

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

FREE CONFERENCE COMMITTEE ON HOUSE BILL 2

Call to Order: By CHAIRMAN CHUCK SWYSGOOD, on April 17, 1997, at 8:16 a.m., in Room 312-2.

ROLL CALL

Members Present:

Sen. Charles "Chuck" Swysgood (R)
Sen. Arnie A. Mohl (R)
Sen. Linda J. Nelson (D)
Rep. Tom Zook (R)
Rep. Beverly Barnhart (D)
Rep. Ernest Bergsagel (R)

Members Excused: None

Members Absent: None

Staff Present: Clayton Schenck, Legislative Fiscal Division
Sharon Cummings, Committee Secretary

SECTION D

Motion/Vote: REP. TOM ZOOK MOVES TO OPEN SECTION D. THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. ERNEST BERGSAGEL MOVES TO AMEND HB 2 WITH AMENDMENT #HB000289.A09. (EXHIBIT #1) THE MOTION CARRIED ON ROLL CALL VOTE.

Motion: REP. BERGSAGEL MOVES TO AMEND HB 2 WITH (EXHIBIT #2) STRIKING ITEM 3 ON THIS AMENDMENT.

Discussion: REP. BEVERLY BARNHART Does this mean we will be bringing out-of-state prisoners into Montana. **Rick Day**, Department of Corrections (DOC) No, we are not planning on bringing out-of-state inmates to Montana.

REP. BERGSAGEL When will the Cascade County regional facility come on line? **Mr. Day** January 1998.

REP. BERGSAGEL I have received a copy of a fax from your department to a sheriff that says you will cap the population of the prison because the legislature failed to fully fund the biennial appropriation for the Cascade County jail. Please explain this. **Mr. Day** That is an advance notice to sheriffs of the administrative steps we might need to take. We've been

wrestling with the issue of funding to meet the capacity beginning the first of this fiscal year. The amendment you are dealing with today resolves that issue and the issues addressed in that memorandum.

REP. BERGSAGEL This has been one of my frustrations with DOC. We have been continually asked to fund beds that don't exist, we have not been asked to fund things that are legitimate for the purposes of providing security and protection for the citizens of this state. This is one of the most frustrating experiences I've ever witnessed in my term in the legislature and I feel absolutely horrible that the Governor would stoop to this level of action in order to get funding for this department. The subcommittee worked long and hard to fund what was requested of them for beds that existed. I support this amendment but it is not without frustration with DOC and this administration.

SEN. ARNIE MOHL My feelings are exactly the same. I've spent 15 months here and the majority of that time has been on corrections. By the time we got done I think we had just about any kind of an answer you could possibly want. I'm not going to put all of the blame on corrections, some belongs on the public. We have a big problem out there that we have to handle. I hope that we can turn this thing around, if not we'll be broke. We won't have any money left over for education or anything else, we'll just be able to support the prisons. When you go back home take a big look at what is happening in your communities and do whatever you can to correct the problem.

SEN. LINDA NELSON Since I've not been in on the corrections discussion, I would like to know what sort of a compromise we've struck. **REP. BERGSAGEL** I believe we've given the Department of Corrections everything they have asked for.

CHAIRMAN SWYSGOOD With the 2 amendments we've just passed we've given DOC another \$10.3 million on top of the approximately \$37 million they got through the process. This brings the increase in general operations, excluding building programs, to \$47 million. DOC has an enormous task and problems which are not all of their making but members have been frustrated in their attempts to get to the bottom line. The frustration is that the increase in this budget has left us scrambling to find money to fund the other needs people have. We hope we have given DOC the amount of money necessary for them to protect the public safety and show us improvements have been made and that they can give us straight answers when we ask questions during the next session.

Vote: THE MOTION TO AMEND HB 2 WITH (EXHIBIT #2) CARRIED ON ROLL CALL VOTE.

Motion/Vote: SEN. NELSON MOVES TO AMEND HB 2 WITH AMENDMENT #HB000232.A94, (EXHIBIT #3) THE MOTION FAILED ON ROLL CALL VOTE.

