

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

April 11, 1979

The thirty-eighth meeting of the Senate Finance and Claims Committee met on the above date in room 108 of the State Capitol. Following roll call the meeting was called to order by Senator Hims1, Chairman at 8:16 a.m.

ROLL CALL: All members present.

CONSIDERATION OF HOUSE BILL 568:

Senator Lockrem: This bill was originally in Senate Taxation Committee. The \$1 was an increase in motor vehicle registration fees. At the end of '79 there will be a \$742,000 fund balance. During the interim the Attorney General's office and the budget office looked for another source for funding for those areas of law enforcement and decided they would make this recommendation to the governor's office and the Department of Justice. Transferred to the general fund, less the earmarked revenue and the Attorney General said it should have some relationship to what it is funding. Here it passed as second cousins. The budget in the big bill transferred out any new programs. The budget did not include the forensic science of criminal law lab. We had transferred to the law enforcement of the Attorney General, the criminal lab. In the event we do not get some sort of an increase as purported in 568 the budget will be short by approximately \$700,000 in each year of the biennium. We are short in transferring and we would have to pick up \$1.4 million in general fund or work out an increase in registration fees. Before we get into 568, we should resolve House Bill 9 and the forensic science lab. We have not funded the proposals in House Bill 9. Until we resolve those two bugs we cannot tell how much we need to increase it.

DISPOSITION OF HOUSE BILL 9: Senator Stimatz: I would like to ask Senator Lockrem, what programs?

Senator Lockrem: Forensic Science and the Montana Criminal Law Enforcement Center.

Senator Regan: Are you saying that House Bill 568 there is not enough money in them to back them both up?

Senator Lockrem: No. We can do anything we want with this. We should determine whether we are going to pick up any new programs and then come back.

Senator Fasbender: How much are we short?

Senator Lockrem: We are short \$1.4 million. If there are no fee increases we would be short \$1.4 million with no new programs.

Senator Fasbender: If 568 passes in its original form, we could fund everything and still have a fund balance.

A sheet of information on the status of the Motor Vehicle Earmarked Revenue Account was passed out to the committee members, copy attached.

Mike McGrath explained the sheets that had been passed out and told what the amendments were in the Senate Taxation Committee.

Senator Himsl: On page 1 of the bill, Is this just the original certificate of ownership from \$3 to \$5?

McGrath: It started the same.

Discussion was held on the changes made in different sections of the bill by the house and by the taxation committee in the Senate.

Senator Fasbender: If you revert at the end of 1980 how come you carry it over? McGrath: We don't revert until the end of the biennium.

Senator Lockrem: If the committee should decide not to fund these two, Jan Dee has 4 alternatives for funding.

Senator Smith: On lines 5,7,9 and 11, have those fees been changed? McGrath: No. Senator Smith: I am talking about this last year. McGrath: No change.

Senator Aklestad: On the registration. This has nothing to do with the valuation in the counties?

Senator Lockrem: Most of the revenue is generated in fees.

McGrath: We anticipate a 5% revenue increase on this fee increase.

Senator Aklestad: If we don't pass this, you have amendments?

Senator Lockrem: Not formal amendments, but 4 alternatives.

Senator Story: Why should the auto dealer pay for the funding of J. P.'s, etc? Senator Lockrem: You might ask Mike that question.

McGrath: On a history of the problems. The law enforcement academy teletype system which is the backbone of the system--it was originally federal money. It had been traditionally funded since the '60's with federal money. Last year we were advised to come up with funding these programs since there would not be general fund money available, we were asked to find another source. We spent considerable time and tried to do this. We did all kinds of studies --fines on felonies, several alternatives. This was the only appropriate one. The reason that they tie in is that 95% of all criminal investigations are somehow involved with motor vehicles.

LETS system alone had 496,000 criminal I D's ran through it last year for criminal cases involving motor vehicles. The LETS system is a communication system. Without drivers license, etc., registered. The academy offers traffic schools. If you have a an investigation you quite often look at the drivers license also.

Senator Regan: What has happened to the source of funding for LETS and the law enforcement academy? Were they all federal?
McGrath: yes.

Motion by Senator Lockrem that House Bill 9 be not concurred in.

Senator Thomas: I totally disagree. This is a service that has really been good for the counties. They cannot have a law library in each county. I would make a substitute motion that House Bill 9 be concurred in.

Senator Lockrem: Within the Attorney General's operation we have the County Attorney's service. It has been beneficial. We have the County Attorney's assistant within the Attorney Generals office.

Senator Thomas: This is for real criminal cases where they really need the help. Like a big murder case for instance. This is different. It is the kind of service the county attorney's need.

Senator Story: That is true. My J.P. There was quite a campaign for the county attorney's and the J.P.'s to send letters to their legislators to urge them to pass this. My J. P. sent me the wrong letter. The reason for not doing this is that they are asking for a service thay didn't help to fund. If free work--they want it. The source of the funding should be the source at which the county commissioners decide if it has enough benefit. The other reason is if we continue to do this for every new program whenever the federal grant comes up, they just pull in under their skin and contact their favorite legislator. I think we are asking for trouble in passing something like this, I think we should kill this and then say the proper way is to come to us properly.

Senator Stimatz: MONCLERIC started in 1976. The 8 years I spent in the county attorney's office we didn't have a MONCLERIC to give us the answer to a question. If we couldn't find the answer to the question in our little law books, we could always write to the Attorney General. This is a law school program and should be funded by the law school. It is a good program. They do a good jub, but don't have the experience. This is a good program, but the user should pay for it, not the state general fund.

