

THE MINUTES OF THE MEETING OF THE JOINT APPROPRIATION SUBCOMMITTEE  
ON NATURAL RESOURCES

January 14, 1981

The meeting was called to order by CHAIRMAN STOBIE, at 8:00 a.m. in room 431. Roll call was taken with all members present but SENATOR BOYLAN and SENATOR STIMATZ.

THE CHAIRMAN called the meeting into Executive Session.

A review of the action on the following supplementals was given by BOB ROBINSON, Fiscal Analyst.

RESOURCE 300 was turned over to the full committee and that MILWAUKEE costs in protesting the closure, was voted on and was a tie vote; therefore, was tabled until the full subcommittee was present.

SENATOR SMITH presented the information on Limits on Expenditures (EXHIBIT A). BOB ROBINSON elaborated on the Authorized Budget Amendment and how that process takes place. There was extensive discussion by the subcommittee on the Milwaukee Railroad supplemental.

MOTION was made by REPRESENTATIVE MANUEL that \$65,000.00 for the Milwaukee Railroad be approved. Roll call vote:

Stobie	No	Cozzens	No
Hemstad	Yes	Smith	No
Manuel	Yes	Boylan	No
		Stimatz	Absent

MOTION FAILED.

MOTION was made by SENATOR BOYLAN that \$55,000.00 be approved for the Milwaukee Railroad. A substitute motion by SENATOR SMITH was made that the Supplemental be brought before the entire committee. After discussion SENATOR SMITH withdrew his motion.

SENATOR BOYLAN added to his motion that this deficit be taken out of transportation; roll call vote was taken:

Stobie	Yes	Cozzens	No
Hemstad	Yes	Smith	No
Manuel	No	Boylan	Yes
		Stimatz	Absent

MOTION FAILED.

SENATOR STIMATZ came in late.

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The first motion by SENATOR MANUEL that the \$65,000 requested by the Milwaukee be approved. Since SENATOR STIMATZ's vote would not make a difference in that vote, it was not voted on.

SENATOR BOYLAN moved that the Department of Agriculture receive \$55,000 on supplemental and that the deficit be taken out of transportation instead of the original \$65,000.00. There was further discussion. Actual cash balances in transportation and centralized services is a total of \$30,318.00 general funds remaining. Motion having been heard, a roll call vote was taken:

Stobie	Yes	Cozzens	No
Hemstad	Yes	Smith	No
Manuel	No	Boylan	Yes
		Stimatz	No

MOTION FAILED.

MOTION was made by REPRESENTATIVE COZZENS that we cut their entire request to \$45,000.00; \$15,000.00 to be deducted from transportation and \$5,000.00 from Centralized Services.

DISCUSSION: They should be able to make it without eliminating staff. Out of \$88,000.00 total budget, Centralized Services got \$83,000.00 to operate the year. Mr. McCOMBER's salary and activities comes out of Centralized Services. If we adopt this motion, cash left in Centralized Service would be \$53,500.00.

Roll call vote was taken on REPRESENTATIVE COZZENS motion.

QUESTION:

Stobie	Yes	Cozzens	Yes
Hemstad	No	Smith	No
Manuel	No	Boylan	No
		Stimatz	No

MOTION FAILED.

SENATOR BOYLAN reinstated his motion of \$55,000.00 and took \$10,000.00 off the \$20,000.00 transportation supplement. Roll call vote:

Stobie	Yes	Cozzens	Yes
Hemstad	No	Smith	No
Manuel	No	Boylan	Yes
		Stimatz	No

MOTION DEFEATED.

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MOTION was made by REPRESENTATIVE MANUEL that they pay the \$65,000.00 Supplemental with an amendment by REPRESENTATIVE COZZENS of notice of the risk as elaborated in the law. The amendment was withdrawn. Roll call vote was taken:

Stobie	No	Cozzens	No
Hemstad	Yes	Smith	No
Manuel	Yes	Boylan	Yes
		Stimatz	Yes

MOTION PASSED.

The request to consider the supplemental on the ENERGY DIVISION of \$200,000.00.

SENATOR SMITH made a motion to reconsider the Supplemental of \$200,000.00 Energy Supplemental. A vote was called for and passed with all in favor.

A supplemental on the Energy Division (EXHIBIT B) showing the breakdown of Supplemental Costs was brought before the subcommittee. Discussion was held on the diesel fuel crisis and also the transfer of the Energy Division from the Lt. Governor's office to the Natural Resources and the shortage that occurred in that crossover. The Energy Emergency Planning program was also a topic of discussion. The transfer of monies from the Energy Division to the Water Division was reviewed stating that Water had spent it and now Energy was short. A total of \$309,000.00 is shown. The Department says they are eating \$109,000.00 now. There is quite a bit of Government grants in this program but none of this involves matching funds.

