

MINUTES OF THE MEETING  
FINANCE AND CLAIMS COMMITTEE  
MONTANA STATE SENATE

April 15, 1981

The 45th meeting of the Senate Finance and Claims committee met on the above date in room 108 of the state Capitol. The meeting was called to order by Senator Etchart, Vice Chairman in the absence of Senator Himsl. The meeting was called to order at 9:10 a.m. Senator Etchart said that House Bill 861 had been heard, that Representative Hurwitz had been unable to attend and had asked to present his testimony.

CONSIDERATION OF HOUSE BILL 861: Representative Hurwitz, district 45 said I am the author of this bill, but it is Senator Dave Manning's bill. Senator Manning has been developing a long time dream. There is a 3200 ft fall from Corwin Springs to Sidney. 400 miles before it leaves the state of Montana. It is Senator Manning's belief that the energy that could be produced here would exceed the energy produced in Colstrip 2, 3 and 4 combined. I am not here in deference to Senator Manning's age. He has done a lot of work. Although he is elderly, there is nothing wrong with his mind. We should give his bill a chance to work. He would like to see some dirt moved. I would urge you to give this bill your best consideration.

DISPOSITION OF HOUSE BILL 861: Motion by Senator Story that House Bill 861 be concurred in. Voted, passed, unanimous, and Senator Manning will carry the bill.

DISPOSITION OF HOUSE BILL 709: Motion by Senator Dover that House Bill be amended on page 2, line 4 back to \$490,000. On line 8, page 2 the \$400,000. I would like to substitute in line 17 and 18. The project in Lewistown is going, why put the study in? They are sharing 75% of it and will depend on it. I would like to move to strike \$400,000 on line 8, page 2 and change it to \$371,244 and reinsert the language in lines 17 and 18, page 2.

Senator Story explained when they get to the place where they can not find a place to put a land fill and to get to the point where you need a new site and it is not there you will be in trouble. We are pioneering this thing and Bozeman is. Whatever we come up with, this is really one of the better ones.

Senator Keating: Senator Story: Isn't there another bill that appropriates this money? Story: No. This is it. The other bill was an enabling bill only. This is the front end money.

Senator Van Valkenburg: Senator Story, nobody is talking about taking it away. What difference would \$28,000 make?

Senator Story: Whose idea of just ripping in? I have resisted all these on just taking little bits away.

Senator Boylan: Garbage is getting to be an awful problem. There is no place to hold it. It is worth money. West Yellowstone is completely encircled with forest. There is no place to go. In Bozeman they are using good farm land and they all feel they are going to contaminate the water. A lot of bigger cities are going to this. 709 is just about as important as the one we just passed on water. This is a very viable thing. We can put this money in there and it will reap benefits down the road. Also energy.

Senator Jacobson: I would love to save \$500,000. The reason is we have put \$500,000 into the Lubrecht forest. They have a lot of things to do in the next few years. This budget may be biting off more than they can chew. When they put this in they were not certain we were going to buy their modifier and we did. I think we should wait until they get some of this going and then they could get it.

Senator Keating: I have a SUBSTITUTE MOTION. Reinsert the language on lines 17 and 18. The renewable resources was established for certain policies and it is well within those policies. Based on its merits alone, it should be funded.

Senator Etchart: They really wanted to hold a cushion on it.

QUESTION was called on the substitute motion to reinsert the language on line 17 and 18. Voted, passed, unanimous of those present. Senators Thomas, Regan and Hims1 being absent.

MOTION by Senator Jacobson to strike line 19 through 21 and renumber the subsequent subsections.

Senator Van Valkenburg: This project is unrelated to the project that Senator Jacobson is talking about with respect to the University budget. It is a program with the small timber owners who support very strongly the attempt to find ways to more economically thin the trees and make it profitable. If we do get into a place where we have to cut we have to look at the Department's recommendations. It should be one of those on the last page.

Senator Keating: Was it not stated in testimony that the list was prioritized and a study made as to which ones were considered of greater importance? Leo Berry, DNR: Yes, they were ranked. The yellow book you received earlier showed the point system. It generally relates to the sequence in this bill except for the requests. Some of these we have in there and would probably rank them in the middle someplace.

Senator Story: Do I understand that we are down to a \$100,000 cushion? Etchart: \$92,000.

Senator Story: Let it ride then and leave it there. Berry: I had recommended a \$300,000 cushion. There is a small loan the Department has we placed on hold back here and part of the bill until we are sure the revenues are there. Our portion of the bill will act as a sort of cushion.

