

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION**

**JOINT APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT AND
TRANSPORTATION**

Call to Order: By **CHAIRMAN LILA TAYLOR**, on February 16, 1999 at
8:30 A.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Rep. Lila Taylor, Chairman (R)
Sen. Mike Taylor, Vice Chairman (R)
Sen. Ken Mesaros (R)
Rep. Ray Peck (D)

Members Excused: Sen. Eve Franklin (D)
Rep. Joe Quilici (D)

Members Absent: None.

Staff Present: Skip Culver, Legislative Branch
Lynn Daily, Committee Secretary
Greg DeWitt, Legislative Branch
Mary LaFond, OBPP
Amy Sassano, OBPP

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

Committee Business Summary:

Testimony from Pat Chenowek for the Justice
Department
Executive Action: Department of Transportation

Pat Chenowek asks the committee to reconsider action on DP 2111
- Federal Court Assessment Program (page A-17).

EXHIBIT (jgh38a01): Judiciary Court Assessment Program Budget
Proposal

With a General Fund match they get \$3.00 for every \$1.00. If
they don't get the General Fund they will not get the money.
This started in 1993 and in the last session they asked for a one

time only but the Federal Government has extended the program three years.

He also want the committee to reconsider the vacancy savings.

EXHIBIT (jgh38a02): Judiciary Proposal to Restore 50% of Vacancy Savings

Historically they didn't have vacancy savings.

Mr. Chenoweck also asks the committee to reconsider their actions on Boards and Commissions for the Montana Judicial Institute. He is asking them to reconsider \$30,000. They see a real benefit when training is increased.

Mr. Chenoweck asks the committee to consider action on the enhancement to the foster care system Review Board.

EXHIBIT (jgh38a03): Budget Enhancement (Not included in Executive Budget)

CHAIRMAN TAYLOR states that the reason they didn't take action on the CRB is they were asked to wait because of a hearing.

SEN. TAYLOR says there is some concern that the CRB was a duplication and there was turf wars going on between DPHHS.

SEN. MESAROS would like to wait until full approps.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 21.9}

EXECUTIVE ACTION ON DEPARTMENT OF TRANSPORTATION

EXECUTIVE ACTION ON DOT - MAINTENANCE PROGRAM

Motion: **SEN. TAYLOR** moved **APPROVE DP 2 - ROAD REPORTING/TRAVELER SERVICES (PAGE A-89) WITH OPERATION COST REDUCTION BY 25% AS A ONE-TIME-ONLY APPROPRIATION AND A REPORT OF THE BENEFIT BACK TO THE NEXT COMMITTEE.**

Discussion:

John Blacker says there are three issues: road reporting, remote weather information systems, and computers.

SEN. TAYLOR asks what is in the base. **Mr. Blacker** says there are three different bases that this is going to.

CHAIRMAN TAYLOR asks if these can be mailed. **Mr. Blacker** says two things are time sensitive the MMS (Maintenance Management

System) and the payrolls. The payrolls have to be punched by noon Thursday and some would have to be mailed on Tuesday and they would have to estimate their time. **CHAIRMAN TAYLOR** states we are supposed to be maintaining roads and not sitting in the office on the computer.

SEN. TAYLOR asks how they know this is going to save them money. How are they going to prove to the next committee that this is beneficial to the public. **Mr. Blacker** uses Miles City as an example. They used to send people out on Saturday and Sunday to check roads and if it only took one hour they still had to pay them for four hours for a minimum call out time.

Marvin Dye says every session the committee has allowed government as a whole to invest in technology to improve work. The committee has asked for a report back to the next committee but hasn't given them anymore FTEs to do this.

SEN. MESAROS states that this is a big increase and it is very difficult at these levels to fund everything.

SEN. TAYLOR states they are not against technology, but they have term limits that are going to turn people out of committees and when we need to decide what is best for the taxpayer.

Vote: Motion **carried unanimously.**

Motion: **REP. QUILICI** moved **DP 3 - ROADWAY MAINTENANCE/PAVEMENT PRESV. (PAGE A-90).**

Discussion:

SEN. TAYLOR asks what is in the base. **Mr. Blacker** says it includes three categories \$708,000, \$148,000, and \$9,547,465. They are moving some money out of object 2150 to contracted services. They used to contract with Bozeman to do signal maintenance and now they have to contract out because the person in Bozeman left and no one was rehired.