Senator Lockrem: No. 1/3 of the cost in the Attorney General's office is repaid by the counties. Don't confuse this with the assistance.

Senator Thomas: I will withdraw my substitute motion. This is not a new program. It was in assistance, and was just not funded by general fund before.

Senator Fasbender: I am not sure whether they can charge for the program by law or if we would have to change that. It could be modified.

Fitzpatrick: Specific authority has to be given to an agency for them to charge for a program. I do not know how this relates to the constitution.

Senator Lockrem: If they can't get the county to pay for the services, the program would die.

Vote was taken on the original motion do not concur in.
Voted, passed.

DISPOSITION OF HOUSE BILL 568: Senator Lockrem: This is the forensic science division and this is the only vehicle which would fund it.

McGrath: It would require an appropriation. Even if you funded 568 with forensic science as funded with motor vehicle fees. It would have to be in the big bill also.

Senator Lockrem: For the purpose of discussion -- we have a decision to make on the forensic science lab-- Motion to amend page 1, line 11 strike "the division of forensic science". The total cost as requested by the Department of Justice \$219,509 FY 80 and \$251,637 the second year; \$471,143 for the biennium. It is harder for me to stretch this one--we did not get a chance to hear the bill as the taxation committee did. He said that as a courtesy to the taxation committee he would like to ask Mike McGrath to present the details.

Mike McGrath, A.G. office, said: What is forensic science? There was a proposal last session, there is a board of 15 members, The board represents all the law enforcement areas of the state. The purpose is a state medical examiner to deal with the suspicious deaths, potential homicides, and problems with autopsies in all kinds of tragedy situations. He would also deal with the coroner situation. At the present time no training is needed to be a coroner. The state medical examiner would train coroners in suspicious deaths. It would involve the law academy in the training in order to recognize suspicious deaths, to determine when they are suspicious and to assist in the investigations. There are 13 in Montana in the past few months under the present system. He went on to give some specific cases at the present time such as the alleged homicide in Malta, the ones where it is necessary to know more facts to convict the guilty person. He told of the problems they had in ballistics and in sending them to other states. The problems after the tests were made of getting reliable witnesses to come to Montana for the trials, etc. He told of victims being embalmed before an examination could be made by untrained coroners, etc.

He said the crucial time is the first 24 hours. If a proper autopsy is not made in that time you have lost most of your evidence. He said in the case at Lincoln a part of the cranium had to be sent to Washington D. C. He said not only were you taking a chance on damage or loss, it was an incredible cost to the county in money.

Senator Himsl: Isn't there a forensic lab in Missoula? McGrath: They can analyze for drunks. Breathalyzer, and they are capable of analyzing through the blood the amount of alcohol in it. They have no balastics or other capabilities.

Senator Lockrem: Was it a legislative decision last session? McGrath: House Bill 401 created it. The forensic lab with a good qualified medical examiner is the number one law enforcement need in Montana.

Senator Lockrem: When you talk about the cost to the counties in the state, was there any study made of the cost of contracting those services? McGrath: Statistics were not available for every time we had to send out of the state, etc.

Senator Stimatz: Where would the forensic lab be located? McGrath: One of the subcommittees on the board came up with recommendations. Their first recommendation was Bozeman in conjunction with the law enforcement academy so that they could continue to work together.

Senator Stimatz: Would the medical examiner be full time? McGrath: There was \$471,000 put in for the biennium. That would include the present lab in Missoula. They are not connected with the university. They are private employees in Missoula.

Stimatz: Would we still have the people in Great Falls? McGrath: Investigations would be conducted on the scene and they would work with them there. There would only be one fully qualified forensic pathologist in the state.

Senator Aklestad: This one person would drive all around the state? McGrath: There would be organized regions set up that are coordinated with the medical examiner. There would be associate medical examiners who would be a physician in the area who could recognize suspicious deaths, etc. The law enforcement would be set up to handle this.

Senator Aklestad: Couldn't this be done now? McGrath: There is no coordinator nor medical examiner, the nearest lab is in Idaho. Idaho and Wyoming have medical forensic labs, and they are short on some types of testing equipment. Almost every state has a forensic lab, but they are not available for our use.

Senator Story: Do other states have their own balastics? McGrath: Most of them do.

Senator Thomas: How much would the pathologist cost? McGrath: We don't really know. There are not that many people in the country that are certified by the American Board of Forensic Science. The recommendation was between \$40,000 and \$60,000 a year. That was one of the boards recommendations and they contacted some that would be willing to come for that price. The crime lab is funded at \$286,000 per biennium. He explained what would happen with the House Bill 9 killed and this one prevailing. He said they would have to sit down and try to work some other type of fee schedule. He seemed to feel it might be more economical than to take it up again on the state level.

Senator Boylan: Dr. Young worked in the state lab at Washington D. C. in the crime lab and had told him that what Montana has now is totally bad. He said the solution to any of the crimes was completely dependent on the right kind of work. He had talked to him some about Montana, and had been told that what Montana had at the present time was simply a tragedy.

Senator Regan: If my figures are correct, we could fund the LETS, etc. without the bill. It would more than cover it. The previous legislature did authorize it, it is a proper function of the department, and I think we should not amend the bill, but fund the whole thing out of it.

Senator Lockrem: Registry of motor vehicles seems to be a long way of stretching the field to fund it out of this.

Senator Regan: Most of the crimes do involve cars. Hit and run or a crime committed where they got away in a car. There is a close enough relationship in enforcement that it can be funded from this.

Senator Lockrem: It has to be funded by an increase in taxes.