Senator Jacobson: I am not at all questioning the validity of the statement. It is a big 2 point project. Part of it is to coordinate it. Build a building and catalog all this stuff and coordinate the research going on. This is a good project and it will probably a lot of good come out of it. I don't see how they can get time to do it. We are really pulling a lot of money in. It isn't the validity of this, I talked to President Bowers and asked him if they really thought we would buy the modifier. When talking to Stout, he said if he had to choose, he would choose the modifier.

Senator Van Valkenburg: I don't think they should have to pick between the two. The University of Montana needs something tangible they can give the state in terms of economics. This is something they can work with the small timber producers on. It will produce benefits for them and their operation. The people that really want this are not the University people, it is the small timber owners.

QUESTION was called on the amendment by Senator Jacobson to delete the Lubrecht forest grant. Voted and failed. Those voting for the amendment were Senators Jacobson and Boylan.

Motion by Senator Boylan to reinsert the language in lines 13, 14, and 15 on page 3. This is a High Dam. It could cause a lot of damage. It is a real necessary dam. It was built in 1904. I don't have any water rights on it, but I could be affected if it went out, and the whole city of Bozeman also. It is one of the real critical areas. It is sitting up there where it can wipe out a lot of people and property.

Senator Haffey: Is the grant there for loans? Berry: The loan program was established last time. It is funded again this time. There are a lot of loans put out. The program was well received. The concept is to do the same thing this time. We don't think we will have any problem getting appropriations for the water projects. The money will eventually funnel back in to the RRD account to be appropriated again by future legislators. The House cut it to \$350,000. We do not have any applications on loans now.

Senator Haffey: You do the same thing in range land? Berry: Yes, that is the same concept. It was well received.

Senator Story: I have discovered, there goes 1/3 of the water

of the city of Bozeman. My grandad had a dam on this same creek and it went out. It sure did make a mess of things.

MOTION by Senator Dover that we reinsert lines 13, 14, 15 page 3. Voted and passed, roll call vote.

MOTION by Senator Keating to delete page 2, lines 24 and 25 and line 1 on page 3. This is the Leafy Spurge project. This could be handled privately rather than another taxpayers bill on it.

Senator Van Valkenburg: The House raised it up from \$30,000 to \$50,000. Do you know why? Berry: I don't remember. Fritz: It was just that it is such a big problem.

Senator Etchart: What did you plan on doing with the \$30,000? The original request by the Department was \$30,000 and it was increased by the Legislature to \$50,000. They will have demonstrations with it. In the past there has been a lot of skepticism. This would be a project to show it can be controlled.

SUBSTITUTE motion by Senator Boylan that we take the \$50,000 out and put the \$30,000 back in. Voted, passed.

Senator Boylan: On the East Bench Gravity Flow, they can save a lot of money and make electricity there. I think the cost of pumping will be prohibitive soon. This would make a good practical project at a low cost. With the matching monies, going into this is a very viable project. I would therefore MOVE on page 2, line 4 to strike \$450,000 and insert \$490,000.

Leo Berry: The original cushion recommended was the \$400,000 and we are back to \$2,000. Past legislatures found it had a need for some kind of a cushion. It varies on the price of coal and the amount of coal mined, the weather and the amount people use.

Senator Story: We are going to get a long long strike. If you have given any kind of a conservative estimate, I think our coal will have to offset some of the coal mined because of the strike in the east.

Senator Van Valkenburg: Do you have any perspective on the availability of funds? Berry: We enter into a contract where ever it happens to be. I don't think we have ever reduced our grants. We have taken it that the Legislature meant to spend that amount.

QUESTION was called on Senator Boylan's motion to amend line 4, page 2. Voted and passed.

Senator Jacobson: I am having trouble figuring out why the line on Lewis and Clark County. Representative Neuman said it was a recommendation that the prior director had made. Apparently the light bulbs are really needed. I took it out since I had trouble relating light bulbs to renewable resources.

Senator Etchart: I think this was re-wiring. The wiring is real bad there and LRB made a recommendation that it was needed. They looked for a source of funding and put it in here.

Senator Keating: Maybe there was no money in the Fish and Parks to buy light bulbs.

Senator Thomas: This is a wiring project. It is somewhat of a natural resource there at the caves. It is a type of park.

MOTION by Senator Van Valkenburg that House Bill 709 be concurred in as amended. Voted and passed.

DISPOSITION OF HOUSE BILL 676: Motion by Senator Story that House Bill 676 do not pass.

Substitute motion by Senator Keating that House Bill 676 as amended, do pass.