SEN. TAYLOR asks how much is in public awareness. **Mr. Blacker** says \$20,000. This is unfunded and they have been taking money out of other places to try to fund this. A lot of this is volunteer.

Vote: Motion **carried unanimously.**

{Tape : 1; Side : B; Approx. Time Counter : 0 - 30.3}

Motion: **REP. QUILICI** moved **DP 4 - LAND PURCHASES (PAGE A-90).**

Discussion:

CHAIRMAN TAYLOR asks what they are going to do with this money. **Mr. Blacker** says they have \$34,000 in the base. The money will be used for maintenance sights they have to move. Most of the sites need five acres and they have 500 stock pile sites and they lease about 1/2 of the sites. **CHAIRMAN TAYLOR** asks if they make money when they sell sites. **Mr. Blacker** says they do make some money and its goes back into the State Special Revenue Account. **CHAIRMAN TAYLOR** asks what the liability is when they lease a site out. **Mr. Blacker** says they are were going to sell and they were contacted by the volunteer fire department to see if they could get enough money to buy. They have a standard lease contract with them.

SEN. TAYLOR asks how the department arrived at these numbers. **Mr. Blacker** says they used figures they had garnished off of other land purchases.

Vote: Motion carried unanimously.

Motion/Vote: **SEN. TAYLOR** moved DP 5 - WINTER MAINTENANCE (PAGE A-91). Motion carried unanimously.

Motion/Vote: **SEN. MESAROS** moved DP 6 - EQUIPMENT RENTAL (PAGE A-91). Motion carried unanimously.

Motion/Vote: **SEN. MESAROS** moved DP 7 - OVERTIME AND DIFFERENTIAL PAY (PAGE A-91). Motion carried unanimously.

Motion: **SEN. MESAROS** moved APPROVE DP 9 - NOXIOUS WEED CONTROL (PAGE A-91) AT \$250,000 MORE PER YEAR AS A RESTRICTED APPROPRIATION.

Discussion:

CHAIRMAN TAYLOR asks if they have any one who knows if the county weed boards are doing their jobs. **Mr. Blacker** says that management makes them track where they have been and how much chemical they use. DOT has to approve their plans.

SEN. MESAROS states that is appears we will be expanding 5,500 miles and will need more weed control.

CHAIRMAN TAYLOR asks if it is up to the county how they do this. **Mr. Blacker** says generally speaking year. About 35-40% contract out and the rest spray their own.

Jim Curry states that the additional weed control is in the secondary roads bill at a 28% increase.

SEN. TAYLOR asks if the committee does increase the money will the counties use the money. **Mr. Blacker** says the counties have said they will, but they haven't used the \$800,000 in the past. If a county doesn't use the money we reallocate it to other counties who will.

REP. QUILICI asks how they prioritize the allocation of funds to each county. **Mr. Blacker** says a lot of it is historical data.

SEN. MESAROS has a great concern with noxious weeds and this is an opportunity to step up to the plate and try to handle a huge problem.

REP. QUILICI states that in his area the weeds are a real problem. He can see where the right of way is being sprayed, but where they are not being sprayed the knapweed is growing wild.

Vote: Motion **carried unanimously.**

Motion/Vote: **SEN. TAYLOR** moved **DP 13 - MAINTENANCE PROGRAM FTE (PAGE A-91) AT 1.5 FTE IN FISCAL YEAR 2000 AND 2.5 FTE IN FISCAL YEAR 2001. Motion carried unanimously.**
{Tape : 2; Side : A; Approx. Time Counter : 0 - 30.3}

Motion: **REP. QUILICI** moved **DP 44 - TEMPORARY SEASONAL FTES (PAGE A-91).**

Discussion:

Mr. Blacker states these are funded in the contract services area. These are temporary FTEs, about 100-150 bodies, every winter for maintenance. They work 24 hours a day seven days a week in the winter.

