

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

March 29, 1986

The fourth meeting of the Senate Committee on Finance and Claims Special Session # 2, met on the above date in room 108 of the State Capitol.

ROLL CALL: All members present except Senator Boylan who was excused.

Senator Regan called the meeting to order at 8:45 p.m. to take executive action on House Bill 1, the feed bill, and said they should also consider an amendment to finance the insurance study bill which had passed both houses. She said Diana Dowling was not present, but she thought \$12,000 was the figure she had heard.

CONSIDERATION OF HOUSE BILL 1: Senator Christiaens said he had been working with Diana Dowling, Legislative Council, and they felt it would take a minimum of \$12,000 which would include the printing cost of \$1,000. He said there are 8 members on the committee and there would be a minimum of 6 meetings so you are looking at \$1500 each plus the printing. They wanted more and we felt it should be limited to the \$12,000.

AMENDMENT TO HB 1. Senator Jacobson moved to amend lines 18 through 21 and line 23 and to include the correction in the title. She asked the Legislative Fiscal Analyst to put in the proper language. She said with this amendment we are looking at only the insurance study amendment, and if the one on education passed they would just reinsert the language.

QUESTION was called, the amendment was voted, passed, unanimous.

Senator Regan asked the committee to take a look at the amendment on the education committee since there were a couple who wished to address it.

Senator Blaylock said that some of the educational structure was not happy with what the Legislature did in the last session. They did not think the amount of money in the Foundation Program was distributed correctly. They brought suit against the State of Montana. Representative Donaldson and Representative Peck have been very concerned. They went before the Education Committee, etc. and did a lot of work. We realize a small committee cannot speak for the Legislature, but they can do some preparatory work. Therefore they decided to set up a committee to go ahead. The Committee on Committees, the Speaker of the House were to set it up. Senator Jacobson spent a lot of time and effort on it. Senator Lynch and I were appointed. The money was in the bill, the House took it out, and now the money is not in the bill. Apparently they decided to have some members appointed from the Legislative Finance Committee who make the decisions. The decision is absolutely basic and

we had a very intensive discussion on what is basic education and on the 80% what are we going to fund. This is important to every one of you, it represents every district in the state. I think the money should be plugged back in.

Senator Lynch: Senator McCallum and Senator Brown were also appointed to this committee. When the Legislative Council approved it and said not enough in the budget to cover it, then they appointed the members and Senator McCallum being the senior member was going to call a meeting. Someone took the money out and decided to do it in a subcommittee.

Senator Jacobson: I just would like to add some background. I was asked as chairman of the Committee on Committees to do this. I had had a number of phone calls from Representative Marks, Representative Donaldson, the Legislative Council, etc. After it was decided I had to call everyone who was suggested to be put on the committee. I called the leadership and your leadership. I understood that it was understood that the original subcommittee would meet prior to the session. We spent all this time, effort and money in getting this together. Now we are here and they don't seem to need the committee.

MOTION by Senator Jacobson to reinsert line 22.

Senator Keating: Have the committee appointments been made? He was answered yes, Representative Donaldson, Peck, Raney and Nathe, Senators Lynch, Blaylock, McCallum and Brown.

Senator Jacobson said she had gotten ahold of Senator Stevens and he had approved the committee appointments.

Senator Keating: Is Senator Blaylock saying that the whole purpose of the committee is to define basic education because that is the contention of those going to court?

Senator Lynch: Senator Blaylock had to leave. Many people think that maybe what the thing comes down to is a definition of basic education. You are really going to be looking at the whole foundation program. The committee was to work with the School Board Association, the Teachers Association, etc. in trying to find out where to go with it.

Senator Bengtson: I am confused about the charge and the purpose of the committee, etc. If you want to reinsert this to just define basic education. We have an interim committee on Education. We looked long and hard to define basic education and I think we did it. You have on the interim committee 3 members of the Legislative Council that have been working on this.

Senator Regan: The issue before us is whether we want to fund the interim committee.

