

MINUTES OF THE MEETING
HOUSE APPROPRIATIONS COMMITTEE
50TH LEGISLATIVE SESSION

The meeting of the House Appropriations Committee was called to order by Chairman Rep. Gene Donaldson on March 19, 1987 at 8:00 a.m. in Room 104 of the State Capitol.

ROLL CALL: All members were present at the meeting except Rep. Iverson who was absent. Also in attendance were Judy Rippingale, LFA and Denise Thompson, Secretary.

(90:A:1.20)

HB 872: Rep. Dorothy Bradley presented HB 872 saying this was a budget modification for the Museum of the Rockies at MSU. She stated the modification is for a proportionate increase for the Museum of the Rockies, maintaining the same proportion that the museum currently has, which is one-third of the operating budget to accommodate the present expansion that is taking place right now.

PROPONENTS:

Dr. Mick Hager from the Museum of the Rockies handed out a brochure to the committee (Exhibit 1), explaining it was part of the fund raising and he reviewed the brochure with the committee.

(90:A:17.20) Mr. Jim Moore, President of the Board of Trustees for the Museum of the Rockies spoke in support of the bill. He stated most money could be raised privately. They are asking for \$220,000 to help with the operation of the museum.

QUESTIONS:

Chairman Donaldson asked Rep. Bradley what the 6 FTEs would do and asked her to explain the current staff organization. Dr. Hager explained they currently have 11 FTE, grant supported staff of 4, and one full-time volunteer, for a total of 16 employees now. They will need approximately 30 employees to run the entire facility. They are asking for 6. The current personnel cost is \$343,821, the current MSU funding for personnel is \$140,000 which totals \$563,821 of the personnel budget. Of that portion, the state funded portion at the 30 percent would be \$360,000. He listed the actual positions that would be required.

Rep. Bardanouve expressed concern about their promise not to ask for funding from the state. President Tietz, MSU

replied that Rep. Bardanouve was correct in saying that, however, they do not have any other choice. They need the support.

Rep. Bradley closed on the bill referring to Rep. Bardanouve's comment. She stated this was a very worthwhile project and she felt comfortable asking for the modification. This could be a very big tourist attraction and could bring many dollars into the state of Montana.

The hearing was closed on the bill.

HB 814: (90:A:37.00) Rep. Gene Donaldson presented HB 814 to the committee which establishes a state meat inspection program and providing enforcement and application for the licensing of meat establishments. He said the reason for the bill was because many plants were being put out of business due to the federal meat packing laws. He is trying to put the state back into the meat packing business and keep the small meat packers in business.

PROPOSERS:

Mr. Les Graham, Director of the Department of Livestock spoke in support of the bill. He explained his office has the expertise on staff to carry out this program. Twenty-six states now have implemented this type of program.

(90:B:9.17) Mr. Dennis Corbet from a Helena packing plant reinforced Rep. Donaldson's comments regarding the federal regulations and the strictness and inadequate laws which were inconsistent and really out of line. He stated that they are treated as common criminals.

Mr. Virgil Talbott from White Sulphur Springs said he currently has a small test exempt plant. In the past few years it has lost business. He said he was supporting the bill for a chance to utilize his business and go out into the open market.

(90:B:18.20) Mr. Mike Grove, Chairman of the subcommittee on agriculture debt for the Governor's Council on Economic Development and also President of the First National Bank in White Sulphur Springs. He stated that the subcommittee was charged with looking into the agriculture debt situation. They quickly found that indeed there is a real problem in the agricultural sector, broad based caused by the deflation and many of the state and mostly in the national policies. The other thing that was found is that this is a social problem as well as an agriculture problem with all of the communities in the state. The beef consumption per capita in Montana is going down. One of the reasons is the

government controls over these things. The federal controls highly dominate these meat packing plants. The little plants are falling because of the federal regulations. He said the Governor's Council on Economic Development cares about the industry. They feel this bill will help producers and markets have a chance. He said he called the bill a real genuine "Made in Montana Bill". What better is there than beef and wild game in the state.