REP. QUILICI states that the committee has looked at this over the years. Last session they reduced it by 75.9 FTEs. He has been doing research on overtime of the people in the winter. They are working long hours and he thinks the committee should get an amount of seasonal workers. **Mr. Blacker** says when they didn't have temporaries they paid \$2.2 Million in overtime. If they don't approve it they will have to pay more overtime than they are budgeted for. There are a lot of people who work every weekend. **REP. QUILICI** believes this is one of the reasons the mailboxes are going down. They do like the overtime, but it is

hard to work 12-16 hours per day and get six hour of sleep to go
and do it again.

SEN. TAYLOR states that this is an increase of 5 FTEs.

Vote: Motion failed 3-3 with Franklin, Peck, and Quilici voting
aye.

Motion/Vote: **SEN. TAYLOR** moved APPROVE DP 44 AT A LEVEL
RECOMMENDED BY THE EXECUTIVE BUT WITH NO FTES AND WITH PERSONAL
SERVICES MOVED TO CONTRACT SERVICES AND ADD BACK IN THE VACANCY
SAVINGS. Motion passed 4-2 with Peck and Chairman Taylor voting
no.

Motion/Vote: **SEN. TAYLOR** moved APPROVE DP 38 - MAINTENANCE
MANUAL (PAGE A-92) AT 50% OF REQUESTED LEVEL AS A ONE-TIME-ONLY.
Motion carried unanimously.

Motion/Vote: **REP. QUILICI** moved THE LANGUAGE TO ALLOW THE
DEPARTMENT FLEXIBILITY TO MOVE BETWEEN STATE AND FEDERAL FUNDING
AND ALLOW BIENNIAL APPROPRIATIONS FOR ALL MAINTENANCE
APPROPRIATIONS. Motion carried unanimously.

Motion/Vote: **SEN. TAYLOR** moved DP 24 - ELECTRONIC COMMERCE (PAGE
A-80) AS AMENDED: \$99,825 AS A BIENNIAL APPROPRIATION OR \$45,230
PER YEAR. Motion carried unanimously.

EXECUTIVE ACTION ON DOT - CONSTRUCTION PROGRAM

Motion/Vote: **REP. QUILICI** moved BASE (PAGE A-81). Motion carried
unanimously.

Motion/Vote: **SEN. FRANKLIN** moved STATEWIDE PRESENT LAW
ADJUSTMENTS (PAGE A-81). Motion carried unanimously.

Motion: **SEN. TAYLOR** moved DP 1 - EXPANDED FEDERAL AID PROGRAM
(PAGE A-83).

Discussion:

Greg DeWitt says this is a new proposal for 102.84 FTE in FY00
and 141.7 FTE in FY01 for \$100,063,384 in the first year and
\$82,351,199 in the second year.

Gary Gilmore says when they started the budget process TEA-21 was
not passed. They didn't get the actual numbers until January
15th.

{Tape : 2; Side : B; Approx. Time Counter : 0 - 28.3}

Jim Curry states that these positions are directly related to the large federal aid program and they are going to have trouble filling the positions.

REP. QUILICI states that the committee has been saying for weeks they want to put money on the roads and if they don't give them the tool they may as well forget it. This agency has cut back in every department over the years.

CHAIRMAN TAYLOR asks if this is a legitimate request or are we going to put people into jobs doing nothing.

SEN. TAYLOR asks what the \$182 Million they are requesting in the next biennium is for. **Greg DeWitt** says it's for FTEs and some personal services. \$6 Million is for personal services and the other part is for operational costs and others.

CHAIRMAN TAYLOR asks if the state employees are only hired as needed as projects come up. **Mr. Gilmore** says these are routinely on the books and only used for construction. The Federal Government has said there is \$13 Million more to spend.

Greg DeWitt says that 1.4% of the total cost expenditure is in the base.

Vote: Motion **carried unanimously.**

Motion: **SEN. FRANKLIN** moved **DP 14 - SEISMIC ANALYSIS AND RETROFIT OR HIGH (PAGE A-84).**

Discussion:

SEN. TAYLOR says this is an increase of 3 FTEs per year and asks how many they have now. **Mr. Gilmore** says they have no one now. There are modified FTE.

