

MINUTES OF THE MEETING OF THE HOUSE APPROPRIATIONS COMMITTEE  
MARCH 20, 1981

The meeting was called to order by CHAIRMAN LUND at 8:00 a.m. in Room 104, of the Capitol. All members were present.

REP. BOB THOFT, District 92, Stevensville, testified as sponsor of House Bill 469, stating that the bill would require research funds for MSU, for the seed potato program established in 1952.

MR. MIKE HANBY, Montana State University, stated that the \$150,000 to \$160,000 budget in 1980 would be used for green-houses at MSU for seed research. He stated that there was a five-year limit for the program and that Montana was known for its good seed area and that Montana provides seed for Idaho and Washington.

Mr. Hanby stated that the tuber from the plant is propagated in a test tube for a good, clean seed. He stated that it is hoped that seed banks can be developed for good, clean seed, for a variety of potatoes.

Mr. Hanby stated that this is the first time State funding has been requested for the program, as it has always paid its own way until now. He added that the seed potato industry in Montana is worth about \$15,000,000.

DR. MIKE SAN, Formerly of Taiwan, stated that he feels Montana has great potential for expansion of seed potato research. He stated that the market is limited to one variety now, but that if other varieties can be produced, the production could be doubled or tripled.

MR. CHARLES RUST, Program Coordinator for the Agricultural and Natural Resources Research Cooperative Extension Service at MSU, stated his support of HB 469.

Mr. Hanby stated that there are approximately 70 seed potato growers in Montana, utilizing 6,000 acres. He stated that seed potatoes were low priority in agricultural experiment budgets.

Mr. Hanby stated that MSU had a variety development program for a number of years, but that it no longer has the program.

REP. THOFT stated that he feels Montana needs more high-value crops in agriculture.

The hearing was closed and there were no opponents.

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OF MONTANA

SENATE BILL 37.

SEN. MATT HIMSL, District 9, Kalispell, testified as sponsor of SB 37, which would provide for a Central Tumor Registry for Cancer Data. He stated that records are currently kept on a voluntary basis by 4-6 Montana hospitals, who provide data on approximately 3/2 of cancer patients at this time. He stated that the cost of the system would be borne by the State.

SEN. HIMSL stated that the benefit would be a Statewide Library of cancer data, treatment results, identification of carcinogens, and promotion of case-related study.

DR. JOHN ANDERSON, Health Department, stated that the Tumor Registry would be with the Department of Health in the Health Services Division.

Dr. Anderson stated that current operating level is \$40,000 and that this appropriation would include a registrar and a secretary at \$20,000 annually. He stated that current contracted services were \$21,000 annually and were projected to be \$23,000 and \$25,000 during FY 82 and FY 83, respectively. He stated that the original request was for \$53,000 in FY 82 and \$55,000 in FY 83 and that the revised request was for \$47,500 in FY 82 and \$50,000 in FY 83, or a total of \$90,000 for the 83 biennium.

There were no opponents to Senate Bill 37.

REP. HURWITZ stated that it was his understanding that the \$40,000 was not for administrative costs, but for patients.

SEN. HIMSL stated that this is not for cancer patients, but for statistical research for the cancer library.

REP. MOORE stated that funds were appropriated for this purpose in the prior legislative session.

REP. HURWITZ stated that there were no funds in the Health Department budget for this program.

REP. WALDRON stated that the subcommittee felt this bill should pass before the appropriation funds were put in House Bill 500.

REP. QUILICI asked if other states have a similar program.

Dr. Anderson stated that they do and that, at the present

time, Montana does not have a statewide system. He stated that if the Montana Foundation for Medical Care extracts from hospitals, that there would be no cost to hospitals.

REP. HIMSL stated that he will not concur with some amendments to the bill. He stated that the funds were appropriated last session, but that there was no legislation to establish a system.

REP. HIMSL addressed Amendments 2 and 3, stating that if the information can not be put in the bank without patient authority, the program will not work. He stated that data on the patient will be used but that the patient's name will not be in the data bank.

The hearing on Senate Bill 37 was closed.

SENATE BILL 436.

SEN. MATT HIMSL, District 9, Kalispell, testified as sponsor of Senate Bill 436, stating that the bill would permit the deposit of proceeds received from the sale of personal property in a revolving fund or designated subfund account. He stated that he had been told that the State could make more money by selling a computer than by trading one in.