Mr. Gene May from Winston, an organic farmer stated that he has customers that want his hams and bacon which have nothing but honey and sea salt in it. The USDA inspector in Billings told him he has to add nitrate to it. There is a gentleman in Washington state that is now presently marketing organic meat with no nitrates in it and has a USDA label on it. This is just one more example of the problems that the people are running into with the federal government.

Mr. Herb Townsend of the Montana Beef Council supported the bill saying that we need to identify Montana products and small packing plants, this is a good step which is needed.

(90:B:28.20) Mr. Jerry Jack, Montana Stockgrowers, Montana Cattle Feeders, and Montana Cattlemen's Association, spoke in support of the bill said primarily it could provide some small jobs and help the small packing plants and added value to the Montana products.

Rep. Rehberg also asked to be listed as a proponent saying he respected Rep. Donaldson for bringing this bill in. He stated that he had traveled around the state and knows their is such harassment of the people from the federal inspectors. The federal inspectors are literally putting the people in Montana out of business. Part of this is because we cannot compete with the big boys.

There were no opponents to the bill.

COMMENTS:

Rep. Thoft expressed some concern in releasing the federal government from this program. Mr. Graham stated that the federal government will still come in and audit all of the work that the state inspectors have done.

Rep. Menahan spoke in regard to the bill saying that he has seen some of the problems these people face.

The hearing was closed on the bill.

HB 844: Rep. Loren Jenkins of District 13 stated the bill was to appropriate money to construct a foundation seed

storage facility at the Montana Agricultural Experiment Station. He stated that the seed is being contaminated. If an improved facility could be constructed the foundation seed could increase revenues to the program and reduce costs through the more efficient production of the seed. He distributed letters and information to the committee (Exhibit 2).

PROPOSERS:

Mr. Harry Johnson presented written testimony in support of the bill (Exhibit 3).

Mr. Frank Norman, Jr., certified seed grower in Gallatin County, said he had a small seed cleaning plant. He stated they have a tremendous mouse problem on the south side. All they have right now is a machine shed to put the seed in. The mice are really bad and there is a bad situation with the contaminated. They also do not have enough storage at this time.

Jim Welch, Director of the Agricultural Experiment Station distributed pictures of the problem situation which is currently going on in the building right now. The pictures show that there was a lot of contamination by mice of the seed.

QUESTIONS:

Chairman Donaldson asked Dr. Welch about the possibility of expansion in this certified seed if in fact the building could be replaced and some of the national advantages to that.

Dr. Welch stated they had one of the plant breeders and one of the agricultural economists on a tour of the Pacific Rim looking at the possibilities of accepting some utilization of a new class of wheat that has been produced in their breeding program, a white winter wheat. Part of the success of that will be the maintenance of purity and the ability to market that in some identity preserved mechanism.

Rep. Jenkins closed on the bill saying there are two problems, one is they don't have enough storage room and the other the contamination.

The hearing on the bill was closed.

HB 860: Rep. Bob Bachini of District #14 explained the bill which he sponsored regarding the appropriation of money to the Agricultural Experiment Station for the Construction of a Machine Shop Facility at the Northern Agricultural Research Center near Havre. This appropriation would be

\$150,000. He showed the committee a tape describing the need for the new facility. The tape indicated that most of the buildings were 100 years old or older and the machinery is too large to put inside.

PROPONENTS:

Rep. Jenkins spoke in support of the bill by saying the shop is too small to house any of the new, larger equipment. Mr. Arnold Peterson also stated that the buildings were constructed in early 1937 and they were too small for large new machinery as well as being dangerous.

Sen. Gregg Jergeson from Sen. District #8, supported the bill saying it would establish a shop to repair equipment and also keep equipment stored in to keep it out of the weather.

Mr. Jim Welch stated there is a large personal liability issue also involved as these buildings do have safety problems.