Senator Stimatz: Where does the crime lab come in? Funded in the big bill, but comes out of this account?

McGrath: It is funded in this account. The county road fund will also get additional money out of this bill.

Senator Himsl: The establishment of this division would pick up the crime lab.

The motion by Senator Lockrem to strike the Forensic Lab in the title was voted and passed, roll call vote, 7 yes, 6 no.

Senator Lockrem: There is a need for taking \$600,000 out of this. The fee increase in the bill is overtaxing people to the tune of \$1.5 million. I would suggest we meet with the Department of Justice and work this problem out.

Senator Regan: I intend to ask for a minority report and to try to amend this back in on the floor of the Senate.

Senator Boylan: We did not have a proper hearing on this bill

to take this out. I think we should have had a full blown hearing. There are a lot of people who are not informed on what is going on. They had a full blown hearing with about 20 people involved in the Taxation committee.

Senator Smith: We had a representative here.

Senator Lockrem: The hearing I attended was mostly sheriff's, law enforcement officers, etc. The ones against the bill were the Montana taxpayers. It would be a considerable amount of expense to those people to come back, notwithstanding the crunch on the time period in the legislature. They want it out.

Senator Boylan: I don't think it was passed on in the taxation committee. It was put in this committee for the funding. If they were going to take it out, it would have been taken out there. We are not to mess with the bill itself, but with the funding. I think it should have been taken out in the taxation committee or not taken out at all.

Senator Aklestad: I think Senator Thiessen summed it up when he said there are 700,000 people in Montana. I would like to know how many cases were lost because we did not have a good forensic lab, and how many reports and how expensive they were that had to be shipped out.

Senator Hims1: What procedure do you want to follow on this?

Senator Story: If this passed the last legislature, why wasn't it funded then?

Senator Lockrem: Motion to amend on page 4, line 17 to strike the e and insert 2.

Discussion was held on the possibility of this already being in the Senate amendment, and should be checked.

Senator Lockrem: We have a couple of alternatives based on this amendment. By the action of the committee on House Bill 9 and refusing to fund the forensic lab, the sheet the A.G. office funding shows that in the year '81 \$9,000 fund balance with those two funded. In essence that is a \$1.5 million fund balance. The alternative would reduce the tax increase, allow us to put those functions to the earmarked revenue. We would reduce the amount down.

Senator Fasbender: How much money out? Jan Dee, fiscal analyst, said the alternatives are if only the current programs and no new ones; apply a 5% increase to revenue. If 568 reflected only \$1. All other fees would remain the same. Our present programs could be funded and a fund balance of \$273,000 and \$286,000 in the second year.

Senator Fasbender: Do you agree with this? Jan Dee: The A. G. used a 4% increase. I have used a 5% increase plus the fees as Senator Lockrem noted. The present fees are '78 fees and

disallow an increase of this year, so there would be an increase we are not looking at.

Senator Hims1: What is the effect when we did not fund 9?

Senator Fasbender: \$461,000 and \$135,000.

Senator Stimatz: I am having some trouble with this. We are saying this cuts the crime lab out? It is reported in the expenditure column -- \$144,000 and \$142,000. That is still funded. Is there no relationship with what we are doing now?

Senator Lockrem: That funding would still stay. We are trying to work it down to fund everything except the MONCLERIC and the forensic lab.

Senator Thiessen: Would Jan Dee explain the amendments in this bill?

Jan Dee: I do not have formal amendments. We would have to take any increases on page 2, line 20 for example. It would have to be amended back to the original except for the fee on line 4 which would be raised from \$1 to \$2 and that would be the only fee increased.

Senator Regan: I would like to make a motion to reconsider our vote on striking the forensic lab.

Senator Boylan: I think that the bill was put through last time and there should have been a repealer in a separate bill and not doing it by this mechanism. I would second the motion.

Motion by Senator Regan, second by Senator Boylan to reinsert the forensic lab in H. B. 568.

Senator Smith: If they wanted a forensic lab last session why didn't they fund it? If you want to fund it why tack it onto the person who dirves the car?

Senator Stimatz: I agree. Let's be honest. We need this. If the people want it, let's put it out to them. I think we can fund it out of the general fund if necessary. Voted and passed.

Senator Thiessen: All fees raised by the bill go back to the existing fee structure with the exception of the \$2 one on the taxation amendment.

Senator Hims1: What is the impact?

Senator Thiessen: Then we will have to go to the general fund to fund it. The amendment for that will be made in House Bill 483 in conference committee to fund it.

Senator Regan: I think this is a fee schedule for three things. You have to fund LETS, the academy and the forensic lab. I would resist the motion.

Senator Fasbender: If we strike the fees back to what they were and then say the funding will be funded from the motor vehicle fees there would not be money enough to go around. We would have to get general fund money.

Senator Boylan: I suggest we raise the fees up to fund what is in the bill.

Senator Thiessen: I heard Senator Boylan say this is not the proper place to fund it. It should be funded out of the general fund. I think the general fund is the place it should be funded from, and not the registration fees.

Senator Boylan: We have to keep the crime lab, etc. at its former level.

Senator Aklestad: As I understand this now on page 4, line 17 it is changed from \$1 to \$2. This will fund everything except the forensic lab. Is this right?

Senator Lockrem: yes.

Senator Regan: Not necessarily. The title has all three in it. It may wind up the forensic lab gets money from this if Senator Thiessen's proposed amendments go through. If that happens we will be short \$100,000 in funding.

Senator Thiessen restated his suggested motion, and said he would so move the amendments. Copy attached. He said the fiscal analyst would work up the figures on the fee schedule and it would include everything but the forensic lab.

