

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
57th LEGISLATURE - REGULAR SESSION  
JOINT APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT AND  
TRANSPORTATION**

**Call to Order:** By **CHAIRMAN BOB DAVIES**, on January 9, 2001 at  
8:00 A.M., in Room 317-B Capitol.

**ROLL CALL**

**Members Present:**

Rep. Bob Davies, Chairman (R)  
Sen. Jack Wells, Vice Chairman (R)  
Rep. John Brueggeman (R)  
Rep. Monica Lindeen (D)  
Sen. Bea McCarthy (D)  
Sen. Corey Stapleton (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Greg DeWitt, Legislative Branch  
Mary Beth Linder, OBPP  
Cyndie Lockett, Committee Secretary  
Amy Sassano, OBPP

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: Department of Administration,  
1/6/2001  
Executive Action: Appellate Defender

*{Tape : 1; Side : A; Approx. Time Counter : 0 - 30}*

**Chairman Davies** called the meeting to order and moved the executive action for the Appellate Defender.

**Mr. DeWitt** explained his handouts to the subcommittee. He has developed the replacement tables for the tables already in the budget analysis.

**Bill Bayless, Administrator of General Services Division** began by handing out **EXHIBIT(jgh06a01)** which showed all his PowerPoint slides. He discussed his program and what they do. The subcommittee followed along with the handout **EXHIBIT (1)**. He talked about his scope of responsibilities and how much area they cover. It's important to know that because they have a small work force, the vast majority of work is done by contractors. These are annually awarded contracts based on performance and mutual agreement between the two parties. Most of the contracts are labor intensive, which may escalate the wage. He talked about recent accomplishments, then he went right into the recycling aspect of his agency. Recycle Montana has been a big process, but is real important to him and his agency. **Mr. Bayless** discussed his budget, funding sources, and his new proposal to use Capitol Land Grant to help subsidize rent payments.

*{Tape : 1; Side : B; Approx. Time Counter : 30 - 60}*

**Mr. Bayless** explained the proposed rental rates that would be charged to the other agencies \$4.77 for FY 2002 and \$4.88 for FY 2003. Reducing the rental rates and the general fund.

**Sen. McCarthy** asked about timber sales. Mr. Bayless could not answer so he turned to **Cathy Muri, Administrator of Accounting and Management Support**. She was in the audience but did not know the answer. **Mrs. Linder** explained this involved the Capital Land Grant and the intent to use \$933,066 each year. **Sen. McCarthy** asked if the sales have been already authorized, and the answer was yes.

**Sen. Stapleton** asked about the revenues made from recycling. **Mr. Bayless** said that it was about \$200 to \$300 a month. His department pays for the expenses.

**Rep. Lindeen** asked if the inflation factor was added in for electricity and natural gas. **Mr. DeWitt** answered her question by

telling the subcommittee that in FY 2002 the budget for electricity is inflated by 7% and in FY 2003 its inflated by 9%. The budget for natural gas is inflated by 18% FY 2002 and by 10% in FY 2003.

**Sen. Wells** asked how he could cross reference the tables given by **Mr. Bayless** with the table given to him by **Mr. DeWitt**. **Mr. DeWitt** said he was not sure and asked if he could ask some questions of **Mr. Bayless**. **Mr. DeWitt** asked if the table **Mr. Bayless** presented includes HB 2 and HB 576 budgets. **Mrs. Linder** said there are two funds together on the table listed on page A-168. She then proceeded to say that **Mr. Bayless** figured his table for just the general services agency.

**Sen. Stapleton** asked for clarification regarding the other fund listed, which was Fish, Wildlife, & Parks. Fish, Wildlife, and Parks is a small portion of the costs shown on the table and is for Capitol ground maintenance.

**Rep. Lindeen** asked if the Capital Land Grant was given to General Services would that reduce the rent. **Mr. Bayless** said yes, but if it is not used next biennium the rent rates will show a huge increase and that should be noted.

*{Tape : 2; Side : A; Approx. Time Counter : 0 - 30}*

**Mrs. Linder** talked about an issue that a lot of proprietary accounts have trouble collecting money. There is a bill to help cure this problem. The other issue **Mrs. Linder** brought up was that these proprietary accounts have a backup if they were to run short of operating cash and that comes from the general fund. Short-term borrowing is allowed if the proprietary funds run low on cash, but has to pay it back. If they have to borrow to pay bills their rent may go up to pay back the loan.

**Chairman Davies** announced the next speaker. **Cathy Muri, Administrator Accounting and Management Support Division**. She handed out **EXHIBIT(jgh06a02)** that followed her slide presentation. She discussed her program and how it's broken down into three parts: 1) Director's Office; 2) Accounting Bureau, and 3) Management Support Bureau. She also discussed Warrant Writer Unit and electronic banking.