Senator Haffey: The talks were moving along in the Legislative Finance Committee as to how we are being informed as to how the underfunded law suit was coming and there was a motion in the

finance committee and the legislative council that there might be a role the committees might play to facilitate defining it, with the result that James Getz appeared before the Finance Committee and he committed in parallel, I think, discussion that might go on through a committee of the Legislature participating in discussions between the plaintiff and defendants, at the same time that everything about the suit was proceeding. The thing Getz did was ask the Judge to postpone the trial until after the 1987 session adjourns. The committee can't speak for the Legislature, but if anything comes from it it would be submitted to the '87 Legislature and a resolution might come out of it that would stop the suit. Our understanding was that it would flow. I would think we would want to do this thing. I would suspect that Mr. Getz would move away from it if we don't carry through.

Senator Smith: I won't agree with the need for the committee. I would oppose this additional money. This same Legislative Finance Committee did a fine job of going around to the Universities and coming up with money where they needed some adjustments. Representative Nathe and I met with Mr. Garrity. He said a committee was necessary to keep it from getting into the courts. That can be done from this committee.

Senator Himsl: Who is staffing this committee? Is it the Legislative Finance Committee or the Council?

Senator Regan: The Committee was appointed by the Council and would have full staffing by both Andrea Merrill and some from the Legislative Finance Committee. It was a cooperative venture. I would remind you that with a special session coming up the Finance staff doesn't have much time to spend on it.

Senator Himsl: Isn't it possible to get \$4,000 out of each committee so that we don't have to appropriate more?

Senator Jacobson: One of the things that Representative Marks Representative Vincent and myself worked on was to get a broad cross section across the state. We looked at it very closely and tried to get it. If you go with the smaller one you don't have it.

Senator Aklestad: I have two points. Apparently the interim Finance Committee has done some work on this.

Senator Regan: Some of the same members are on the Finance Committee and were appointed to the other one, but we wanted a broader committee.

Senator Aklestad: It seems to me we should maintain the committee the way it was. My second point -- on the interim committees we had in the past the Legislature handled it. They determined what committees and this one was not done that way.

Senator Jacobson: The Legislature had gone home when this came up and it was done with joint leadership.

Senator Aklestad: But I still think I have a point.

Senator Jacobson: I agree you could characterize it that way. Think about the whole picture. Is it worth having this effort or not? The conclusion of the finance committee and the Legislative Council was that it was worth it, and might contribute to a resolution where it could be defined through the Legislative system and not through the courts. My conclusion is that it is that important.

Senator Bengtson: I talked to Merrill for the Finance Committee and there are just stacks and stacks of material from the schools, finance committee, etc. If there is any more material that the school finance committee didn't do I don't know what it would be. There is about a \$35 fee for a stack of the material.

Senator Hammond: I know it was through the efforts of Gene Donaldson that this started. He instigated some of the action. He talked to Peck--now he has sort of pulled away.

Senator Smith: Gene, Peck and Nathe came to me and said no way could he serve on that committee. Gene said he thought it could be handled by the finance subcommittee. This has to be done real quick and I don't see how they can do it with another session coming up.

Senator Regan: It is in the Finance Committee. It was a subcommittee appointed--Peck, Donaldson, McCallum and Van Valkenburg. Peck and Donaldson were the instigators of this changed it and went to a 4 member committee.

Senator Jacobson: I guess I am really really confused. From the very beginning Representative Donaldson, Marks, the Legislative Council -- they explained that the committee couldn't meet until this bill was passed. Those 4 might meet to get ready for it. There was no mystery to the fact it would get the whole committee together. We went through this futile exercise to do it and then they don't want it.

Senator Stimatz: Legislative committees have no legal standing. Who was sued? Who is representing the state of Montana? Is it Garrity. It was explained that many were being sued--the State of Montana, the Legislature, the Governor, etc. and that Mr. Garrity was the attorney for the school boards.

QUESTION was called on the Jacobson amendment to reinsert line 22. Voted, failed.

DISPOSITION OF HOUSE BILL 1: Motion by Senator Haffey that House Bill 1 be concurred in as amended. Seconded, voted, passed, Senator Regan to carry the bill.

The meeting adjourned.



Senator Regan, Chairman

Senator Regan called the members back into meeting since a bill just came in from the Secretary of Senate's office. She asked Bonnie Wallem, Secretary of the Senate to explain.