Senator Hims1: I don't think we should lay it on the fiscal analyst to work it out. The decision is how it is going to be funded.

Senator Lockrem: With that in the title, that is the authorization. The people registering cars is going to fund the forensic lab.

Senator Smith: I wonder about the person owning and registering the cars funding all the things to convict the criminal.

Senator Lockrem: All the law enforcement people support it at the state level. They want it to be funded by registration.

Senator Regan: I would then question the action of the subcommittee in forcing them to find other sources of funding and thus putting them in this position.

Senator Lockrem: We took the recommendations of the executive. We did not fund MONCLERIC nor the forensic lab.

Senator Hims1: We kept it on general funds. The House Appropriation committee moved it to the earmarked revenue.

Senator Fasbender: After amending the title, would we also amend page 8 to take it out of there? The motion to take it out of the title--but it is still there.

Senator Thiessen: Jan Dee says if we fund the forensic lab from general funds, the bill would just go back to the original but with the taxation committee amendment in it. Voted, passed.

Senator Lockrem: We would use this bill but take the funding for the forensic lab out.

Senator Boylan: Forensic science is in the bill from the last session. It has not been repealed. We could go into conference committee and fund it in the big bill.

Senator Fasbender: If we can agree to put this in in the conference committee, then okay--we can amend this out of the title and show the senate what we have done.

Senator Story: I am worried and confused. Are the counties going to be hurt if we do this?

Senator Himsl: If the bill goes out, these fees will be down.

Senator Regan: It bothers me--we may have crippled all three.

Senator Story: I would move that MONCLERIC be deleted from the title and the body of the bill. second by Senator Thiessen.

Senator Smith: The question raised by Senator Boylan--doesn't that set up the mechanism so that money can be taken from the general fund? Ans. No.

Voted, unanimous, motion passed.

Senator Aklestad: Getting back to Senator Smith and the forensic lab. We take it out of the title, and then what? 9 was a criminal information center and it is out. Will we wind up trying to fund it out of this bill and no money?

Senator Story: Can't we just limit the amount in this bill?

Senator Regan: I move the bill do pass as amended. Voted and failed.

Senator Thiessen: I move the bill do not be concurred in as amended. (This motion was not voted on.)

Senator Fasbender: Have you eliminated new programs?

Senator Lockrem: We had funded some of these programs. About \$700,000 a biennium. The House moved it out of the big bill and into this bill.

Senator Fasbender: The reason I am concerned is that we are about to arrive as some assumptions. We will exceed the limitations wet at the summit meeting.

SENATE COMMITTEE

FINANCE AND CLAIMS

Date _____

Bill No. 568 Time 9:37

NAME	YES	NO	ABSENT
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SENATOR STORY

SENATOR AKLESTAD

SENATOR LOCKREM

SENATOR ETCHART

SENATOR NELSON

SENATOR SMITH

SENATOR BOYLAN

SENATOR REGAN

SENATOR FASBENDER

SENATOR THIESSEN

SENATOR THOMAS

SENATOR STIMATZ

SENATOR HIMSL

7

6

Secretary _____

Chairman _____

Motion:

Reinsert forensic lab
be reinserted in 568.

SENATE COMMITTEE

FINANCE AND CLAIMS

Date _____

Bill No. 568 Time 9:59

NAME	YES	NO	ABSENT
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SENATOR STORY		✓	
SENATOR AKLESTAD		✓	
SENATOR LOCKREM		✓	
SENATOR ETCHART		✓	
SENATOR NELSON		✓	
SENATOR SMITH		✓	
SENATOR BOYLAN	✓		
SENATOR REGAN	✓		
SENATOR FASBENDER	✓		
SENATOR THIESSEN		✓	
SENATOR THOMAS	✓		
SENATOR STIMATZ	✓		
SENATOR HIMSL	✓		

6

7

Secretary _____

Chairman _____

Motion: P 6 9 0 1Failed

4-9-79

RENEWABLE RESOURCE DEVELOPMENT PROGRAM

PROJECTED REVENUES AND EXPENDITURES

FY 80-81 Biennium

Anticipated Balance - July 1, 1979:

\$2,343,250

Proposed Expenditures 80-81 biennium

<u>1/</u>	RRD Program (H.B. 824)	\$1,910,930
	Tongue Dam Study (H.B. 841)	265,000
	Big Hole Off Stream Storage (H.B. 504)	86,500
<u>2/</u>	Glenn Lake Irrigation Project (H.B. 743)	400,000
	Water Resources Oversight Committee (H.B. 745)	30,000
	Biological Weed Control (H.B. 410)	75,000
	Administrative Funds to DNRC (H.B. 483)	246,000
	Watershed Planning Matching Funds (H.B. 483)	127,000
	Cooney Dam Repairs (H.B. 894)	<u>591,300</u>

3,731,780

Anticipated Revenue 80-81 biennium

FY 80	860,000
FY 81	<u>713,000</u>

1,573,000

Projected balance June 30, 1981

\$ 184,470

- 1/ Amendments have been submitted to the Finance and Claim Committee that would increase the balance by \$145,400.
- 2/ The Glen Lake Project is also included in H.B. 824 for \$33,750. If the above noted amendments are approved by the Committee the balance of \$184,440 would be increased to \$363,620.