Rep. Ray Peck also supported the bill saying that the buildings are totally inadequate for the type of work these people do.

Rep. Bardanouve supported the bill because these buildings are very obsolete and need replaced.

(91:B:001) Rep. Bachini closed on the bill by saying this building is approximately 4,000 square feet in size, 50 x 80 foot shop and storage. The cost would be \$150,000.

The hearing was closed on the bill.

(91:B:2.09) SB 88: Sen. Fred Van Valkenburg of SD #30 spoke in regard to SB 88 which is an act extending the prison term for burglary, and changing the definition of aggravated burglary, and to increase the penalty from 10 years to 20 years. He pointed out that essentially the bill would change the law to read if a person commits a burglary with a weapon or does physical harm while attempting a burglary it would be treated as aggravated burglary and the maximum penalty would be 20 years.

Mr. Carroll South expressed concern with the 20 year term as this could increase the prison population up at least 8 prisoners in an already over-crowded facility. He stated that extending that term is unnecessary.

Roger Lauen, private consultant stated in 1985 the average length of time people were sent to prison for was ten years.

If the time is extended the judges will again give them close to the maximum penalty as they are doing now.

The hearing was closed on the bill.

HB 866: Rep. Bradley stated that HB 866 would increase by \$5, the fee for issuing a marriage license or filing a declaration of marriage. There were two amendments, one on page 2 line 13 changing the marriage license fee from \$30 to \$35; and the second is on page three which shows the amount of \$19 going to displaced homemakers rather than \$14.

PROPONENTS:

(91:B:30.08) Mr. Boyce Fowler of the Department of Social and Rehabilitation Services spoke in favor of the bill. He presented written testimony to the committee (Exhibit 5). An increase in the fee will help to stabilize the base and allow more of these programs to remain stable for these local programs.

Ms. Caryl Wickes Borchers, Montana Coalition Against Domestic Violence Today, said that they strongly support the bill as it assists these domestic violence cases. They continue to work toward these ends. She also presented written testimony (Exhibit 6) from various people.

Lanore Farrell on staff at the Helena Friendship Center also supported the bill saying that these funds help nearly 40 victims per month on average, which does not include the children.

(91:B:39.34) Ann Clark of the Women's Place in Missoula stated that the Women's Place serves over 2,000 women in a year. They provide a necessary service and they are really low on funds. She urged support of the bill.

Janet L. Serrin who is also a volunteer at Women's Place in Missoula stated that their budget is extremely low.

(92:A:0.001) Sandy Chaney of the Women's Lobbyist Fund stated that the Women's Lobbyist Fund wished to go on record in support of the bill.

The hearing was closed on the bill.

HB 187: Rep. Rex Manuel stated he was presenting the bill to appropriate \$320,000 to the Montana Agricultural Experiment Station to Operate a Spring Wheat Breeding and Biotechnology Program in Montana. This is not a production bill. It is a marketing bill for quality grain.

Mr. Bob Stevens of the Montana Grain Growers testified in support of the bill. ARS breeders are totally federally funded. There was one such breeder in Montana. When he retired, the federal government did not replace him with another breeder. This is a pattern the federal government plans to follow for these programs. He presented several handouts to the committee and reviewed them (Exhibit 7).

Dr. Welch of the Ag. Experiment Station also support the bill and presented a handout (Exhibit 8).

(92:A:16.24) Rep. Bardanouve asked why the station does not do this now, they should be doing that. Dr. Welch replied that one of the problems they are in is the drop of the program funding in the past 15 months of a 12 percent reduction in the program. The second part is the commitment of the Ag. Experiment Station made to this program at the present time. They do have a major breeding program in hard red winter wheat and a major breeding program in the barley area. This is a high priority item and if they were in more normal financial times, it would be easier to reorient. The Ag. Experiment Station is making a major commitment in the variety development area in at least two of the major commodities at the present time.

The meeting was recessed for lunch.

The meeting was called back to order at 1:00 p.m.