MR. MORRIS BRUSETT, Director, Department of Administration, stated that a new computer would be purchased for the State. He stated that funds received from the sale of the old computer must revert to the general fund and that it is requested that these funds revert to a revolving account, to prevent a raise in user costs.

REP. BARDANOUVE stated that he is becoming concerned with the increasing number of revolving funds and methods of control. He stated that he feels this action would automatically impact all appropriations made.

MR. BRUSETT stated that if the bill does not pass, user costs will be raised.

REP. BARDANOUVE stated that he feels that once funds go into the revolving account, they seem to become invisible.

REP. MOORE stated that most funds in revolving accounts are general funds.

SEN. MATT HIMSL stated that he is not involved with the operations budget and that he feels it would be acceptable as the legislature must authorize spending, but that he feels the State should watch the accounts carefully.

REP. MOORE stated that the funds appropriated can also be budget amended.

The hearing was closed and there were no opponents to the bill.

SENATE BILL 300.

SEN. ALLEN KOLSTAD, District 5, Chester, testified as sponsor of Senate Bill 300, stating that the bill would make financial assistance grants to counties for district courts, amending Section 7-6-2352, MCA. He stated that County Commissioners have no power to deny charges received from District Judges and that a Judge could order payment. He stated that after the mill levy is reached, the State would supplement the county. He added that a similar bill passed last session but that funds were not appropriated.

SEN. KOLSTAD stated that 1/3 of the counties exceeded their mill levies in 1980 and that 35 counties were able to pay their own way.

MR. MIKE STEVEN, Association of Counties, stated that a Supreme Court survey completed from July, 1979 to June 30, 1980, showed that there is an \$8,000,000 cost to fund the district court system in Montana annually. He stated that the counties pay \$7,000,000 or 83% of this amount.

REP. KOLSTAD stated that the bill is a mechanic to get grants-in-aid to assist counties in need.

MR. JOE WOLF, Budget Director, Butte Silver Bow, stated that he feels this a State Program and that there is little control at the local level. He stated that costs appropriated by legislation must be paid by local governments and that he feels the State should assist local governments in covering these costs. He added that the local taxpayer has little or no voice in these matters.

MR. MORRIS BRUSETT, Director, Department of Administration, stated that there are no funds in this bill nor in House Bill 500 for this type of assistance. He stated that funds would need to be added to this bill or to House Bill 500 for this purpose.

SEN. HAROLD DOVER, District 24, Lewistown, stated that he supports Senate Bill 300 and that there were no funds appropriated last session and that the supplemental request was denied. He stated that the subcommittee did not fund this as several bills were introduced for this purpose.

SEN. DOVER stated that once annually, each county will put in funds for district court costs and that each county will

get the same percentage of what is put in.

There were no opponents to the bill.

REP. WALDRON asked how the cost would be covered if the county exceeded the 6 mill levy and there were not state funds to supplement.

Mr. Steven stated that this would be covered by a county general fund and that another program would be cut in order to make payment. He stated that counties cannot levy additional mills to pay court cost.

REP. BENGTON asked what was within the prerogative of the district court judges to make savings and prevent overruns. She stated that she feels that the fact that 35 counties are paying their own way, is indicative that judges are trying to initiate cost savings.

Mr. Steven stated that the current fiscal note request is about \$2,000,000.

REP. HURWITZ asked if this is basically, a grant-in-aid on a percentage basis.

Mr. Steven stated that the overrun is due to unanticipated costs.

REP. MOORE stated that he feels that within the Department of Administration, there must be a contingency fund and that District Judges could make application to continue operation of their courts out of this fund.

Mr. Steven stated that the county would have to request the funds as the Judge bills the county.

REP. LORY stated that the subcommittee felt that there was not enough control to prevent padding.

SEN. DOVER stated that he feels there is enough control written into the bill and that funds appropriated will not be enough for everyone to go after.

REP. QUILICI stated that there was not control over the number of cases before District Courts and that he feels some type of language could be added to the bill to get a handle on this.

REP. BARDANOUVE asked how allocations would be made.

SEN. KOLSTAD stated that appropriations would not be made until the end of the year and that the district court would go into the emergency funds of the county and that the county would then apply for replacement of the funds at the end of the year.