Vote: Motion **failed 3-3 with Franklin, Peck, and Quilici voting aye.**

Substitute Motion: **SEN. TAYLOR** made a substitute motion **APPROVE DP 14 AT 2/3 THE LEVEL PROPOSED BY THE EXECUTIVE BUT WITH NO FTES AND ASSOCIATED PERSONAL SERVICES COST FOR TWO FTE MOVED TO CONSULTING SERVICES AND OPERATING COSTS REDUCED BY 1/3.**

Discussion:

SEN. FRANKLIN speaks against the motion. This is real work being done. She is not sure we are gaining anything by taking out of operation costs.

REP. QUILICI says these are not consultants. They are live bodies on board.

{Tape : 3; Side : A; Approx. Time Counter : 0 - 30.6}

SEN. TAYLOR WITHDRAWS THE MOTION

Motion/Vote: **SEN. FRANKLIN** moved DP 14. Motion carried 5-1 with Chairman Taylor voting no.

Motion/Vote: **SEN. MESAROS** moved DP 23 - ENVIRONMENTAL SERVICES POSITIONS (PAGE A-84). Motion carried unanimously.

Motion/Vote: **SEN. TAYLOR** moved APPROVE DP 25 - CORE DRILL FTE (PAGE A-84) MOVED TO CONTRACT SERVICES. Motion failed 3-3 with Mesaros, Taylor, and Taylor voting aye.

Motion/Vote: **REP. QUILICI** moved DP 29 - UTILITY TECHNICIAN POSITION. Motion carried 4-2 with Taylor and Taylor voting no.

Motion: **SEN. TAYLOR** moved APPROVE DP 5 - SAFETY MANAGEMENT DEVELOPMENT SYSTEM (PAGE A-84) AS UP TO A LEVEL RECOMMENDED BY THE EXECUTIVE BUT AS A ONE TIME ONLY APPROPRIATION WITH A REPORT TO THE SUBCOMMITTEE ON THE ACTIVITY ON THE SYSTEM.

Discussion:

Mr. Gilmore says this is funded 87/13 federal/state. They don't have an automated safety system.

CHAIRMAN TAYLOR says that they have been trying to get road fatality reports on Highway 314 and they are have trouble because it is on the reservation. **Mr. Gilmore** says the accidents are covered by the tribal police.

Vote: Motion carried unanimously.

Motion: **SEN. FRANKLIN** moved APPROVE DP 8 - TRAINING AND DEVELOPMENT SPECIALIST (PAGE A-85) AT AN 87/13 FEDERAL MATCH.

Discussion:

SEN. TAYLOR asks if they could do this under contract services. **Mr. Gilmore** says no, Washington and Idaho have already developed. The mandate is our people have to be certified to perform certain aspects in testing materials. They can use federal funds.

Vote: Motion passed 5-1 with Chairman Taylor voting no.
{Tape : 3; Side : B; Approx. Time Counter : 0 - 28.3}

Motion/Vote: SEN. TAYLOR moved APPROVE DP 10 - MICROFILM
CONVERSION CONTRACT (PAGE A-85) AT THE LEVEL RECOMMENDED AS A ONE
TIME ONLY WITH THE AGENCY COMING BACK WITH A REPORT IT IS FINISHED.
Motion carried unanimously.

NO ACTION IS TAKEN ON DP 18 - EXPANDED RESEARCH ACTIVITY (PAGE A-
85).

Motion/Vote: SEN. FRANKLIN moved DP 22 - CONTRACTOR PAYMENT SYSTEM
(PAGE A-85) AS A ONE TIME ONLY APPROPRIATION. Motion carried
unanimously.

Motion/Vote: REP. QUILICI moved DP 26 - PAVEMENT MANAGEMENT
POSITIONS (PAGE A-85) WITH WORKLOAD AS STATED IN THE NARRATIVES.
Motion failed 3-3 with QUILICI, PECK, and FRANKLIN voting aye.

Mr. Gilmore states there are 2.7 FTEs included in this request
because they have not been doing the secondary system. They are
out surveying roads.

Motion/Vote: REP. QUILICI moved RECONSIDER ACTION ON DP 26. Motion
carried unanimously.