HB 373: (92:A:28.00)

Mr. Bob Robinson, Workers' Compensation Division, explained the bill was to add and delete staff as workload warrants. It came out of the Human Services Subcommittee with a do pass recommendation. He stated they need to process claims faster and in the long run, would save money because people would not be as tempted to bring suit and would save additional legal problems.

Rep. Winslow moved to amend Page 2, line 13; Following office, Insert "for review and approval" and also on Page 2, line 14; following "FOR" Strike: "REVIEW AND". The motion CARRIED unanimously.

Rep. Winslow moved to DO PASS HB 373 AS AMENDED. The motion CARRIED unanimously.

HB 472: Chairman Donaldson referred to page 2, where there is an account with a statutory appropriation. There is no need for the bill to have that statutory appropriation. He said he really had a problem with that and presented amendments (Exhibit 9). Ms. Rippingale explained the amendments. She stated they are put together in a series of

three options. You can take them all and then you are not making it a statutory appropriation, you are not putting it in a state special account and you are not taking care of the salary that was questioned regarding the Supreme Court salary setting.

Or you can take what is marked the statutory appropriation which is 1 and 6. Those two will stand on their own.

2, 3, and 4-in terms of state special will stand as not putting it into the state special but you wouldn't want to take 2,3, and 4 if you didn't also do the statutory appropriation, and then the salary one stands totally on its own, which deals with page 10 the annual salary.

Rep. Thoft moved to adopt amendments 1 and 6 which basically removed the statutory appropriation from the bill. Rep. Winslow called the question. The motion carried unanimously.

Rep. Thoft moved to accept amendments 2, 3, and 4 to move the special revenue account. Ms. Rippingale pointed out if the program were implemented and it was put into the general fund, then Rep. Darko would probably ask for a general fund appropriation for the program.

Rep. Bardanouve called the question. The motion CARRIED unanimously.

(92:A:45.14) Rep. Darko presented amendments to the bill also (Exhibit 10).

Rep. Thoft moved to approve amendment #3, page 4, line 10, of the Darko amendments. The motion CARRIED unanimously.

Rep. Thoft moved to accept amendments 1, 2 and 4. Rep. Winslow called the question. The motion CARRIED unanimously.

Rep. Winslow moved to establish a pilot program in the state to see the results first before implementing the program. The motion was withdrawn as Rep. Darko was going to talk to the judge who supports the program.

(92:B:6.48) Rep. Devlin moved to TABLE HB 472. Rep. Bradley made a substitute motion to DO PASS HB 472. There was a roll call vote. Reps. Bardanouve, Bradley, Connelly, Manuel, Menahan, Peck, Poulsen, Quilici, and Spaeth voted YES. Reps. Donaldson, Thoft, Winslow, Devlin, Iverson, Menke, Miller, Nathe, Rehberg, Swift and Switzer voted NO. The motion FAILED 9 to 11.

There was a vote on the motion to TABLE. Reps. Bradley and Connelly voted NO. The motion CARRIED.

HB 2: (92:B:13.50)

Ms. Rippingale described some technical amendments on the bill. The first change was on the boilerplate, page BP-2, line 25. She stated that she and OBPP had discussed the boilerplate and OBPP has asked to have it changed. The change would be to insert; And approved "original" operating budget..... (Exhibit 11).

(92:B:15.51) Mr. Tom Crosser, Office of Budget and Program Planning stated the governor needs the ability to go through and change the budget after the legislature goes home.

Rep. Quilici moved the amendment to the INTRODUCTION of the bill be accepted. The motion CARRIED unanimously.

DNRC-WATER RESOURCES:

(92:B:24.00) Rep. Nathe moved to insert in the Water Resources Budget, \$15,650 in 1988 and 1989 to monitor the water quantity and quality of Poplar River (Exhibit 12). Rep. Bardanouve called the question. The motion CARRIED unanimously.

PSC FUNDING: Rep. Quilici moved that the funding of the PSC be moved from the state special revenue account to the general fund to correspond with HB 293. Rep. Nathe called the question. The motion CARRIED unanimously.