SEN. KOLSTAD stated tht he had amendments prepared by a district judge imposing limits. He stated that he would support the amendments if the Committee so desired.

REP. SHONTZ asked why the Department of Administration was chosen and not the Supreme Court.

REP. LORY replied that the Department of Administration deals with counties and the Supreme Court does not.

Mr. Steven stated that the legislature amended this jurisdiction from the Supreme Court to the Department of Administration during the last session. He stated that lines 9 and 10 were stricken in the amendments as they would impose a hardship on the counties.

SEN. KOLSTAD stated that the word "emergency" was hard to define and that it was felt that there would be less abuse of funds if this word were removed from the bill.

REP. MOORE stated that he feels payment would be on an emergency basis and that the word "emergency" should be retained in the bill.

SEN. KOLSTAD stated that he had no objection to this.

REP. BARDANOUVE asked how the amount of the appropriation would be determined.

SEN. KOLSTAD stated that he had no objection to this.

REP. BARDANOUVE asked how the amount of the appropriation would be determined.

SEN. KOLSTAD stated that if \$1,400,000 were appropriated to the counties and 56 counties collectively turned in a debt of \$1,600,000, the deficit would be shared by the counties.

REP. BARDANOUVE asked how the \$1,400,000 figure was determined.

SEN. KOLSTAD stated that he feels this is a conservative guess of what is needed.

REP. MOORE stated that the cost in FY 80 was \$661,578.

There were no opponents to the bill and the hearing was closed.

HB 471: Tabled.

HB 619.

REP. DENNIS IVERSON, District 9, Whitlash, testified as sponsor of HB 619, stating that the bill would establish a revolving fund to handle proceeds from livestock sold by the Agricultural Experiment Station and that it is now felt that the problem has been adequately handled and the bill may no longer be necessary or proper.

REP. SHONTZ stated that the problem occurs not only with livestock, but with seed for grain. He stated that funds from a sale are not returned to the unit making the sale.

REP. SHONTZ stated that he feels Dr. Welsh will try to make this more equitable and that this action would reduce dependency upon the general fund.

CHAIRMAN LUND stated that this would be particularly effective when Foundation Seed Stock was sold.

REP. MOORE stated that, including all interest earned on earmarked accounts there have been problems in the past with the earmarked revenue account and experiment stations. He stated that language in the 1975 session was introduced to correct this situation, which is not in the new bill.

CHAIRMAN LUND stated that part of the wording in the bill is already existing law. He added that there was no restrictive language in HB 500.

REP. MOORE stated that wording in HB 619 would remove restrictions on the earmarked revenue account.

CHAIRMAN LUND stated that he feels a revolving fund is needed like that for Foundation Seed Stock.

REP. MOORE moved that HB 619 be tabled. The motion was unanimously approved.

HB 417.

REP. DONALDSON moved that HB 417 be tabled. The motion was unanimously approved.

SB 436.

REP. HURWITZ moved that the Committee do pass SB 436. The motion was unanimously approved.

SB 37 .

REP. WALDRON stated that he feels Amendment 4, in addition to Amendment 2 and 3 should be stricken from the bill. He stated that wording for confidentiality remains in the bill itself.

REP. SHONTZ stated his concern with the cost to hospitals to implement this registry and added that he feels that if tumor registry were required by law, funds should be appropriated to hospitals to cover the costs.

REP. WALDRON stated that in line 10, page 2, consent is not required and that confidentially is already covered under current law, Section 2, Subsection C.

REP. MOORE stated that if Section 7 were stricken there would be no mandatory participation which would result in inconsistent reporting.

REP. HURWITZ moved that SB 37 do pass as amended, striking amendments 2 and 3 and leaving amendments 1 and 4.

REP. HURWITZ withdrew his motion.

REP. WALDRON made a substitute motion to strike Amendment 2 and 3. The motion was unanimously approved.

REP. WALDRON moved to strike Amendment 4.

REP. WALDRON withdrew his motion and moved that Section 7 be reinserted. The motion passed with 7 members voting aye, 5 voting no and 5 members absent.

REP. HURWITZ's original motion that SB 37 do pass as amended was unanimously approved by the members of the Committee.

SB 300.

SEN. DOVER stated that he asked the Legislative Fiscal Analyst to draw up an amendment to House Bill 500.