Motion/Vote: REP. BARNHART MOVES TO AMEND HB 2 WITH AMENDMENT #HB000233.A94. (EXHIBIT #4) THE MOTION FAILED ON ROLL CALL VOTE.

Motion/Vote: REP BARNHART MOVES TO AMEND HB 2 WITH AMENDMENT #HB000237.A94. (EXHIBIT #5) THE MOTION FAILED ON ROLL CALL VOTE.

Motion: SEN. NELSON MOVES TO AMEND HB 2 WITH AMENDMENT #HB000275.A31. (EXHIBIT #6)

Discussion: Dave Lewis, Office of Budget and Program Planning (OBPP) This match is critical, the Americorp program generates \$1.5 million per year in federal dollars used to employ young people around the state to work on public service projects.

REP. ZOOK One of the problems is that we've had to come up with a lot of extra funds for the prison situation. We're being asked to find more money for education. I have a lot of difficulty supporting this amendment.

SEN. NELSON We've had to put a lot of money into corrections this morning, is this jeopardizing programs like this? In your estimation is there still adequate funding for the rest of the cats and dogs? Mr. Lewis We believe that there is enough money to fund some of these requests as well as the current budget. We've offered alternatives to leadership that we feel are reasonable.

REP. ZOOK We're bound by the Revenue Oversight Committee estimates and the Governor states he will abide by those also in his little budget book. That means we agreed on a \$25 million ending fund balance. If we are going to get there a lot of cats and dogs will not be funded.

REP. BARNHART This program and other programs that help in prevention around the state are very important to eventually keep the prison population down. Some of the workers in this program are volunteers working on prevention issues in our communities. I believe we make a big mistake by not funding a small amount of money like this for prevention.

SEN. NELSON Dozens of communities have been helped by this program. It is preventive, if we keep them out of corrections maybe we won't have this horrendous budget problem with corrections all the time. I encourage your support of this.

Vote: THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB000275.A31 FAILED ON ROLL CALL VOTE.

Motion: SEN. NELSON MOVES TO AMEND HB 2 WITH AMENDMENT #HB000261.A15. (EXHIBIT #7)

Discussion: Gen. John Prendergast, Department of Military Affairs We oppose this amendment.

Roger Hagen, Officer and Enlisted Association of the National Guard of Montana We oppose this amendment. We believe we can work this issue as an option of the regents and be successful in making the program work.

REP. BARNHART This department got a large increase in General Fund money so I requested this amendment. I think this is a blatant attempt to make the universities spend more money.

REP. ZOOK This doesn't place any additional burden on the university system, they have the option to allow these waivers.

REP. BARNHART I understand that. When this bill was introduced it was funded elsewhere and I think it was bad to put it into waivers.

SEN. NELSON This amendment takes half the increase the department was given. It goes toward the waivers. I disagree with you, REP. ZOOK, I think these waivers end up costing all of us and puts pressure on the Board of Regents to produce them.

Vote: THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB000261.A15 FAILED ON ROLL CALL VOTE.

{Tape: 1; Side: A; Approx. Time Count: 8:55; Comments: None.}

SECTION A

Motion/Vote: REP. ZOOK MOVES TO OPEN SECTION A. THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: SEN. MOHL MOVES TO AMEND HB 2 WITH AMENDMENT #HB0002A5.A19. (EXHIBIT #8) THE MOTION CARRIED UNANIMOUSLY.

Motion: SEN. NELSON MOVES TO AMEND HB 2 WITH AMENDMENT #HB000299.A07. (EXHIBIT #9)

Discussion: SEN. NELSON This amendment reduces agency equipment budgets by 10%. I felt the agencies did not do a good job in negotiating for computers and equipment. This is a way to gain some money for programs that are being cut.

CHAIRMAN SWYSGOOD Is this all General Fund reduction? Clayton Schenck, Legislative Fiscal Division (LFD) The total General Fund reduction is \$857,600 and \$1.5 million in other funds.