WATER COURTS: Rep. Menahan moved to amend to reduce the Water Court funding (Exhibit 13). This would reduce the funding from \$512,066 to \$256,033 in FY 88 and from \$508,896 to \$254,448 in FY 89. The EQC would receive \$100,000 of this amount for use by the Water Policy Committee to contract for an independent evaluation of the water rights adjudication program and report to the 51st Legislature. The motion was withdrawn.

(92:B:26.05) Rep. Rehberg presented an amendment regarding the Supreme Court Justices, do to the increase to seven justices. Rep. Bradley stated the bottom line is \$116,030.10 for two additional justices for a total of 7 justices. Rep. Peck called the question. The motion CARRIED unanimously.

Rep. Menahan moved to amend the Water Court budget which he had previously withdrawn (Exhibit 14). This cuts the water appropriation in one-half and allows a study. The remainder would be reverted to the RIT account.

Rep. Menahan again withdrew the motion.

(93:A:6.29) Rep. Donaldson suggested an amendment the Water Court budget which would cut the water courts, provide for a water policy committee to contact a qualified consultant and report back, and holds up temporary and preliminary decrees until July 1, 1989. It calls for cooperation among the parties (Exhibit 15). Rep. Menahan made this a motion. There was a roll call vote. Reps. Donaldson, Winslow, Bradley, Iverson, Menahan, Menke, Peck, Poulsen, Quilici, Rehberg, and Spaeth voted YES. Reps. Thoft, Connelly, Devlin, Manuel, Miller, Nathe, Swift and Switzer voted NO. The motion CARRIED 11 to 8.

(93:A:11.90) Rep. Bardanouve moved that the LFA adjust the general fund and reduce it by the amount changed in the Donaldson motion. The motion CARRIED unanimously.

Rep. Spaeth spoke in reference to his motion previously made on the line-item of the adjudication program because he wanted tight control. He stated that the department lost some of its flexibility. There was a suggestion that instead of line-iteming it, we could put boiler plate language in the bill and take the line-item out, that only that amount would be spent for adjudication.

Rep. Spaeth moved to reconsider the previous action regarding the Water Adjudication Program. Rep. Quilici called the question. The motion CARRIED unanimously.

Rep. Spaeth moved to withdraw the line-item and that boiler plate language be inserted that \$538,000 would be the maximum amount that would be spent for the water adjudication process per year and the figures be adjusted. The motion CARRIED unanimously.

Department of Revenue -- (93:A:15.20) Rep. Bradley moved to add 7 additional FTE in the Department of Revenue, Property Assessment Division, two supervisors and 5 area managers which were previously removed.

Rep. Poulsen opposed the motion. Rep. Menke called the question. There was a roll call vote. Reps. Bardanouve, Bradley, Connelly, Manuel, Menahan, Miller, Quilici, and Spaeth voted YES. Reps. Donaldson, Thoft, Winslow, Devlin, Iverson, Menke, Nathe, Peck, Poulsen, Rehberg, Swift, and Switzer voted NO. The motion FAILED 8 to 12.

Rep. Poulsen asked to have a bill drafted directing the Legislative Council to look at all the leases that we currently have regarding such things as the Law Enforcement Academy etc., to determine if the leases are beneficial to the state.


Chairman Donaldson stated that Rep. Poulsen would have to request, on the floor, to waive the rules for a bill drafting. He stated they would get together and try to work something out.

LAW ENFORCEMENT ACADEMY: (93:A:23.04) Rep. Bardanouve moved to amend HB 2 regarding the Law Enforcement Academy (Exhibit 16). After discussion, the issue was postponed.