FINANCE AND CLAIMS

Date 4-11 H Bill No. 568 Time 10:37

NAME	YES	NO	ABSENT

SENATOR STORY	✓		
SENATOR AKLESTAD	✓		
SENATOR LOCKREM	✓		
SENATOR ETCHART	✓		
SENATOR NELSON	✓		
SENATOR SMITH	✓	→	✓
SENATOR BOYLAN			✓
SENATOR REGAN			✓
SENATOR FASBENDER			✓
SENATOR THIESSEN	✓		
SENATOR THOMAS			✓
SENATOR STIMATZ			✓
SENATOR HIMSL			✓

~~7~~ - 67
6

Secretary

Chairman

Motion: 11 - 2 9 11

42

SENATE COMMITTEE

FINANCE AND CLAIMSDate _____ Bill No. 568 Time _____

NAME YES NO ABSENT

SENATOR STORY		✓	
SENATOR AKLESTAD		✓	
SENATOR LOCKREM		✓	
SENATOR ETCHART		✓	
SENATOR NELSON	✓		
SENATOR SMITH		✓	
SENATOR BOYLAN	✓		
SENATOR REGAN	✓		
SENATOR FASBENDER	✓		
SENATOR THIESSEN		✓	
SENATOR THOMAS	✓		
SENATOR STIMATZ	✓		
SENATOR HIMSL	✓		

7 - 6

Secretary _____

Chairman _____

Motion: Reconsider

SENATE COMMITTEE

FINANCE AND CLAIMS

Date

4-11

Bill No.

H 568 Time 10:41

NAME

YES

NO

ABSENT

SENATOR STORY

SENATOR AKLESTAD

SENATOR LOCKREM

SENATOR ETCHART

SENATOR NELSON

SENATOR SMITH

SENATOR BOYLAN

SENATOR REGAN

SENATOR FASBENDER

SENATOR THIESSEN

SENATOR THOMAS

SENATOR STIMATZ

SENATOR HIMSL

7-6

Secretary

Chairman

Motion:

Do not - 9 o'clock

SJR 11

4-10-79

Approved in LR Bd

Page 2, line 21

Following: "approval"

Insert: "if the board of investments, in upholding ^{its} their duties under
17-6-201, concur"

April 11, 1979

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House Bill 568 Senate Finance and Claims Committee

4. Title, line 15.

Following: "SECTIONS"

Strike: "61-3-203"

Following: "61-3-204"

Strike: ", "

Insert: "AND"

Following: "61-3-321"

Strike: "AND 61-3-333,"

5. Page 1, line 18 through line 12 on page 2.

Strike: Section 1 in its entirety

Renumber: subsequent sections

6. Page 2, line 20.

Following: "\$2"

Strike: "\$5"

Insert: "\$2"

7. Page 4, line 17.

Following: "\$1"

Strike: "\$3"

Insert: "\$2"

8. Page 5, line 21 through line 12 on page 6.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 7, line 3.

Following: "justice r"

Strike: "1"

Insert: "1"

10. Page 7, lines 4 and 5.

Strike: subsection (E) in its entirety

11. Page 7, line 10 through line 2 on page 8.

Strike: section 6 in its entirety

And, as so amended, BE CONCURRED IN

B.R.

STANDING COMMITTEE REPORT

April 11, 1979

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 568

Scully (Fasbender)

Respectfully report as follows: That House Bill No. 568
third reading bill, be amended as follows:

1. Title, lines 6 through 8.

Following: "REGISTRATION"

Strike: ", CERTIFICATES OF OWNERSHIP, AND DUPLICATE NUMBER
PLATES; PROVIDING A LICENSE PLATE FEE;"

Insert: "AND"

2. Title, line 11.

Following: "AND"

Insert: "AND"

3. Title, lines 11 through 14.

Following: ";"

Strike: "AND THE MONTANA CRIMINAL LAW INFORMATION CENTER; PROVIDING
THAT THE FEE INCREASES AND THE FUNDING OF THE VARIOUS PROGRAMS
FROM THE FEE INCREASES TERMINATES ON JUNE 30, 1981"

XXXXXX
DO PASS

(continued)

ROLL CALL

SENATE FINANCE AND CLAIMS COMMITTEE

46TH LEGISLATIVE SESSION 1979

Date 4-11-79

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HIMSL	✓		
SENATOR STORY	✓		
SENATOR AKLESTAD	✓		
SENATOR LOCKREM	✓		
SENATOR ETCHART	✓		
SENATOR NELSON	✓		
SENATOR SMITH	✓		
SENATOR BOYLAN	✓		
SENATOR REGAN	✓		
SENATOR FASBENDER	✓		
SENATOR THIESSEN	✓		
SENATOR THOMAS	✓		
SENATOR STIMATZ	✓		

Amendment to House Bill 894

Page 1, line 18

Following: "1979"

Insert: "From the above amount no more than \$20,000 may be spent until
1,150,000 ~~\$1,200,000~~ of federal revenue has been secured. The failure
to secure such federal funding shall terminate any funding
obligations herein incurred by the State of Montana and shall
cause a reversion of all unexpended funds, but not less than
\$571,300 to the resource indemnity trust fund account."

"From the above account, no more than \$20,000 may be spent
before federal funds are secured. Failure to secure federal
funding will require the reversion of \$571,300 back into the
Resource INdemnity Trust Account."