{Tape: 1; Side: B; Approx. Time Count: 9:00; Comments: None.}

SEN. MOHL Is this over and above what subcommittees have already cut? SEN. NELSON Yes.

REP. BERGSAGEL I urge the committee to support this amendment, we need to fund corrections.

REP. ZOOK Corrections is also involved in this amendment.

Vote: THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB000299.A07 FAILED ON ROLL CALL VOTE.

Motion/Vote: SEN. NELSON MOVES TO AMEND HB 2 WITH (EXHIBIT #10). THE MOTION CARRIED ON ROLL CALL VOTE.

Motion/Vote: SEN. NELSON MOVES TO AMEND HB 2 WITH (EXHIBIT #11). THE MOTION FAILED ON ROLL CALL VOTE.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB000224.A19. (EXHIBIT #12) THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: SEN. NELSON MOVES TO AMEND HB 2 WITH AMENDMENT #HB000266.A19. (EXHIBIT #13) THE MOTION FAILED ON ROLL CALL VOTE.

Motion: SEN BARNHART MOVES TO AMEND HB 2 WITH AMENDMENT #HB000284.A31. (EXHIBIT #14)

Discussion: REP. BARNHART I found this little bit of money while going through HB 2. I would like to put it into big brothers and sister as this is a prevention program.

Jim Smith, Big Brothers and Sisters We tried to add \$100,000 per year to the program throughout the session and weren't successful. This is our last chance. The \$50,000 in this amendment would allow the programs in the state to match and maintain about 50 new littles with 50 new bigs. We feel this is the best prevention program in the State of Montana. I hope you can support this amendment.

SEN. MOHL Is this new money? CHAIRMAN SWYSGOOD No, it is being transferred from the Governor's office.

SEN. NELSON I support this program, it is a good preventive program that should be funded.

REP. ZOOK How does this come out of the Governor's office if it is contingent on HB 188, the technology bill? **Jim Turner, LFD** If the bonding bill is passed this \$50,000 appropriation would not be made to the Governor's office.

REP. BARNHART This is an effective program that does the kinds of things we should be doing.

Vote: THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB000284.A31 FAILED ON ROLL CALL VOTE.

Discussion: SEN. DELWYN GAGE, SD 43, CUT BANK I propose an amendment for \$40,000 for dues and travel for the Pacific Northwest Economic Region.

CHAIRMAN SWYSGOOD This is a conceptual amendment putting \$30,000 in the legislative branch for dues and \$10,000 for travel for membership in the Pacific Northwest Economic Region. This is a General Fund expenditure.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH THE ABOVE STATED CONCEPTUAL AMENDMENT. THE MOTION FAILED ON ROLL CALL VOTE.

{Tape: 1; Side: B; Approx. Time Count: 9:28; Comments: None.}

SECTION B

Motion/Vote: REP. ZOOK MOVES TO OPEN SECTION B. THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. BARNHART MOVES TO AMEND HB 2 WITH AMENDMENT #HB000297.A09. (EXHIBIT #15) THE MOTION CARRIED ON ROLL CALL VOTE.

Motion/Vote: SEN. NELSON MOVES TO AMEND HB 2 WITH (EXHIBIT #16). THE MOTION CARRIED ON ROLL CALL VOTE.

Motion: SEN. NELSON MOVES TO AMEND HB 2 WITH AMENDMENT #HB000295.A09. (EXHIBIT #17)

Discussion: REP. BERGSAGEL This is one of those frustrating amendments. This is an attempt to speed up the process for handling foster care kids. It has been demonstrated that kids staying in the system more than 18 months generally end up in the juvenile justice system. I'm going to support the amendment because that was the agreement that was made. I suggest that government is going to have to change because there will be no money in the next session. This is an example of a way to fundamentally change government but we are going to kill it because we have to fund beds for corrections.