(93:A:38.00) Dr. Altman from St. Peter's Hospital was allowed to testify on the Medicaid Issue as he would not be available when this item would be discussed. Dr. Altman spoke of the medicaid issue for the chronically mentally ill in need of day treatment services which keeps them out of in-patient units and Warm Springs. The problem, if this issue is referred to SRS or if the legislature cuts medicaid funds, in particular for day treatment services, there are thousands of Montana citizens who would not have these services. In the long run, if the services are cut, they will not only be walking the streets, but there will be community problems, police involvement, referral to in-patient treatment as well as the cost would be much greater.

ADJOURNMENT:

There being no further business, the meeting was adjourned.


Rep. Gene Donaldson, Chairman

DAILY ROLL CALL

APPROPRIATIONS

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/9/87

| NAME | PRESENT | ABSENT | EXCUSED |
|----------------------------|---------|--------|---------|
| DONALDSON, GENE Chairman | | | |
| THOFT, REP. BOB Vice Chair | ✓ | | |
| WINSLOW, REP. CAL | ✓ | | |
| BARDANOUE, FRANCIS | ✓ | | |
| BRADLEY, DOROTHY | ✓ | | |
| CONNELLY, MARY ELLEN | ✓ | | |
| DEVLIN, GERRY | ✓ | | |
| IVERSON, DENNIS | | ✓ | |
| MANUEL, REX | ✓ | | |
| MENAHAN, RED | ✓ | | |
| MENKE, LARRY | ✓ | | |
| MILLER, RON | ✓ | | |
| NATHE, DENNIS | ✓ | | |
| PECK, RAY | ✓ | | |
| POULSEN, HAROLD | ✓ | | |
| QUILICI, JOE | ✓ | | |
| REHBERG, DENNIS | ✓ | | |
| SPAETH, GARY | ✓ | | |
| SWIFT, BERNIE | ✓ | | |
| SWITZER, DEAN | ✓ | | |
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ROLL CALL VOTE

HOUSE APPROPRIATIONS

COMMITTEE

DATE 3/19/87 BILL NO. House Bill NUMBER 472

| NAME | AYE | NAY |
|---------------------------------|-----|-----|
| Rep. Gene Donaldson, Chairman | | ✓ |
| Rep. Bob Thoft, Vice Chairman | | ✓ |
| Rep. Cal Winslow, Vice Chairman | | ✓ |
| Rep. Francis Bardanoue | ✓ | |
| Rep. Dorothy Bradley | ✓ | |
| Rep. Mary Ellen Connelly | ✓ | |
| Rep. Gerry Devlin | | ✓ |
| Rep. Dennis Iverson | | ✓ |
| Rep. Rex Manuel | ✓ | |
| Rep. Red Menahan | ✓ | |
| Rep. Larry Menke | | ✓ |
| Rep. Ron Miller | | ✓ |
| Rep. Dennis Nathe | | ✓ |
| Rep. Ray Peck | ✓ | |
| Rep. Harold Poulsen | ✓ | |
| Rep. Joe Quilici | ✓ | |
| Rep. Dennis Rehberg | | ✓ |
| Rep. Gary Spaeth | ✓ | |
| Rep. Bernie Swift | | ✓ |
| Rep. Dean Switzer | | ✓ |
| | | |
| | | |

TALLY

FAILED

9

11

Denise Thompson
Secretary

Rep. Gene Donaldson
Chairman

MOTION: Rep. Bradley made a substitute motion that HB 472 DO PASS.

ROLL CALL VOTE

HOUSE APPROPRIATIONS

COMMITTEE

DATE 3/19/87 BILL NO. House Bill NUMBER 2 (Water Adjudication)