SENATOR STIMATZ made a motion to eliminate Number 2 of the Supplemental Breakdown for \$76,000.00 and Number 4 for \$10,755.00. Discussion was that they have already absorbed Number 5 and that this amount is not being requested now by the Energy Division.

SENATOR STIMATZ rephrased his motion to allow the supplemental for the Energy Division of the DNRC the \$89,437.00 for the Appropriation shortage resulting from transfer of energy office, and the \$69,455.00 for costs associated with diesel fuel crisis. This will allow a supplement of \$158,892.00. A roll call vote was called for.

Stobie	Yes	Cozzens	Yes
Hemstad	Yes	Smith	Yes
Manuel	Yes	Boylan	Yes
		Stimatz	Yes

MOTION PASSED.

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SENATOR BOYLAN was excused to go to another meeting.

THE DEPARTMENT OF LIVESTOCK budget was presented for executive action.

REPRESENTATIVE MANUEL moved that the LFA (Legislative Fiscal Analyst), recommendations of the FTE (Full Time Employee), for the 9.5 be adopted for both years. MOTION PASSED UNANIMOUSLY.

It was moved by REPRESENTATIVE COZZENS that the LFA's recommendations for SUPPLIES be accepted. MOTION PASSED UNANIMOUSLY.

COMMUNICATIONS supplement was brought before the subcommittee. It was moved by SENATOR SMITH to accept the executive request for 1982 and 1983. MOTION PASSED.

Motion was made by Representative Hemstad to accept the Executive request for TRAVEL for 1982 and 1983. All were in favor. MOTION PASSED.

It was moved by SENATOR SMITH to accept the LFA recommendation on RENT. MOTION PASSED UNANIMOUSLY.

REPRESENTATIVE COZZENS moved that the LFA recommendations be accepted for REPAIRS for the fiscal year of 1982 and 1983. All members were in favor. MOTION PASSED.

It was moved by REPRESENTATIVE HEMSTED the Executive Recommendation for OTHER be accepted. MOTION PASSED.

REPRESENTATIVE COZZENS moved that they go with the LFA recommendation for EQUIPMENT AND LIVESTOCK for 1982 and 1983. MOTION PASSED.

MOTION WAS MADE BY REPRESENTATIVE MANUEL to adopt the LFA proposal for 1982 and 1983 for 04001. MOTION PASSED UNANIMOUSLY.

MOTION was made by REPRESENTATIVE MANUEL that we fund the remaining OPERATING EXPENSES 25% General Funds and 75% would be split between the two earmarked funds. All members were in favor. MOTION PASSED.

THE DIAGNOSTIC LAB: The budget was brought up for vote in individual categories.

REPRESENTATIVE COZZENS moved that they go along with the 20.8 FTE in both years in the LFA recommendation concurrently. MOTION PASSED UNANIMOUSLY.

REPRESENTATIVE MANUEL moved that the Executive Recommendation both years for SUPPLIES, TRAVEL, UTILITIES, AND COMMUNICATION

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and the LFA recommendation on all the rest of the Diagnostic Lab.  
MOTION CARRIED.

SENATOR STIMATZ moved that the funding be split 50-50 with the exception of the lab technician that will be funded wholly with earmarked funds. MOTION PASSED UNANIMOUSLY.

DISEASE CONTROL PROGRAM:

REPRESENTATIVE MANUEL moved that they accept the LFA recommendation on FTE and PERSONAL SERVICES for 1982 and 1983. MOTION CARRIED.

REPRESENTATIVE COZZENS moved that the LFA recommendation for CONTRACTED SERVICES for 1982 and 1983 be accepted MOTION PASSED.

It was moved by REPRESENTATIVE MANUEL that we give the \$16,000.00 more each year and the LFA recommendation on TRAVEL a total of \$50,679 in 1982 and \$53,453 in 1983. MOTION CARRIED.

REPRESENTATIVE COZZENS moved that all of the other line items for the DISEASE CONTROL PROGRAMS go with the LFA recommendation for fiscal 1982 and 1983. MOTION PASSED UNANIMOUSLY.

REPRESENTATIVE HEMSTED moved that these be funded with earmarked revenue account. ALL VOTED IN FAVOR of this motion.

Discussion was held regarding the MILK AND EGG PROGRAM BUDGET. BOB ROBINSON stated that they recommended the new car as well as a high projection for gas.

REPRESENTATIVE HEMSTED WAS EXCUSED.

SENATOR SMITH moved that the Executive budget on SUPPLIES and the LFA recommendation be accepted on the rest of the line items for 1982 and 1983. ALL VOTED IN FAVOR of the motion

The remainder is almost entirely general funds with the exception of the school lunch program for inspection of milk and eggs which is federally funded.