*{Tape : 2; Side : B; Approx. Time Counter : 30 - 60}*

She finished her slide presentation and went over the decision packages (DP) they are requesting. **Mr. DeWitt** explained to the committee that **Mrs. Muri** was going over the DP's listed on pages

A-139 & A-140. He also let them know there is a description of each of these DP's on page A-140. He suggested that the subcommittee may want to make notes by the DP's if they like or dislike them and why. He said this will help when it comes to discussing and taking an executive action.

***{Tape : 3; Side : A; Approx. Time Counter : 0 - 30}***

**Mrs. Muri** still explaining her DP's and addresses LFD issues. She finishes her slides with the Personnel Units.

**Chairman Davies** called for the next speaker. **Tom O'Connell, Administrator of Architecture & Engineering Division** gave the subcommittee a handout **EXHIBIT(jgh06a03)** on the PowerPoint slides he will be going over. **Mr. O'Connell** discussed his agency and what kind of impact they have made in the state. **Mr. O'Connell** addressed the LFD issue on page A-146 and explained that his agency left the positions open to fund the pay exception granted by the legislature to address retention issues for engineers.

***{Tape : 3; Side : B; Approx. Time Counter : 30 - 60}***

**Sen. Stapleton** asked about bonds. **Mr. O'Connell** said to create a new project, typically the state sells(1 year)bonds. Then they have a debt service in which they retire the debt on those bonds. **Mr. O'Connell** showed pictures of projects that he and his staff were a part of. The contractor for the Montana State Hospital and the state are in a court battle. The contractor feels that the state delayed the project, and the state said the contractor caused his own troubles. **Mr. O'Connell** wanted the subcommittee to know about the lawsuit.

**Chairman Davies** asked about the Board of Regents and how they get authority. **Mr. O'Connell** said that most of all his jobs are approved by the legislature. There are other ways to get projects approved, but the majority of his projects are approved by the legislature.

**Sen. Wells** asked about the one vacancy listed in the budget analysis. He asked if the position was not filled what effect it would have on his program's job or performance. **Mr. O'Connell** replied that leaving that position open has taxed the other people in his agency.

***{Tape : 4; Side : A; Approx. Time Counter : 0 - 30}***

He also said people pulled double shifts.

**Chairman Davies** introduced the next testimony. **John McEwen, Administrator State Personnel Division** talked about his program. He handed out slides for his presentation **EXHIBIT (jgh06a04)**.

**Chairman Davies** called for executive action on the Appellate Defender. **Mr. DeWitt** explained the cheat sheets for motions. First a motion is made to accept base budget plus statewide present law. He explained that the subcommittee can increase or decrease the budgets. At the end of the subcommittee votes to adopt the budget, that would close the agency to executive action.

**EXECUTIVE ACTION ON APPELLATE DEFENDER**

**Motion:** REP. LINDEEN moved that the **BASE AND STATEWIDE PRESENT LAW BE ADOPTED**.

**Chairman Davies** asked for discussion. Clarification took place on the present law adjustments table between **Sen. Stapleton** and **Mr. DeWitt**.

*{Tape : 4; Side : B; Approx. Time Counter : 30 - 60}*

**Vote:** The question was called and the motion carried unanimously.

**Motion:** REP. LINDEEN moved that **DP 1 BE ADOPTED**.

**Chairman Davies** called for discussion. **Sen. Wells** wanted to know what kind of extra training the Appellate Defender needed? **Mr. Wright** said the Montana Supreme Court set standards to speed up the trials for people that are on death row. The standards include training outside of the state. **Sen. Stapleton** asked how many cases they had on death row. **Mr. Wright** answered that there are three active death row cases. This adds to the workload because there is a lot research and training involved in death row cases.

**Vote:** The question was called and the motion failed 2-4 with **Lindeen and McCarthy** voting aye.

**Sen. Wells** wondered if they turned down this motion now how can it be reopened. He also wanted to know when it can not be reopened again. **Mr. DeWitt** replied they could take a motion to reopen the Appellate Defender at anytime.

**Sen. McCarthy** asked **Mr. Wright** if there is another way to receive funding from the courts since they set the standard. **Mr. Wright** replied that the funding aspect was not addressed when the Montana Supreme Court set the standards for training.

**Motion:** **REP. LINDEEN** moved that **DP 2 BE ADOPTED**.

Discussion started with **Sen. Wells** asking if the contracted services were primarily for the death penalty cases. **Mr. Wright** said he would not say primarily, but a good portion is for the death penalty cases. **Sen. Stapleton** asked the subcommittee if they were voting to increase what was already there. **Mr. Wright** wanted to press the point by saying that their budget was cut in half the last biennium and that his agency was still trying to get it back to level they were before.

**Chairman Davies** asked for further discussion?

**Vote:** The question was called for and the motion carried 5-1 with **Stapleton** voting no.

**Motion/Vote:** **Sen. Wells** moved to adopt the budget as amended. The motion carried unanimously.

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**ADJOURNMENT**

Adjournment: 12:15 P.M.

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REP. BOB DAVIES, Chairman

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CYNDIE LOCKETT, Secretary

BD/CL