9. Page 7, line 3.

Following:

Strike: " justice - "

Insert:

" . "

10. Page 7, lines 4 and 5.

Strike: subsection (E) in its entirety

11. Page 7 line 10 through line 2 on page 8
Strike: ~~E~~ section 6 in its entirety

Thiessen Amendment

HB 568

1. Title, lines 6 through 8.

Following: "REGISTRATION"

Strike: "CERTIFICATES OF OWNERSHIP, AND
DUPLICATE NUMBER PLATES; PROVIDING A LICENSE
PLATE FEE;

Insert: "AND"

2. Title, line 11.

Following: "~~AND~~"

Insert: "AND"

3. Title, lines 11 through 14.

Following: "j"

Strike: the remainder of line 11 through "1981,"
on line 14 in its entirety

4. Title, line 15

Following: "SECTIONS"

Strike: "61-3-203,"

Following: "61-3-204"

Strike: ")

Insert: "AND"

STANDING COMMITTEE REPORT

April 11

19 79

MR.President.....

We, your committee onFinance and Claims.....

having had under considerationHouse..... Bill No. 894.....

Burnett (Smith)

Respectfully report as follows: That.....House..... Bill No. 894,....
third reading bill, be amended as follows:

1. Page 1, line 11.

Strike: "FEDERAL AND PRIVATE REVENUE fund"

Insert: "RESOURCE INDEMNITY TRUST FUND ACCOUNT"

2. Page 1, line 18.

Following: "1979."

Insert: "From the above amount no more than \$20,000 may be spent until \$1,150,000 of federal revenue has been secured. The failure to secure such federal funding shall terminate any funding obligations herein incurred by the State of Montana and shall cause a reversion of all unexpended funds, but not less than \$571,300 to the resource indemnity trust fund account."

And, as so amended, BE CONCURRED IN

DO PASS

XXXXXX

CONSIDERATION OF HOUSE BILL 841: This is the bill to conduct geotechnical and economic studies concerning the High Tongue Dam and the New Tongue Dam. They are asking for the money for the study from the renewable resource funds.

Senator Etchart: \$175,000 in 1967 to start the study. That is how long the Legislature has been looking at this.

Senator Smith: In the subcommittee on Natural Resources we had put some money in for engineering this project.

Senator Regan: Why the involvement of the Crow Indian and the Northern Cheyennes? Are they buying from the Tongue Dam? Is it a real potential? You mentioned the Crow's also for some project down there. Are you envisioning their contributing to this project? Ans. They said they would do whatever they could to help. As to dollars--I don't know.

Senator Regan: I would like to know a little more about this.

Senator Himsl: This was to be worked on by Senator Manning. We will have him appear and share what information he has.

Senator Thiessen: The word study sure leaves the wrong conotation. Just exactly what are you plannint to study?

Ans. The way we propose to finance this project is by selling bonds. Revenue bonds, backed by revenue derived from the project. We have to have a report for the bond holders. They will want to know "is there a market for the water", "is the project viable", "Engineering feasibility" etc. This will be just the information the bondholders will want to know.

Senator Himsl: This is not a study. We eill be making application? Ans: There is a little data needed for the downstream alternative.

Senator Regan: The EIS study?

Ans: That was taken out.

Senator Himsl: Let's try to have this on adjournment of the Senate, or tomarrow morning. Adjournment if possible.

Motion to recess subject to the call of the chair. Voted, Passed.

The people giving the answers to the questions on the Dams were Rick Bondy, and Robert Culver.. DNR.

The meeting adjourned.

Motion was voted and passed, unanimous.

Motion by Senator Regan that would in essence guarantee no money spent until federal funding has been secured and failure to get the federal funding will cause this money to go back into the fund by the end of the biennium.

Senator Smith: My question is--If no money used for the preliminary plan can you get the federal funds.

Ans. To recognize the loan application first there will have to be some money spent on the final plan. The nearest we could figure is they would like to spend the \$20,000 out of this.

Senator Regan: Certainly they have \$20,000 they can use for up front money.

Senator Thiessen: We spent a lot of money for a forensic lab or something. This is an irrigation project that will make better use of the land. I would agree they should not spend it unless they get the money, but this is ridiculous.

Senator Regan: The language will read, "from the above amount no more than \$20,000 may be spent before federal funds are secured. Failure to secure federal funding will require the reversion of \$571,300 into the resource indemnity trust fund.

Voted and passed.

Motion by Senator thomas that H. B. 894 be concurred in as amended.

Voted and passed, unanimous, Senator Smith to carry.

DISPOSITION OF HOUSE BILL 273: This is the bill on ambient air, requiring an EIS ambient air program started 2 years ago.

Senator Himsel: We appropriated \$1,070,000 to do the job. \$350,000 short now. This money is also from the resource indemnity trust fund.

Senator Smith: Is there any way that we can make the people understand that this is the end of the money? They get a staff going and they can't say no, and they just keep continuing it.

Motion by Senator Thiessen that a sunset provision be tacked on to the end of the bill.

Mr. Doney: We don't need it sunsetted, we promise this will be the end of it.

Motion was voted, passed, Senator Lockrem absent.

Motion by Senator Regan that House Bill 273 as amended be concurred in. Voted and passed, Senator Lockrem absent, Senator Thiessen voting no and Senator Aklestad voting no. Senator Stimatz will carry the bill.

Senator Hims1: This is used for water and for flood control?
Ans. The justification for the grant is the benefits accrued.

Senator Boylan: Did you say they have put \$200,000 in this over and above the original cost to the state? Ans. Yes.

Senator Aklestad: Riprapping? Ans. yes. They are threatened with undermining of the spillway area now.

Senator Story: On line 10 & 11, the stricken material--They had federal and private revenue funding. I thought I just heard someone say this could not be used. Ans. The way this project has to be financed, we have to come up with the \$600,000 somewhere else. It could be the renewable resource fund.