Senator Keating: If we do not pass 676 the program stays there and the confusion is there and the burden of payment stays with the counties. Apparently there is sufficient funding in the Highway Patrol fines to carry it for another 2 years. It will be administered by the Department of labor and it will give time for them to make recommendations for future funding or for elimination. For the time being, it will relieve the cities of some burdens.

Senator Boylan: Anybody came into the idea of raising it to 18% out of the Highway Patrol? Money out of the cities to match this will not be there at all. Then, if those amounts are total dollars, what do you have to trigger the use of Highway patrol funds to finance this thing at what level?

Senator Johnson: The whole thing is that if we leave this will we kill the bill. Now the cities don't even know who is paying. At least this way there is a source to find what is going on. I think they run on whatever is there. It will give a chance for the cities to have some relief. I would support the motion. At least there is a tracking mechanism.

Senator Boylan: The reason for killing the bill is for them to get their act together for the next time. We are all very enthused about putting a program like this together. Drivers education and this one is a package that is really needed. The cities are groping at little thin straws. Sure, it might be a night mare for administering. I think they should really work on something for next year. I think it is a marvelous concept. I think the cities that have been holding back are wrong, but as was brought out, what can you put on cities for penalties?

Senator Etchart: Highway funds go into general funds? This is the same as general fund.

Senator Van Valkenburg: What about the effective date?

Senator Haffey: The white bill is the right amount. We can replace this blue copy with the white one.

Senator Etchart: You have to address the blue bill.

Senator Van Valkenburg: I want it to end up with the white bill. Section 1 was struck and the page 2 it was added and so my amendment would be to delete lines 2,3,4,5 of the blue bill. and whatever else it needs.

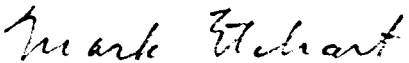
QUESTION was called. voted, carried.

MOTION BY Senator Van Valkenburg that House Bill 676, as amended be concurred in. Voted, passed, unanimous of those present. Senator Keating to carry the bill.

DISPOSITION OF HOUSE BILL 846: Motion by Senator Dover that House Bill 846 be concurred in.

Voted and passed. Senator Graham to carry the bill.

The meeting was adjourned.

  
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Senator Etchart, Vice Chairman

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 2-15

NAME	PRESENT	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			✓

## SENATE COMMITTEE

## FINANCE AND CLAIMS

Date 4-15 H Bill No. 709 Time 9:50

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  
Secretary

Senator Himsl  
Chairman

Motion: 62, 62 4

2-3 450,000 2-4 490,000

Bayliss



## SENATE COMMITTEE

## FINANCE AND CLAIMS

Date

4-15

Bill No.

709

Time

9:10

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  
Secretary

Senator Himsl  
Chairman

Motion:

~~2/14 Spring~~  
~~Rebate for 2nd 2nd 25~~  
~~3rd 1st~~

Subst - Rebate 5th 1st to 3rd  
 1st

## SENATE COMMITTEE

FINANCE AND CLAIMS

Date

4-15

Bill No.

HL

Time

9:45

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  
Secretary

Senator Himsl  
Chairman

Motion:

Rescind Motion

## SENATE COMMITTEE

## FINANCE AND CLAIMS

Date

4-15

Bill No.

709

Time

9:37

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				✓

57

Sylvia Kinsey  
Secretary

Senator Himsl  
Chairman

Motion:

*Johnson's Motion*  
*on 191721 62*

*by 2-4-1*

## SENATE COMMITTEE

FINANCE AND CLAIMS

Date

4-15

Bill No.

861

Time

9:14

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  
Secretary

Senator Himsl  
Chairman

Motion:

AF

## SENATE COMMITTEE

## FINANCE AND CLAIMS

Date

4/15

Bill No.

676

Time

10:11

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			✓	

8 3

Sylvia Kinsey  
Secretary

Senator Himsl  
Chairman

Motion:

Res. 10:11

## SENATE COMMITTEE

FINANCE AND CLAIMSDate 11/1Bill No. 709 Time 10:00

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: Carry - 9

## SENATE COMMITTEE

FINANCE AND CLAIMSDate 4-1514 Bill No. 846 Time 10:12

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: Am -

# STANDING COMMITTEE REPORT

April 15, 19 81

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 861

(Manning)

Respectfully report as follows: That House Bill No. 861

BE CONCURRED IN

~~DO NOT~~  
DO PASS

ga.



# STANDING COMMITTEE REPORT

April 15

19 81

MR. President

We, your committee on Finance and Claims

having had under consideration House

Bill No. 676

(Keating)

Respectfully report as follows: That House Bill No. 676,  
third reading bill, be amended as follows:

Title, line 7.