REP. JOHN COBB, HD 50, AUGUSTA I was trying to do something different with this. This program will get children off foster care and will solve problems.

Jean Whittinghill, Montana Supreme Court I speak in opposition to this amendment. The law school paralegal program should save the state money. It is a systems change to get kids out of foster care and into permanent homes more quickly.

Jim Smith, Montana Association of Homes and Services for Children Taking money out of direct foster care payments that protect children and remove them from dangerous abusive situations is the wrong way to fund this program.

Hank Hudson, Department of Public Health and Human Services (DPHHS) The purpose of this amendment is worthy but we need every dime and dollar we can get for the foster care program.

SEN. NELSON This is a difficult choice, this is a worthy program but this is not the time to be setting up new programs.

Vote: THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB000295.A09 FAILED ON ROLL CALL VOTE.

{Tape: 2; Side: A; Approx. Time Count: 9:40; Comments: None.}

Motion/Vote: SEN. NELSON MOVES TO AMEND HB 2 WITH AMENDMENT #HB000299.A09. (EXHIBIT #18) THE MOTION FAILED ON ROLL CALL VOTE.

Motion: SEN. NELSON MOVES TO AMEND HB 2 WITH AMENDMENT #HB000285.A31. (EXHIBIT #19)

Discussion: SEN. NELSON This is an attempt to get some money for the teen pregnancy program which is a very worthy program. There is a lot of money left in unclaimed lottery prizes that can be used for this. I urge your support.

Nancy Ellery, DPHHS We need to deal with these teen pregnancy problems. This costs the taxpayers of the State of Montana an incredible amount of money. This program gives communities the opportunity to deal with this problem at the local level.

REP. BARNHART This program provides grants for local communities. This is one time money that could start programs that prevent teen pregnancies.

SEN. NELSON This is an excellent program to help the communities now and is a good investment.

Vote: THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB000285.A31 FAILED ON ROLL CALL VOTE.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB000292.A09. (EXHIBIT #20) THE MOTION CARRIED ON ROLL CALL VOTE.

Motion/Vote: REP. BARNHART MOVES TO AMEND HB 2 WITH AMENDMENT #HB000294.A09. (EXHIBIT #21) THE MOTION FAILED ON ROLL CALL VOTE.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB0002A1.A09. (EXHIBIT #22) THE MOTION CARRIED UNANIMOUSLY.

Recess: 9:59 a.m.

{Tape: 2; Side: A; Approx. Time Count: 1:39; Comments: None.}

Reconvene: 1:39 p.m.

SECTION C

Motion/Vote: REP. ZOOK MOVES TO OPEN SECTION C. THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. BERGSAGEL MOVES TO RECONSIDER OUR ACTION ON AMENDMENT #HB000250.A15. (EXHIBIT #23) THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB000250.A15. THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB000269.A19. (EXHIBIT #24) THE MOTION CARRIED WITH SEN. MOHL VOTING NO.

Motion/Vote: SEN. MOHL MOVES TO AMEND HB 2 WITH AMENDMENT #HB000248.A15. (EXHIBIT #25) THE MOTION CARRIED WITH REP. BARNHART VOTING NO.

Motion/Vote: REP. BARNHART MOVES TO AMEND HB 2 WITH AMENDMENT #HB000234.A15. (EXHIBIT #26) THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: SEN. NELSON MOVES TO AMEND HB 2 WITH AMENDMENT #HB000249.A15. (EXHIBIT #27) THE MOTION CARRIED WITH REP. BERGSAGEL VOTING NO.

Motion/Vote: REP. BERGSAGEL MOVES TO AMEND HB 2 WITH AMENDMENT #HB000280.A19. (EXHIBIT #28) THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB000249.A05. (EXHIBIT #29) THE MOTION FAILED ON ROLL CALL VOTE.

Motion/Vote: SEN. MOHL MOVES TO AMEND HB 2 WITH AMENDMENT #HB000248.A05 FOR ONE TIME ONLY. (EXHIBIT #30) THE MOTION CARRIED ON ROLL CALL VOTE.