REP. MOORE stated that SB 300 has to pass first, and that he feels there is a need to tighten spending down..

REP. LORY stated that limitations could be put on SEN. KOLSTAD's bill.



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CHAIRMAN LUND stated that four years ago \$20,000,000 was asked by the Supreme Court. He stated that SB 300 states that this cannot be changed and that this amount would have to come from the Foundation Program. He added that the Office of Budget Program Planning (OBPP) would have to fund this amount and still balance the budget.

HB 567.

REP. MOORE moved that HB 567 be tabled. The motion was unanimously approved.

HB 655.

REP. DONALDSON moved that language re the subcommittee recommendation be inserted into HB 655 and that inflation factors be plugged in as in other budgets, assuming that there would be less travel.

REP. MOORE stated that school bus transportation was under a separate law. He stated that the total appropriation in the Anderson bill (HB 655) is \$4,415,778 and that the subcommittee figure is \$2,000,000 more.

REP. HEMSTAD stated that there would be an 18% increase with the subcommittee recommendation and a 47% increase with HB 655.

Action on HB 655 was deferred for the day.

HB 410.

REP. MOORE moved that the Committee do pass HB 410 and then withdrew the motion.

The meeting was adjourned at 11:30 a.m.

Respectfully submitted,

  
\_\_\_\_\_  
REP. ART LUND, CHAIRMAN

jc

3-20

SB 300 is amended to read as follows:

Page 2, line 4:

county budget, BECAUSE OF UNANTICIPATED COSTS ARISING FROM  
EXTRAORDINARY ACTIVITY IN THE CIVIL OR CRIMINAL OPERATIONS OF  
THE DISTRICT COURT WHICH EXCEED THE AMOUNT OF MONEY DERIVED,  
BUDGETED, AND SPENT, ABOVE THE MILL LEVY SPECIFIED IN 7-6-2511.  
EXPENSES EXCEEDING THE SUM DERIVED FROM THE MILL LEVY PROVIDED  
FOR IN 7-6-2511 ARISING FROM LITIGATION IN EITHER CIVIL OR  
CRIMINAL MATTERS, NOT INCLUDING BUILDING, CAPITAL, AND LIBRARY  
MAINTENANCE, REPLACEMENT, AND ACQUISITION, BUT INCLUDING THE  
COSTS ASSOCIATED WITH:

1. THE IMPANELLING AND MAINTENANCE OF JURIES,
2. THE APPEARANCE OF WITNESSES,
3. THE FEES AND LITIGATION RELATED EXPENSES OF  
ATTORNEYS APPOINTED BY A DISTRICT COURT,
4. TRANSCRIPT PREPARED AT THE DIRECTION OF A  
DISTRICT COURT AT COUNTY EXPENSE,
5. SALARIES AND FEES OF COURT REPORTERS,
6. PSYCHOLOGICAL AND MEDICAL TREATMENT OR EVALU-  
ATIONS ORDERED BY A DISTRICT COURT AT COUNTY  
EXPENSE,
7. THE ACTUAL AND NECESSARY EXPENSES OF TRAVEL

AS LIMITED BY LAW FOR;

- i. JURORS,
- ii. WITNESSES,
- iii. COURT REPORTERS,
- iv. DEFENDANTS IN CRIMINAL CASES WHO ARE IN  
CUSTODY,
- v. JUVENILES UNDER THE SUPERVISION OF A  
DISTRICT COURT,
- vi. LAW ENFORCEMENT OR PROBATION OFFICERS ACT-  
ING IN FURTHERANCE OF A DISTRICT COURT ORDER,

8. OTHER, SIMILAR EXPENSES CREATED BY AND  
REQUIRED FOR THE CONDUCT OF AND PREPAR-  
ATION FOR A TRIAL IN DISTRICT COURT;

~~(b)--that-all-lawful-sources-of-income-to-the-district~~  
~~court-fund-have-been-exhausted;~~

(b)~~(c)~~ that all expenditures from the district court fund  
have been lawfully made;

(c)~~(d)~~ that no transfers from the district court fund  
have been made or will be made to any other fund;

(d)~~(e)~~ that no expenditures have been made from the  
district court fund that are not specifically authorized by  
7-6-2511 and 7-6-2351; and

(e)~~(f)~~ any other information required by the department  
of administration.