Following: line 6

Strike: "ELIMINATE"

Insert: "MODIFY"

2. Title, line 10.

Following: "CITATIONS,"

Insert: "REQUIRING THAT FUNDING FOR THE PROGRAM BE FROM FINES AND  
FORFEITURES OF HIGHWAY PATROL ISSUED CITATIONS;"

3. Title, line 11.

Following: "REPEALING"

Insert: "AMENDING"

4. Title, lines 11 and 12.

Following: "MCA" on line 11

Strike: " ; AND PROVIDING AN EFFECTIVE DATE"

XXXXX  
DO PASS

(continued)

April 15

1981

5. Page 2, lines 2 through 5.

Strike: lines 2 through 5 in their entirety

Insert: "Section 1. Section 53-9-109, MCA, is amended to read:

"53-9-109. Crime victims compensation account. There is a crime victims compensation account in the agency fund. There shall be paid into this account 6% 18% of the fines assessed and bails forfeited on all offenses involving a violation of chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61, ~~or a city ordinance and relating to the operation or use of motor vehicles, except offenses relating to parking of vehicles that are a result of citations or tickets issued by the highway patrol.~~"

And, as so amended,  
BE CONCURRED IN

*Pa*

# STANDING COMMITTEE REPORT

April 15,

19

81

MR. President

We, your committee on Finance and Claims

having had under consideration House

Bill No. 846

(Graham)

Respectfully report as follows: That House Bill No. 846

BE CONCURRED IN

~~DO PASS~~

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# STANDING COMMITTEE REPORT

April 15,

19 81

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 709

(Van Valkenburg)

Respectfully report as follows: That House Bill No. 709,  
third reading bill, be amended as follows:

1. Page 2, line 4.

Following: "\$490,000"

Strike: "\$450,000"

Insert: "\$490,000"

2. Page 2, line 17.

Following: line 16

Insert: "(8) a grant to the city of Lewistown for the East Fork  
reservoir recreation area project: \$28,756;"

Renumber: subsequent subsections

3. Page 3, line 1.

Following: "\$30,000"

Strike: "\$50,000"

Insert: "\$30,000"

XXXXXX  
DO PASS

(continued)

April 15, 1981

19

4. Page 3, line 13.

Following: line 12

Insert: "(13) a grant to the city of Bozeman for the Mystic lake  
dam repair project: \$60,000 or the amount of the award of the bid,  
whichever is less;

Renumber: subsequent subsections

And, as so amended,  
BE CONCURRED IN

ga

2

TO: SENATE FINANCE AND CLAIMS COMMITTEE MEMBERS

FROM: JIM NUGENT, MISSOULA CITY ATTORNEY

RE: HB 676 PERTAINING TO CRIME VICTIMS COMPENSATION

DATE: APRIL 14, 1981

Hon. State Senators:

The City of Missoula supports HB 676 and requests and urges your support for this bill as well.

The Crime Victims Compensation Program is a State program. Even though the Program is a state program, pursuant to Section 53-9-109, M.C.A., the State mandates that local governments contribute 6% of the fine money generated from traffic offenses enforced by local law enforcement personnel to the State Crime Victims Compensation Account of the Division of Workers' Compensation. The fiscal impact on the local government is actually more than 6%, because the local government must incur the monthly administrative expense of administering, calculating, and processing this State-mandated contribution to fund a State Crime Victims Compensation Program.

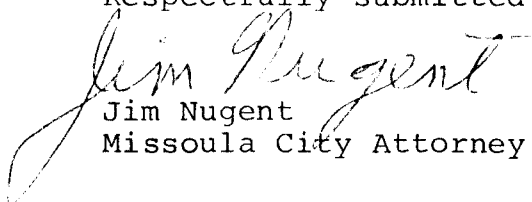
Prior to the enactment of the Crime Victims Compensation Law in 1977, these local government fund monies went into local government general fund accounts to help offset a small portion of the local government expense associated with traffic regulation. Local governments do not have as many revenue sources as State government does. Local governments do not have the flexibility to either create new revenue sources or increase existing revenue levy sources.

Today these traffic fine monies are badly needed by local governments and should be allowed to remain with local government. These fine monies should more appropriately go to financing traffic regulation, law enforcement, court, and prosecution expenses associated with enforcing traffic regulations. Local governments do not have an excess of funds to afford the luxury of funding State programs.

Lastly, it should be noted that an inherent irony in the existing funding structure is that victims of traffic offenses are not allowed to recover compensation from the Crime Victims Compensation Fund.

I urge your support for HB 676.

Respectfully submitted,

  
Jim Nugent  
Missoula City Attorney