Senator Fasbender: Either we are going to fix or breech and get out of the business. I don't know which is the most important, this or the Tongue Dam. If we are going to do this, it has been changed from private and federal, and if we are doing this we will have to either use general fund money or change it to use the resource indemnity trust fund interest money. It is my opinion we have in excess of \$2 million to breech High Tongue Dam. It may cause a legal problem, I don't know. The money in renewable resource has been used, but there is money in the other one. Representative South said they had used all the money in the one, but there is money in the indemnity fund. Renewable resources is from coal for certain projects and the indemnity trust fund is from all minerals in Montana.

Motion by Senator Thomas to strike "federal and Private resource and insert resource indemnity trust fund account."

Senator Regan: Don't we need the word federal to get this money?
Ans. We will come in with a budget amendment to spend it when we get the money from the feds. We will need the authority to spend it at that time.

Senator Smith: When can you get started on the project?
Ans. We need the final design. We will have to spend \$200,000 or \$300,000 on the final design so that as soon as we get the federal money we can go ahead with the project.

Senator Regan: I would like to have this bill amended so that they do not get the go ahead to do anything until they get the federal money.

Senator Story: Isn't the interest from all minerals?

Senator Fasbender: Resource and Indemnity Trust Fund Interest Account. It had to reach \$10 million before we could spend any money off the interest. Then it has to be used on projects that relate to resources. Renewable resource funds can be used for parks--it funded the Sacqajewea park. The one for just the parks is a separate one from both of these.

Motion by Senator Etchart we amend page 2, line 21 by inserting "if the board of investments, in upholding its duties under 17-6-201, concurs."

Voted and passed.

Motion by Senator Fasbender that SJR 11 be adopted as amended. Voted and passed. Senator Aklestad voted no. Senator Blaylock to carry the bill.

CONSIDERATION OF HOUSE BILL 844: Senator Hims1: There is some question on the funding on this bill.

Senator Fasbender: I don't know what will happen to the bonding bill. The recommendations from the appropriations committee in the House--I think they need to be built. It will be necessary to build some. The state library -- it could be build in conjunction with the Supreme Court building. The committee recommending no action be taken. It authorization of the bonds would be sent over to the House. They should either amend it in the bonding program or kill it outright. I don't think any action until we get the bill over here should be taken. That way we shouldn't end up having people play games with the bill until we see what develops.

DISPOSITION OF HOUSE BILL 894: Cooney Dam. This would appropriate money to repair Cooney Dam and would be appropriated from Federal and revenue funds.

Motion by Senator Etchart House Bill 894 be concurred in.

Senator Boylan: Senator Thiessen said he would look into the resource indemnity trust fund interest account. On this dam at least we could do something.

Senator Hims1: The information that I have is that this is repair money. It is expected to restore the spillway and there is some question of elevating the dam 5 feet or something.

Sentor Smith: The subcommittee was not the one I was on--It was \$500,000 in repair--was there \$191,000 of private funds? Ans. The total cost of the project is about \$2 million. About \$1.2 million in federal funds. We need the \$591,300 in state funds. The federal and private funds that are in the bill will not work. We do need the \$600,000. This is the amount to trigger the finances of this.

Senator Regan: What happens if you don't get the federal money? Ans. The money will appropriate is a loan.

Senator Regan: Do you pass this money back? Ans. Water users. Senator Regan: Why can't we amend this so that they pay back the state too?

Senator Thiessen: Killing this bill gives direct relief to the taxpayer.

Senator Lockrem: The counties would get the money, but not the increase. Senator Thiessen and I have lived with this problem for about 3 months. The law enforcement academy and LETS really compromised to my position.

There was a 10 minute recess.

Senator Story: The motion was do pass as amended, and it failed. If left as is it will go up on the adverse committee report and the history of this committee is that it will be over turned. The bill will be on the floor with Senator Thiessen's amendments on it.

There was some debate for reconsidering the action or leaving it. Senator Himsl said it is really not that simple. The bill has failed as the structure of fees. That bill will leave us approximately \$100,000 short of funding of all the things in that earmarked revenue. However, we can still fund the registry office, the law academy and centralized services--they can

all be funded and still have a fund balance of \$268,000. The only thing we cannot fund is the forensic science. I expect that as long as forensic science is not there I would have to vote against the bill. The other thing things there--there will be enough.

Motion do not concur as amended (Thiessen) was voted and failed.

Motion by Senator Fasbender: Move to reconsider
Second by Senator Nelson who changed his vote on the prior motion.

Voted and passed.

Senator Lockrem: If this fails, is the bill to be reported out today? Senator Himsl: It won't be on the floor today.

Senator Lockrem: From the standpoint of being fiscally responsible, I would just as soon have the bill lay in this committee.

Senator Regan: Motion H. B. 568 as amended be concurred in voted and passed. Senator Fasbender to carry the bill.

DISPOSITION OF SENATE RESOLUTION 11: Senator Himsl: This is by Blaylock. It would give the Department of Labor, Workman's Compensation Division permission to build a building for the Department of Labor out of the reserve funds. They would lease the building to the Department of labor. There was some discussion earlier and it was amended to provide that the funding on the interest rate would be determined by the Board of Investments under the prudent man rule. They cannot borrow from their own funds in any way that would jeopardize those funds.