Motion/Vote: SEN. BERGSAGEL MOVES TO AMEND HB 2 WITH AMENDMENT #HB000247.A05. (EXHIBIT #31) THE MOTION CARRIED ON ROLL CALL VOTE.

Motion: SEN. BERGSAGEL MOVES TO AMEND HB 2 WITH AMENDMENT #HB0002A3.A19. (EXHIBIT #32)

Discussion: Roger Lloyd, LFD This amendment is in conflict with the previous amendment that just passed.

Mark Simonich, Department of Environmental Quality (DEQ) DEQ is charged to implement this. Simply transferring the money to the Department of Natural Resources and Conservation (DNRC) doesn't transfer the authority to do the job. We believe the program is

working well where it is and there is no reason to move it to DNRC.

CHAIRMAN SWYSGOOD These are federal funds that are given to DEQ for the conservation program administration, is that correct?

Mr. Simonich The money is used in a variety of ways, part of that is through contracts with the conservation districts.

REP. BERGSAGEL WITHDRAWS THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB0002A3.A19.

REP. ZOOK The conservation districts seem quite worried about how the program is working. **Mr. Simonich** I don't know why the conservation districts are worried. They have received a great deal of funding through this program over the past several years.

Mike Volesky, Montana Association of Conservation Districts The Governor can give the authority to either agency to implement these programs. It makes sense to move the grant program to DNRC to keep those functions and funding separate.

CHAIRMAN SWYSGOOD We'll check this out to see what the ramifications are.

Motion: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB000236.A06. (EXHIBIT #33)

Discussion: Peter Blouke, Department of Commerce (DOC) This was one of the highest priorities within the department in terms of new proposals. This is a cooperative agreement with MSU-Bozeman and provides exceptionally trained engineers and businessmen to Montana's small businesses. Montana is far behind the nation in the percentage of manufacturing jobs in the state. This is an important program.

REP. BERGSAGEL This would fund 11 inmates on a biennial basis.

REP. BARNHART This will help welfare reform.

Vote: THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB000236.A06 CARRIED ON ROLL CALL VOTE.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB000262.A15. (EXHIBIT #34) THE MOTION CARRIED ON ROLL CALL VOTE.

Motion/Vote: SEN. NELSON MOVES TO RECONSIDER OUR ACTION ON AMENDMENT #HB000247.A15. (EXHIBIT #35) THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: SEN. NELSON MOVES TO AMEND HB 2 WITH AMENDMENT #HB000247.A15. THE MOTION CARRIED WITH SEN. BARNHART VOTING NO.

Motion/Vote: SEN. MOHL MOVES TO RECONSIDER OUR ACTION ON AMENDMENT #HB000279.A19. (EXHIBIT #36) THE MOTION FAILED WITH REP. BERGSAGEL AND BARNHART VOTING NO.

Motion/Vote: REP. BARNHART MOVES TO RECONSIDER OUR ACTION ON AMENDMENT #HB000242.A15. (EXHIBIT #37) THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP BARNHART MOVES TO AMEND HB 2 WITH AMENDMENT #HB000242.A15. THE MOTION CARRIED UNANIMOUSLY.

{Tape: 2; Side: B; Approx. Time Count: 2:31; Comments: None.}

MISCELLANEOUS SECTIONS

Motion: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB0002A2.A09. (EXHIBIT #38)

Discussion: CHAIRMAN SWYSGOOD Our subcommittee funded the family preservation program because we thought it was a program that could have an impact upon the number of kids going into foster care. That funding was taken out during HB 2 action and these other programs were implemented. This is not as much money as originally asked for. This is a cheaper program than the foster care program.

REP. BARNHART I'm against this amendment, the paralegal program will get kids out of foster care and we know it will work.

Ms. Whittinghill We oppose this amendment. The law school paralegal program will help parents and children. Faster resolution of a case means a child will have to spend less time in foster care.

