

MINUTES OF THE MEETING  
FINANCE AND CLAIMS COMMITTEE  
MONTANA STATE SENATE

February 20, 1981

The 15th meeting of the Senate Finance and Claims Committee met in room 108 of the State Capitol Building on the above date. The meeting was called to order at 11:18 a.m. by Senator Hims1, Chairman, roll call was taken, and is attached.

Senator Hims1 asked if the committee on Senate Bill 300 and 373 which consisted of Senators Dover, Stimatz and Johnson had their amendments ready. Senator Dover handed out a copy of the Senate Bill 300 with amendments written on it and Senator Stimatz handed in a copy of another amendment for the same bill.

Senator Stimatz said that the two sheets of amendments went together, and it was their idea to cap everything and still use the existing law. We have no direct provision for a cap and that would be the appropriation that is made. There were 14 to 20 counties that had exceeded the 6 mills, and they would share pro rata. We did not tamper much with the cost structure. There are sections of the existing law, and some of the ones are 76-23-42 and 23-51 which provide what are expenses, and what is need. This will work just with this amendment

Senator Dover said the amendment provides for a sharing and pro rata. One of the things on this bill is line 15, that is the way we appropriate. We worked on this with the budget for the last session for a supplemental. Because the legislature did not appropriate the money we could not come in with a supplemental. Copies of the proposed amendments were passed around to the committee along with a separate one, and they were discussed as to what they were and what they would do.

Senator Hims1 said they were speaking of the conditions (a) through (f) to qualify. These are not emergencies. Senator Stimatz answered, no, it is provisions. The only place "emergency" exists is in the original bill. They take it out, but you can put it back in, it doesn't make any difference.

Senator Hims1: They don't have to have an emergency then? No. If they exceed their budget they can apply, and there are enough safeguards in the budget as it exists. The only difficulty they will have is if a judge goes into a court reporter or staff or something like that and mandates it. If he says, "I need this for functioning of the district court" he can get it anyway, so this doesn't make any difference.

Senator Hims1: Is there no way of estimating or figuring what the total cost would be? Stimatz: No. There was a list submitted, and the only one I know of that exceeded their 6 mills but did not get on that list was Cascade. It amounted to about \$160,000 and they did not choose to make a claim. In 1979 there was \$678,517, in 1980 \$191,663.

Senator Dover: In the other bill, it will be run by the Governor's office He has appropriated \$1½ million a year.

In this bill it is what we would decide as a committee. We might only appropriate  $\$ \frac{1}{4}$  million and that is more of a cap than \$3 million. Senator Stimatz: That is only for one year.

Senator Van Valkenburg: If you are going to be talking money, there is a lot of counties that did not submit requests. So there will be a lot more requests once money is appropriated. We still have no definite idea of what district court costs are. Stimatz: No need. The judge can issue an order and there is no argument with it, it must be paid. If we try to change that it would be interfering with another branch of the government. I don't think there was any counties except Cascade that went over the 6 mills. Most counties had adequate to cover their costs under the 6 mills. There is a sunset provision in this and the whole thing can be reworked then and we will have had some indication of whether or not to come up with some definition.

Senator Etchart: Could we set it so that a portion of it would be reserved for a county that has an unusual situation. I am thinking of Rosebud County, and also the problems in Lewis and Clark. I think the state should pay for the litigation in Lewis and Clark on state cases.

Senator Hims1 said when we are talking about exceeding the 6 mills, all counties do not have a 6 mill levy, but a 5 mill or a 4 mill maximum levy, and that is their limit and in some cases a mill does not bring in very much money. He checked some counties on a chart, attached. Senator Stimatz and Senator Dover said they would still get their prorated amount after receiving their maximum mill levy.

DISPOSITION OF SENATE BILL 300: MOTION by Senator Dover that the amendments be adopted. Voted, unanimous with Senators Story, Regan and Smith absent.

MOTION by Senator Dover that the Senate Bill 300 as amended, DO PASS. Voted, passed, unanimous with Senators Story, Regan and Smith absent. Senator Van Valkenburg voted no, vote attached.

DISPOSITION OF SENATE BILL 373: MOTION by Senator Dover that Senate Bill 373 DO NOT PASS. voted, unanimous with Senators Story, Regan and Smith absent.

Senator Hims1 said he would like more of the committee present to vote on SJR 19, and we would meet the next day. Senator Dover said if it would help he would be willing to have the "con con" removed from the bill and the bill passed out.