SENATE COMMITTEE

FINANCE AND CLAIMSDate 4-11-79 H Bill No. 568 Time 9:32

NAME	YES	NO	ABSENT
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SENATOR STORY			
SENATOR AKLESTAD		✓	
SENATOR LOCKREM		✓	
SENATOR ETCHART		✓	
SENATOR NELSON	✓		
SENATOR SMITH		✓	
SENATOR BOYLAN	✓		
SENATOR REGAN	✓		
SENATOR FASBENDER	✓		
SENATOR THIESSEN		✓	
SENATOR THOMAS	✓		
SENATOR STIMATZ	✓		
SENATOR HIMSL	✓		

7 6

Secretary

Chairman

Motion:

Reconsideration on 4/11/79
P.L.C.

SENATE COMMITTEE

FINANCE AND CLAIMSDate 4-11 H Bill No. 568 Time 9:15

NAME	YES	NO	ABSENT
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SENATOR STORY	✓		
SENATOR AKLESTAD	✓		
SENATOR LOCKREM	✓		
SENATOR ETCHART	✓		
SENATOR NELSON		✓	
SENATOR SMITH	✓		
SENATOR BOYLAN		✓	
SENATOR REGAN		✓	
SENATOR FASBENDER		✓	
SENATOR THIESSEN	✓		
SENATOR THOMAS	✓		
SENATOR STIMATZ		✓	
SENATOR HIMSL		✓	

7 - 6

Secretary

Chairman

Motion: ^{Title} Amend to take out Forensic Lab

SENATE COMMITTEE

FINANCE AND CLAIMS

Date

4-11

Bill No.

9

Time

8:50

NAME

YES

NO

ABSENT

SENATOR STORY

SENATOR AKLESTAD

SENATOR LOCKREM

SENATOR ETCHART

SENATOR NELSON

SENATOR SMITH

SENATOR BOYLAN

SENATOR REGAN

SENATOR FASBENDER

SENATOR THIESSEN

SENATOR THOMAS

SENATOR STIMATZ

SENATOR HIMSL

Secretary

Chairman

Motion:

P-m

STANDING COMMITTEE REPORT

April ~~EX~~ 11, 19 79

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 9

Lory (Lockren)

Respectfully report as follows: That House Bill No. 9

BE NOT CONCURRED IN

~~DO PASS~~

PA.

STANDING COMMITTEE REPORT

April 11, 19 79

MR. President

We, your committee on Finance and Claims

having had under consideration Senate Joint Resolution Bill No. 11
Blaylock

Respectfully report as follows: That Senate Joint Resolution Bill No. 11

third reading bill, be amended as follows:

1. Page 2, line 21.

Following: "approval"

Insert: "if the board of investments, in upholding its duties
under 17-6-201, concurs"

And, as so amended, BE ADOPTED

DO PASSY

STANDING COMMITTEE REPORT

.....April.....11,.....1979.....

MR.President.....

We, your committee onFinance and Claims.....

having had under considerationHouse..... Bill No. 273.....

Azzara (Stimatz)

Respectfully report as follows: That.....House..... Bill No. 273.....
third reading bill, be amended as follows:

1. page 1, following line 25.

Following line 25

Insert: "This project is terminated June 30, 1981."

And, as amended, BE CONCURRED IN

DO PASS

OK

Projected	
79	80 81

[illegible]

Fiscal Year 1980

Fiscal Year 1981

	Estimated Amount under Current Law	Estimated Amount under Proposed Law	Estimated Amount under Current Law	Estimated Amount under Proposed Law
Registrar Motor Vehicles	\$1,459,033	\$1,459,033	\$1,490,317	\$1,490,317
Law Enforcement Teletype		241,242		241,407
Law Enforcement Academy		330,432		344,893
Forensic Science Division		219,506		251,637
Motor Vehicle Administration	39,908	39,908	39,264	39,264
License Plate Manufacturing	398,454	398,454	398,454	398,454
Crime Lab		144,374		142,423
Central Service Division		266,128		267,614
Montana CLRC		67,500		67,500
Approximate 6% increase	<u>52,321</u>	<u>75,501</u>	<u>52,409</u>	<u>155,614</u>
Total	\$1,949,716	\$3,242,078	\$1,980,444	\$3,399,123

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
CENTRAL SERVICES DIVISION

1230 11th Avenue, Helena, Montana 59601 (406) 449-1800

TO: MIKE MC GRATH, ASSISTANT ATTORNEY GENERAL

FROM: ROBERT C. KUCHENBROD, ~~ADMINISTRATOR~~, CENTRAL SERVICES DIVISION

SUBJECT: FEE BILL, HOUSE BILL 568

DATE: APRIL 10, 1979

Number of Trans		Present		Proposed		Increase	
FY 1978		MVA	Counties	MVA	Counties	MVA	Counties
113,985	Original Cert						
	\$3 per trans	227,970	113,985				
	(\$2 to MVA, \$1 to county)						
	\$5 per trans			284,962	284,962		
	(\$2.50 to MVA, \$2.50 to cnty)						
	Increase					56,992	170,977
163,148	Trans of Reg						
	\$3 per trans	326,296	163,148				
	(\$2 to MVA, \$1 to county)						
	\$5 per trans			407,870	407,870		
	(\$2.50 to MVA, \$2.50 to cnty)						
	Increase					81,174	244,452
10,254	Lost Cert						
	\$2 per trans	20,508	-				
	\$5 per trans			51,270	-		
	Increase					30,762	-
762,469	Registration Fee						
	\$1 per trans	762,469					
	\$2 per trans			1,524,938			
	Increase					762,469	
7,369	Replace Plates						
	\$2 per trans	14,738					
	\$5 per trans			36,845			
	Increase					22,107	
100,000	New Plates						
	(Not state wide issue)			500,000		500,000	
	\$5 per trans						
		1,351,981	277,133	2,805,885	692,832	1,453,504	415,429