Vote: THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB0002A2.A09 FAILED ON ROLL CALL VOTE.

Motion/Vote: REP. BARNHART MOVES TO AMEND HB 2 WITH (EXHIBIT #39). THE MOTION FAILED ON ROLL CALL VOTE.

Motion/Vote: REP. BARNHART MOVES TO RECONSIDER OUR ACTION ON AMENDMENT #HB000231.A15. (EXHIBIT #40) THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. BARNHART MOVES TO AMEND HB 2 WITH AMENDMENT #HB000231.A15. THE MOTION FAILED ON ROLL CALL VOTE.

Motion: REP. BARNHART MOVES TO AMEND HB 2 WITH AMENDMENT #HB000290.A09. (EXHIBIT #41)

Discussion: REP. BARNHART The millage decrease in SB 195 will impact people in the state.

Laurie Ekanger, DPHHS When the department budget was put together part of the revenue comes from the 9 mills from the counties and is used as match for medicaid funds. SB 195, by freezing the mills, makes the assumptions that were built into our budget incorrect. The total impact to the medicaid program is \$8.3 million. It is our impression that anything that happens with SB 195 will be adjusted to make our budget whole. A cut this significant was never discussed in any public forum.

REP. BERGSAGEL It was my understanding that the administration was suppose to put together their budget without using any projected increases in the property tax revenue. **Mr. Schenck** The impact of reappraisal is in the revenue estimates. The Governor put a placeholder and reduced that by \$85 million. I'm not sure how to answer this question in terms of what the Governor's estimates are. At this point in time, the amount that is in there is not based on HJR 2 revenues.

REP. BARNHART What cuts will be made in DPHHS because of this?
Ms. Ekanger I didn't realize this was a problem with our budget until the night before last. I'm not sure what we will do. Optional populations are the medically needy and parents on the FAIM program. The rates that have been projected for medicaid growth for the next biennium are the lowest ever.

REP. ZOOK The difference of looking at something on a percentage basis and a dollar basis is very real. **Ms. Ekanger** You are right, we've heard all session long that our budget is big enough to absorb one cut after another after another. Our budget is now \$22 million of General Fund less than we started with and we have less money appropriated in the next biennium than the current biennium. Medical inflation is difficult to estimate.

CHAIRMAN SWYSGOOD I'd like to tell you some of our frustrations. The Governor's budget, as presented to us, allowed for \$85 million in reappraisal not to take affect. In that budget there was no plan to implement that. Also, the Governor's budget had \$32 million more revenue than what we finally settled on in HJR 2. The combination of both those factors and the prison situation has lead us to this point. We are now in the predicament of trying to fund everyone out there.

REP. BARNHART It's painful to sit on the human services subcommittee and see all these cuts. I knew full well this amendment would not pass but I needed to bring this to your attention. These are real people, they aren't wrong doers, they are medically needy people in nursing homes.

Vote: THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB000290.A09
FAILED ON ROLL CALL VOTE.

Recess: 3:00 p.m.

{Tape: 3; Side: A; Approx. Time Count: 4:50; Comments: None.}

Reconvene: 4:50 pm.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH (EXHIBIT #42).
THE MOTION CARRIED ON ROLL CALL VOTE.

Motion: REP. ZOOK MOVES TO AMEND HB 2 WITH (EXHIBIT #43).

Discussion: REP. BARNHART I oppose this amendment, we tried to help this small county because they don't get much money from their mills.

REP. COBB This is money for people who don't have insurance in the poorest county in the state. This money is needed where it is.

REP. BERGSAGEL REP. COBB is absolutely right but this funds 3 inmates.

Vote: THE MOTION TO AMEND HB 2 WITH (EXHIBIT #43) CARRIED ON ROLL CALL VOTE.

Motion: REP. ZOOK MOVES TO AMEND HB 2 WITH (EXHIBIT #44).

Discussion: REP. COBB We took this money out of the TANF budget as a way to get child support collected on the reservations. Currently there are 5000-6000 cases sitting in tribal courts that we should be collecting child support on.