CONSIDERATION OF HOUSE BILL 2: Bonnie Wallem explained that House Bill 2 had gone out of the committee with some technical errors. The Legislative Council had assumed what the Legislature meant but it was felt it should go back through and be done properly. She said this is the bill that is the SRS supplemental and job training in it. Everything in the bill is exactly the same as it appeared before the committee, and the appropriation language had been stricken. However one standing committee report and the other a committee of the whole report had not been with the bill. The House had not sent them with the bill, and the Legislative Council, while printing it correctly had done so on an assumption. They felt to be legal it should be run through again and done properly.


Senator Regan asked if the language was the same, and was assured again that it was.

DISPOSITION OF HOUSE BILL 2: Motion by Senator Manning that House Bill 2 be concurred in.

Senator Aklestad asked what had changed and Bonnie Wallem answered that the documentation had not gone with the bill.

QUESTION was called, the bill was voted, passed, unanimous, Senator Regan to carry the bill.

The meeting was adjourned.



Senator Regan, Chairman

ROLL CALL

SENATE FINANCE AND CLAIMS

COMMITTEE

49th LEGISLATIVE SESSION - - 185

Date 3-29-86

NAME	PRESENT	ABSENT	EXCUSED
<u>SENATOR REGAN</u>	✓		
<u>SENATOR HAFLEY</u>	✓		
<u>SENATOR JACOBSON</u>	✓		
<u>SENATOR AKLESTAD</u>	✓		
<u>SENATOR HAMMOND</u>	✓		
<u>SENATOR LANE</u>	✓		
<u>SENATOR CHRISTIAENS</u>	✓		
<u>SENATOR GAGE</u>	✓		
<u>SENATOR HIMSL</u>	✓		
<u>SENATOR STIMATZ</u>	✓		
<u>SENATOR BOYLAN</u>			✓
<u>SENATOR STORY</u>	✓		
<u>SENATOR SMITH</u>	✓		
<u>SENATOR MANNING (Dick)</u>	✓		
<u>SENATOR BENGTON</u>	✓		
<u>SENATOR KEATING</u>	✓		

STANDING COMMITTEE REPORT

March 29, 1986

19.....

MR. PRESIDENT

We, your committee on..... **FINANCE AND CLAIMS**

having had under consideration..... **HOUSE BILL**

No. **1**

third reading copy (**blue**)
color

Bardanoue **Regan**

FEED BILL

Respectfully report as follows: That..... **HOUSE BILL**
be amended as follows:

No. **1.**

1. Page 1, line 7

Following: **"COMMITTEES"**

Insert: **", AND FOR THE FUNDING OF A STUDY COMMITTEE"**

2. Page 1, line 18

Insert: **"Section 2. Study committee appropriation. The following amount is appropriated from the general fund for the fiscal years 1986 and 1987.**

Legislative Council

Interim Committee on Insurance

\$12,000"

Renumber subsequent section.

AND AS AMENDED
BE CONCURRED IN

XXXXXX

XXXXXXXXXX
DO NOT PASS

SENATOR REGAN

Chairman.

STANDING COMMITTEE REPORT

March 29, 1986

MR. PRESIDENT

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

having had under consideration **House Bill** No. **2**

third reading copy (**blue**)
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SUPPLEMENTAL APPROPRIATIONS TO SRS AND STATE LANDS

BARDANOUVE (REGAN)

Respectfully report as follows: That **House Bill** No. **2**

~~XXXXXX~~

~~XXXXXXXXXX~~

BE CONCURRED IN

Senator Pat Regan

Chairman.

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date 3.29-86HouseBill No. 2Time 9:17

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Aklestad		✓		
Senator Hammond		✓		
Senator Lane	✓			
Senator Christiaens	✓			
Senator Gage		✓		
Senator Himsel		✓		
Senator Stimatz	✓			
Senator Boylan			✓	
Senator Story		✓		
Senator Smith		✓		
Senator Manning (Dick)	✓			
Senator Bengtson		✓		
Senator Keating		✓		
Senator Regan	✓			

7 8

Sylvia Kinsey
SecretarySenator Regan
Chairman

Motion:

Restore language