Motion: SEN. TAYLOR moved DP 26.

Discussion:

Mike Randall says they do film secondaries but with the pavement
management the film is not adequate. These are 2.7 total new FTEs.
There is nothing in Swysgood's bill that covers this. 35% of the
secondary money are available for maintenance.

Vote: Motion carried unanimously.

Motion/Vote: SEN. TAYLOR moved DP 29 - CONSTRUCTION MANAGEMENT
SYSTEM (PAGE A-86) AS A ONE TIME ONLY APPROPRIATION. Motion
carried unanimously.

Motion: REP. QUILICI moved DP 34 - SHRP SUPERPAVE POSITIONS (PAGE
A-86).

Discussion:

Mr. Gilmore says Superpave is the new ASHTO design for asphalt
mixes. This is the best practice in the industry.

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SEN. TAYLOR asks why they are adding five new FTEs. **Mr. Gilmore** says they are going to have more designs to do. They have three people now.

{Tape : 4; Side : A; Approx. Time Counter : 0 - 30.3}

Vote: Motion carried 5-1 with Chairman Taylor voting no.

Motion/Vote: **SEN. TAYLOR** moved DP 36 - COMPUTER SYSTEM FOR CONTRACT PLANS (PAGE A-86) AS A ONE TIME ONLY APPROPRIATION. Motion carried unanimously.

Motion/Vote: **SEN. TAYLOR** moved DP 40 - PRECONSTRUCTION MANAGEMENT SYSTEM (PAGE A-86) AS A ONE TIME ONLY APPROPRIATION. Motion carried unanimously.

Motion: **REP. QUILICI** moved DP 43 - WETLAND MITIGATION SITE MONITORING (PAGE A-86).

Discussion:

SEN. MESAROS thinks this is the responsibility of Fish, Wildlife, and Parks or other agencies. He then asks how they are doing this now. **Mr. Gilmore** says they are not doing it. Regulatory agencies require them to mitigate wetlands before they will give them a permit. He would love to give it to FWP, but he doesn't want them to have the responsibility for their program. They have to maintain it once it is built. **SEN. MESAROS** thinks the required activities fit somewhere else and he also believes it's a federal mandate coming out of state money that can be paid with federal funds.

CHAIRMAN TAYLOR has a real problem with this. **Mr. Dye** says this is a policy that has been set at a higher level. They would prefer to use the money elsewhere but their hands are tied.

SEN. MESAROS is not going to support this unless they can get some sort of federal money.

Vote: Motion carried 4-2 with Mesaros and Chairman Taylor voting no.

Motion/Vote: **SEN. TAYLOR** moved LANGUAGE ON PAGE-87 THAT THE DEPARTMENT MAY ADJUST APPROPRIATIONS IN THE CONSTRUCTION, MAINTENANCE, AND TRANSPORTATION PLANNING PROGRAMS BETWEEN STATE SPECIAL AND FEDERAL SPECIAL REVENUE FUND TYPES, PROVIDED THE TOTAL STATE SPECIAL REVENUE AUTHORITY FOR THESE PROGRAMS IS NOT INCREASED BY MORE THAN 10 PERCENT OF THE TOTAL APPROPRIATIONS ESTABLISHED BY THE LEGISLATURE FOR EACH PROGRAM. ALL TRANSFERS BETWEEN FUND TYPES

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MUST BE FULLY EXPLAINED AND JUSTIFIED ON BUDGET DOCUMENTS SUBMITTED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING, AND ALL FUND TRANSFERS OF MORE THAN \$1 MILLION IN ANY 30-DAY PERIOD MUST BE COMMUNICATED TO THE LEGISLATIVE FINANCE COMMITTEE IN A WRITTEN REPORT.. Motion carried unanimously.

Motion/Vote: REP. PECK moved BIENNIAL APPROPRIATION LANGUAGE ON PAGE A-87 Motion carried unanimously.

ADJOURNMENT

Adjournment: 12:15 P.M.

REP. LILA TAYLOR, Chairman

LYNN DAILY, Secretary

LT/LD

EXHIBIT (jgh38aad)