REP. GEORGE HEAVY RUNNER, HD 85, BROWNING I hope you will consider resisting this amendment. This is an opportunity for the state to work with the tribes.

CHAIRMAN SWYSGOOD This was set up so DPHHS would have representatives in tribal courts to help improve collection of child support from non-custodial parents under the jurisdiction of tribal courts. There is concern about the legal authority the child support enforcement division has to collect child support in these cases and how effective these people would be.

Vote: THE MOTION TO AMEND HB 2 WITH (EXHIBIT #44) CARRIED ON ROLL CALL VOTE.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH (EXHIBIT #45).
THE MOTION CARRIED ON ROLL CALL VOTE.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH (EXHIBIT #46).
THE MOTION CARRIED ON ROLL CALL VOTE.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB000297.A07. (EXHIBIT #47) THE MOTION CARRIED ON ROLL CALL VOTE.

Motion: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB0002A5.A09. (EXHIBIT #48)

Discussion: Ms. Whittinghill I oppose this amendment. This program will be saving the state money.

REP. ZOOK I've resisted this amendment before because of where the money was going, I feel I have to support it this time. If we find we have some money that doesn't have to go to the prisons or some other place then I'd be willing to take another look at this.

Motion/Vote: REP. BARNHART MAKES A SUBSTITUTE MOTION TO AMEND HB 2 WITH AMENDMENT #HB0002A4.A09. (EXHIBIT #49) THE MOTION FAILED ON ROLL CALL VOTE.

Vote: THE MOTION TO AMEND HB 2 WITH AMENDMENT #HB0002A5.A09 CARRIED ON ROLL CALL VOTE.

{Tape: 3; Side: A; Approx. Time Count: 5:15; Comments: None.}

SECTION G

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB0002A2.A19. (EXHIBIT #50)

Discussion: Jane Hamman, OBPP This is consistent with the fiscal note for HB 188. We're adjusting authority so agencies can pay the allocated debt service costs.

CHAIRMAN SWYSGOOD Is this money in their budgets or is it contained in debt service for HB 188? Ms. Hamman We're increasing the authority for the expenditure of general and state special revenue funds.

REP. BERGSAGEL The net impact to the General Fund is \$2.4 million, is this just a pass through from General Fund to General Fund? Ms. Hamman We've been carrying this amount all along.

REP. BERGSAGEL Does this include the Department of Corrections proposal? Ms. Hamman If HB 188 is successful as it was adopted in free conference committee this morning adding \$1.89 million bonding for DOC you will not have to come back in and adjust this amendment. We will have to show an additional \$301,000 in General Fund debt service cost on the status sheet.

REP. BERGSAGEL I would like someone to assure me that our bottom line is not going to drop \$2.4 million.

CHAIRMAN SWYSGOOD I'd like to set this amendment aside as we need some clarification between staff and the budget office.

REP. ZOOK WITHDRAWS HIS MOTION TO AMEND HB 2 WITH AMENDMENT #HB0002A2.A19.

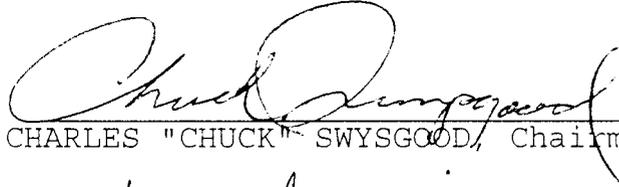
Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT #HB000241.A05. (EXHIBIT #51) THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT
#HB000244.A05. (EXHIBIT #52) THE MOTION CARRIED UNANIMOUSLY.

Motion/Vote: REP. ZOOK MOVES TO AMEND HB 2 WITH AMENDMENT
#HB000240.A35. (EXHIBIT #53) THE MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 5:33 p.m.



SEN. CHARLES "CHUCK" SWYSGOOD, Chairman



SHARON CUMMINGS, Secretary

CS/SC