REPRESENTATIVE MANUEL moved that the LFA recommendation for the MILK and EGG DEPARTMENT, 01100 (G.F.) and 04099 (USDA) for 1982 and 1983, be passed. MOTION CARRIED.

INSPECTION AND CONTROL:

SENATOR SMITH moved to accept the LFA recommendation for Personal Service adding the \$77,000.00 for 1982 and \$84,700.00 for 1983, be passed. MOTION PASSED.

SENATOR MANUEL moved that the Executive recommendation on TRAVEL be accepted and the LFA recommendation on all others be accepted. MOTION PASSED.

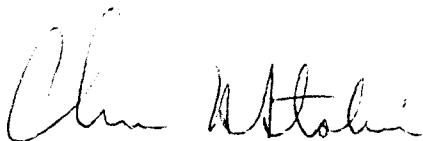
PREDATORY ANIMAL CONTROL PROGRAM:

There was a discussion on the FTE. The Executive and Legislative budget is the same except for the operation of the third helicopter. The Executive has \$65,000 in 1982 and \$69,700 in 1981.

SENATOR SMITH moved to adopt the LFA recommendation for PERSONAL SERVICES and FTE's. MOTION PASSED.

SENATOR STIMATZ made a motion to accept the Executive budget for all other items except Personal Service which was included in SENATOR SMITH's motion. MOTION PASSED.

The meeting adjourned at 11:45 a.m.



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CHRIS STOBIE, CHAIRMAN

20-1317

1-14-81

## CHAPTER NO. 618

AN ACT PERTAINING TO SUPPLEMENTAL APPROPRIATIONS;  
PROVIDING FOR THE ATTORNEY GENERAL TO FILE A COM-  
PLAINT WHEN LIMITS ON EXPENDITURES ARE EXCEEDED;  
AMENDING SECTIONS 17-8-103 AND 17-8-104, MCA.

*Be it enacted by the Legislature of the State of Montana:*

Section 1. Section 17-8-103, MCA, is amended to read:

**“17-8-103. Limit on expenditures.** (1) It shall be unlawful for the board of trustees, executive board, managerial staff, president, deans and faculty, or any other authority of any state institution maintained in whole or in part by the state or any officer, department, board, commission, or bureau, having charge of the disbursement or expenditure of the income provided by legislative appropriation or otherwise, to expend, contract for the expenditure, or to incur or permit the incurring of any obligation whatsoever, in any one year, in excess of the *legislative appropriation or authorized budget amendment* provided for such year or for any supervisory board or authority either directly or indirectly to authorize, direct, or order any such institution, officer, department, board, commission, or bureau to increase any expenditures, except as specifically provided by law.

(2) It shall be and is hereby made the duty of any and all of such institutions, officers, departments, boards, commissions, and bureaus to keep such expenditures, obligations, and liabilities within the amount of such *legislative appropriation or authorized budget amendment.*”

Section 2. Section 17-8-104, MCA, is amended to read:

**“17-8-104. Penalty for violation.** Any authority or member of a board of trustees or any person, officer, or employee violating the provisions of 17-8-103 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 or more than \$500 or imprisoned in the county jail for not less than 30 days or more than 6 months or by both such fine and imprisonment; and in addition thereto, said authority, member, person, officer, or employee shall be personally liable and the surety or sureties on his bond shall also be liable to the state for the amount of the excess thus unlawfully expended, and said authority, member, person, or officer shall be guilty of misfeasance in office, and such employee shall be guilty of wrongdoing, and each shall be subject to removal from office or from such employment, upon complaint of *the attorney general or of any taxpayer* filed in a district court of this state and upon proof of violation of 17-8-103, in accordance with law.”

Section 3. Deficiency appropriations, commonly referred to as a “supplemental appropriation”, for a legislative branch agency must be included in a separate appropriation bill and may not be included in the bill appropriating money for the operation of the legislature, commonly referred to as the “feed bill”.

Approved May 7, 1979.

BREAKDOWN OF SUPPLEMENTAL COSTS FOR ENERGY DIVISION

	<u>Total Cost</u>
1) Appropriation shortage resulting from transfer of energy office.	\$89,437
2) Department request for transfer of energy appropriation to water resources.	76,000
3) Costs associated with diesel fuel crisis.	69,455
4) Costs associated with energy emergency planning.	10,755
5) Additional personnel costs related to division reorganization	
- Energy policy coordinator	46,826
- Upgrade of facility siting division administrator	6,947

OVT

will be covered by

TOTAL COST = 246,000.00

SUPPL. REQ - \$ 200,000.00



NAME Jim Williams Bill No. \_\_\_\_\_

ADDRESS Room 236 DATE \_\_\_\_\_

WHOM DO YOU REPRESENT C.P.F.F.

SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

