3,61
0.73	CARTER	4,393	1,490	0	5,883	5,958	3,204	3,896	2,650	3,242	2,33
4.61	CHOUTEAU	22,599	69,175	0	91,774	88,987	49,980	118,560	80,628	108,557	78,08
17.9	DANIELS	24,186	179,859	0	204,045	195,608	111,123	105,080	71,461	115,119	82,80
0.45	FALLON	1,162	1,440	0	2,602	2,568	1,418	1,072	729	1,187	85
0.44	GOLDEN VALLEY	867	378	22	1,267	1,263	690	944	642	756	54
2.28	HILL	6,986	34,308	0	41,294	39,766	22,489	21,510	14,628	20,382	14,66
2.18	JUDITH BASIN	6,142	10,692	0	16,834	16,494	9,168	24,340	16,553	23,821	17,13
3.27	LIBERTY	5,930	20,124	0	26,054	25,221	14,189	19,500	13,261	15,788	11,35
0.07	MUSSELSHELL	229	111	101	441	375	240	602	410	567	40
0.68	POWDER RIVER	4,055	467	0	4,522	4,638	2,463	4,001	2,721	2,752	1,97
0.89	PRAIRIE	2,620	2,301	0	4,921	4,892	2,680	2,812	1,912	2,472	1,77
0.08	RICHLAND	26	289	0	315	301	172	1,133	771	796	57
1.02	TETON	3,685	4,386	0	8,071	7,971	2,904	10,732	7,298	7,010	5,04
1.96	TOOLE	5,180	12,012	0	17,192	16,752	9,363	14,508	9,867	10,972	7,89
0.56	VALLEY	4,703	4,904	0	9,607	9,517	5,232	9,806	6,668	8,171	5,87
2.06	WHEATLAND	5,050	4,009	0	9,059	9,027	4,932	5,539	3,767	4,593	3,30
		136,809	351,681	843	489,333	475,359	265,000	389,668	265,000	368,420	265,00
% OF APPROPRIATION					54%	56%			68%		72%

* $ .30 P/A GRAZING
$1.84 P/A AGRICULTURE
$ .17 P/A FOREST

EXHIBIT 14
DATE 3-22-91
HB 349

Amendments to House Bill No. 349
First Reading Copy

Requested by Representative Gervais
For the Committee on Appropriations

Prepared by Greg Petesch
March 6, 1991

1. Title, lines 8 and 9.
Following: ";" on line 8
Strike: remainder of line 8 through ";" on line 9

2. Page 3, lines 3 and 4.
Following: "(1)" on line 3
Strike: remainder of line 3 through "fund" on line 4
Insert: "must be distributed by the commissioner of higher education on the basis of the number of nonbeneficiary students enrolled in each qualified tribal college"

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE   TIME 2:18

DATE 3/27/91   BILL NO. ________   NUMBER 1

MOTION: HB 12
Do pass

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB	✓		
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT		✓	
REP. TOM ZOOK	~~✓~~	✓	
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	9	9	

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE TIME 2:26 +

DATE 3-22 BILL NO. ________ NUMBER 2

MOTION: Amend HB13 to 3 passed

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB		✓	
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY		✓	
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM."RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT		✓	
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	13	5	

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE TIME 2:30 pm

DATE 3-22-91 BILL NO. 13 NUMBER 3

MOTION:

HB 13 A-695

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB		✓	
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY	✓		
REP. WM."RED" MENAHAN	✓		
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT		✓	
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	9	9	

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE　　TIME 2:36 t

DATE 3-22-91　　BILL NO. 30　　NUMBER 4

MOTION:

Do Pass HB 30

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB	✓		
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM."RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT		✓	
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	11	7	

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE TIME 2:36 t

DATE 3-22-91 BILL NO. 30 NUMBER 4

MOTION: Do Pass HB 30

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB	✓		
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM."RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT		✓	
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	11	7	

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE TIME 2:52

DATE 3-22-91 BILL NO. 77 NUMBER 4 A

MOTION: DO Pass
Tabled per Vote

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB		✓	
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY	✓		
REP. WM."RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT			✓
REP. TOM ZOOK		✓	
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	8	9	1

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE TIME 2:44

DATE 3-22-91 BILL NO. 96 NUMBER 5

MOTION: DoP

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB		✓	
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY		✓	
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON		✓	
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY		✓	
REP. WM."RED" MENAHAN		✓	
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT			✓
REP. TOM ZOOK		✓	
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	3	14	1

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE **TIME** 3:39 pm

DATE 3-22-91 **BILL NO.** 365 **NUMBER** 6

MOTION: Do Pass

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB	✓		
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY	✓		
REP. WM."RED" MENAHAN	✓		
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI		✓	
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT			✓
REP. TOM ZOOK		✓	
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	8	9	1

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE **TIME** 4:12 P

DATE 3-22-91 **BILL NO.** 371 **NUMBER** 7

MOTION: 371 Do Pass as Amended

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB	✓		
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT			✓
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
TOTAL	15	2	1

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE **TIME** ______

DATE 3-22-91 **BILL NO.** 455 **NUMBER** 8

MOTION:

TC

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB			✓
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY			✓
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON		✓	
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY		✓	
REP. WM."RED" MENAHAN	✓		
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT			✓
REP. TOM ZOOK		✓	
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	5	10	3

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

OTE TIME 4:48

1 BILL NO. 489 NUMBER 9 — 10

adly 2 1 1 3 — 0

	AYE	NO	ABSENT
VICE-CHAIRMAN	✓		
RADLEY		✓	
	✓		
ODY	✓		
N CONNELLY			✓
	✓		
NDE	✓		
SON		✓	
S	✓		
ERLEY		✓	
MENAHAN		✓	
BET		✓	
PETERSON	✓		
CI		✓	
SGOOD	✓		
			✓
	✓		
ARDANOUVE, CHAIRMAN	✓		
TOTAL	10	6	2

NO	ABSENT
✓	
	✓
✓	
✓	
✓	
	✓
✓	
✓	
6	2

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

APPROPRIATIONS COMMITTEE BILL NO. 528, 73

DATE 3-22-91 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
R				
Lois K. McMeekin P.O. Box 1020 Helena, MT. 59624	Concerned Citizen Church Women United	528		X
[illegible]	Mont. Assoc. of Churches	[illegible]		[illegible]
MT Womens Lobby	MT Womens Lobby	528		X
Kate Cholewa	MT Womens Lobby	528		X
[illegible]	[illegible]	[illegible]		X
[illegible]	ACLU	[illegible]		X
[illegible]	[illegible]	528		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Appropriation COMMITTEE BILL NO. 327, 385

DATE 3-22-91 SPONSOR(S) ______

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
James Tutwiler	MT Chamber Commerce	HB 327		✓
Dan Edwards	OPI	385		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.