## HOUSE

Appropri

BILL

469

Date \_\_\_\_\_

3-20-81

SPONSOR

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

Form CS-33

WITNESS STATEMENT

NAME MIKE KOETMKE BILL No. HB 469  
ADDRESS Kounsud, MT DATE 23-20-81  
WHOM DO YOU REPRESENT Montana Seed Potato Growers  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

# STANDING COMMITTEE REPORT

MARCH 25

1901

3-20

MR. **SPEAKER:**

We, your committee on **HOUSE APPROPRIATIONS**

having had under consideration **HOUSE SENATE** Bill No. **37**

Respectfully report as follows: That **SENATE** Bill No. **37**

**DO PASS AS AMENDED: STRIKE AMENDMENTS 2 AND 3  
REINSTATE SECTION 7**

DO PASS

# STANDING COMMITTEE REPORT

MARCH 30 19 81

3-20

MR. SPEAKER:

We, your committee on HOUSE APPROPRIATIONS

having had under consideration SENATE Bill No. 300

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE  
DEPARTMENT OF ADMINISTRATION TO MAKE FINANCIAL ASSISTANCE  
GRANTS TO COUNTIES FOR DISTRICT COURTS; AMENDING SECTION  
7-6-2352, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That SENATE Bill No. 300

1. Page 2, lines 4-through 10  
Following: "BECAUSE OF" on line 4  
Strike: "UNANTICIPATED" through "exhausted;" on line 10  
Insert: attached (Note: Caps and underscoring are already  
shown)  
Reletter: subsequent subsections

BE CONCURRED IN  
XQ:R88 AS AMENDED

10300  
"EXPENSES EXCEEDING THE SUM DERIVED FROM THE MILL LEVY PROVIDED  
FOR IN 7-6-2511 ARISING FROM LITIGATION IN EITHER CIVIL OR  
CRIMINAL MATTERS, NOT INCLUDING BUILDING, CAPITAL, AND LIBRARY  
MAINTENANCE, REPLACEMENT, AND ACQUISITION, BUT INCLUDING THE  
COSTS ASSOCIATED WITH:

- (1) THE IMPANELLING AND MAINTENANCE OF JURIES;
- (2) THE APPEARANCE OF WITNESSES;
- (3) THE FEES AND LITIGATION RELATED EXPENSES OF  
ATTORNEYS APPOINTED BY A DISTRICT COURT;
- (4) TRANSCRIPT PREPARED AT THE DIRECTION OF A  
DISTRICT COURT AT COUNTY EXPENSE;
- (5) SALARIES AND FEES OF COURT REPORTERS;
- (6) PSYCHOLOGICAL AND MEDICAL TREATMENT OR EVALU-  
ATIONS ORDERED BY A DISTRICT COURT AT COUNTY  
EXPENSE; —
- (7) THE ACTUAL AND NECESSARY EXPENSES OF TRAVEL  
AS LIMITED BY LAW FOR;
  - (i) JURORS;
  - (ii) WITNESSES;
  - (iii) COURT REPORTERS;
  - (iv) DEFENDANTS IN CRIMINAL CASES WHO ARE IN  
CUSTODY;
  - (v) JUVENILES UNDER THE SUPERVISION OF A  
DISTRICT COURT; OR
  - (vi) LAW ENFORCEMENT OR PROBATION OFFICERS ACT-  
ING IN FURTHERANCE OF A DISTRICT COURT ORDER; AND
- (8) OTHER, SIMILAR EXPENSES CREATED BY AND  
REQUIRED FOR THE CONDUCT OF AND PREPAR-  
ATION FOR A TRIAL IN DISTRICT COURT;"



# STANDING COMMITTEE REPORT

MARCH 20 19 81

3-20

SPEAKER:  
MR. ....

We, your committee on ..... HOUSE APPROPRIATIONS .....

having had under consideration ..... SENATE ..... Bill No. 436 .....

A ABILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
18-6-101, MCA, TO PERMIT THE DEPOSIT OF PROCEEDS RECEIVED  
FROM THE SALE OF PERSONAL PROPERTY IN A REVOLVING FUND  
ACCOUNT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That ..... SENATE ..... Bill No. 436 .....

DO PASS

DO PASS