MOTION by Senator Thomas to remove the con con from SJR 19. Voted, approved, Senators Etchart and Dover voting no, Senators Story, Regan and Smith were absent.

MOTION by Senator Dover that SJR 19 as amended, DO PASS. Voted approved, vote unanimous with Senators Story, Regan and Smith

were absent.

The meeting adjourned at 11:55 a.m.

  
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Senator Himel, Chairman

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date       

NAME	PRESENT	ABSENT	EXCUSED
Senator Etchart	/		
Senator Story			
Senator Aklestad	L		
Senator Nelson	.		
Senator Smith			
Senator Dover			
Senator Johnson	.		
Senator Keating	.		
Senator Boylan			
Senator Regan	.		
Senator Thomas	/		
Senator Stimatz	.		
Senator Van Valkenburg	L		
Senator Haffey	/		
Senator Jacobson	.		
Senator Himsl	L		

# STANDING COMMITTEE REPORT

February 21,

81

19.....

President

MR. ....

We, your committee on..... Finance and Claims

having had under consideration ..... Senate ..... Bill No. 373

Respectfully report as follows: That..... Senate ..... Bill No. 373

DO NOT PASS

~~DO NOT PASS~~

*GA*

# STANDING COMMITTEE REPORT

.....February 20..... 19 81.....

MR. **President**.....

We, your committee on **Finance and Claims**.....

having had under consideration **Senate**..... Bill No. **300**.....

Respectfully report as follows: That..... **Senate**..... Bill No. **300**  
introduced copy, be amended as follows:

1. Page 1, line 16.  
Following: "purpose."  
Insert: "If the department of administration approves grants in excess of the amount appropriated each grant shall be reduced an equal percentage so the appropriation will not be exceeded."
2. Page 1, lines 18 and 19.  
Following: "grant"  
Strike: "when the following conditions occur,"
3. Page 1, line 19.  
Following: "report"  
Insert: "by July 31, for the previous fiscal year."  
Following: "stating"  
Insert: "that the following conditions have occurred or will occur"

DO PASS  
~~DO PASS~~

(continued)

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4. Page 1, line 22.  
Following: "budget"  
Insert: ", because of unanticipated costs arising from extra-ordinary 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 Section 7-6-2511, MCA"
5. Page 2, line 9.  
Strike: "Within 10 days of receipt of the application, the"  
Insert: "The"
6. Page 2, line 12.  
Strike: "the grant"  
Insert: "grants by August 31 for the previous fiscal year"

And, as so amended,

DO PASS

JRH

## SENATE COMMITTEE

FINANCE AND CLAIMS

Date \_\_\_\_\_ Bill No. \_\_\_\_\_ Time \_\_\_\_\_

NAME	YES	NO	ABSENT	EXCUSED
Senator Etchart				
Senator Story				
Senator Aklestad				
Senator Nelson				
Senator Smith				
Senator Dover				
Senator Johnson				
Senator Keating				
Senator Boylan				
Senator Regan				
Senator Thomas				
Senator Stimatz				
Senator Van Valkenburg				
Senator Haffey				
Senator Jacobson				
Senator Himsl				

Sylvia Kinsey  
SecretarySenator Himsl  
ChairmanMotion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# STANDING COMMITTEE REPORT

February 20, 19 81

MR. President

We, your committee on Finance and Claims

having had under consideration Senate Joint Resolution Bill No. 19

Respectfully report as follows: That Senate Joint Resolution Bill No. 19  
**introduced bill, be amended as follows:**

1. Title, lines 9 through 13.  
Following: "BUDGET"  
Strike: remainder of lines through 13 in their entirety.
2. Page 2, lines 2 through 6.  
Following: "necessary"  
Strike: remainder of lines 2 through 6 in their entirety
3. Page 2, line 16 through line 9 on page 3.  
Following: line 15  
Strike: line 16 on page 2 through line 9 on page 3 in their  
entirety.  
Re-number: all subsequent subsections
4. Page 3, lines 10 and 11.  
Following: "this"

~~DO NOT~~  
~~XXXX~~

(continued)

February 20, 1981

19.....

Strike: remainder of line 10 through "United States" on line 11.  
Insert: "resolution"

5. Page 3, line 14.  
Following: "this"  
Strike: "application"  
Insert: "resolution"

6. Page 4, lines 2 through 6.  
Strike: lines 2 through 6 in their entirety

And, as so amended,

DO PASS

PA.