| NAME | AYE | NAY |
|---------------------------------|-----|-----|
| Rep. Gene Donaldson, Chairman | ✓ | |
| Rep. Bob Thoft, Vice Chairman | | ✓ |
| Rep. Cal Winslow, Vice Chairman | ✓ | |
| Rep. Francis Bardonoue | | |
| Rep. Dorothy Bradley | ✓ | |
| Rep. Mary Ellen Connelly | | ✓ |
| Rep. Gerry Devlin | | ✓ |
| Rep. Dennis Iverson | ✓ | |
| Rep. Rex Manuel | | ✓ |
| Rep. Red Menahan | ✓ | |
| Rep. Larry Menke | ✓ | |
| Rep. Ron Miller | | ✓ |
| Rep. Dennis Nathe | | ✓ |
| Rep. Ray Peck | ✓ | |
| Rep. Harold Poulsen | ✓ | |
| Rep. Joe Quilici | ✓ | |
| Rep. Dennis Rehberg | ✓ | |
| Rep. Gary Spaeth | ✓ | |
| Rep. Bernie Swift | | ✓ |
| Rep. Dean Switzer | | ✓ |
| | | |
| | | |

TALLY

CARRIED

11 8

Denise Thompson
Secretary

Rep. Gene Donaldson
Chairman

MOTION: Rep. Donaldson moved to reduce the Water Court budget,
provide for the Water Policy Committee to contract with a qualified
consultant to report to the legislature the results of the
evaluation process, and hold up preliminary and temporary decrees
until July 1, 1989 with cooperation among the parties. (EXHIBIT)

ROLL CALL VOTE

HOUSE APPROPRIATIONS

COMMITTEE

DATE 3/19/87 BILL NO. House Bill NUMBER 2

Revenue

| NAME | AYE | NAY |
|---------------------------------|-----|-----|
| Rep. Gene Donaldson, Chairman | | ✓ |
| Rep. Bob Thoft, Vice Chairman | | ✓ |
| Rep. Cal Winslow, Vice Chairman | | ✓ |
| Rep. Francis Bardonouve | ✓ | |
| Rep. Dorothy Bradley | ✓ | |
| Rep. Mary Ellen Connelly | ✓ | |
| Rep. Gerry Devlin | | ✓ |
| Rep. Dennis Iverson | | ✓ |
| Rep. Rex Manuel | ✓ | |
| Rep. Red Menahan | ✓ | |
| Rep. Larry Menke | | ✓ |
| Rep. Ron Miller | ✓ | |
| Rep. Dennis Nathe | | ✓ |
| Rep. Ray Peck | | ✓ |
| Rep. Harold Poulsen | | ✓ |
| Rep. Joe Quilici | ✓ | |
| Rep. Dennis Rehberg | | ✓ |
| Rep. Gary Spaeth | ✓ | |
| Rep. Bernie Swift | | ✓ |
| Rep. Dean Switzer | | ✓ |
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TALLY FAILED

8 12

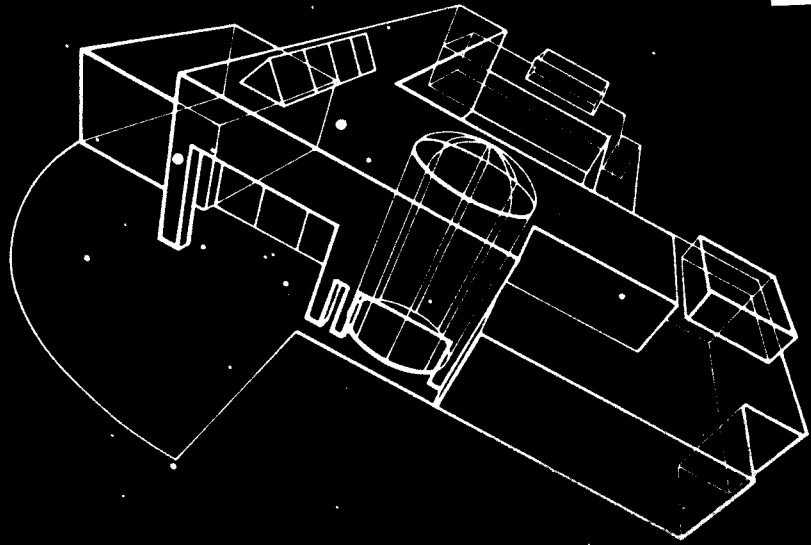
Denise Thompson
Secretary

Rep. Gene Donaldson
Chairman

MOTION: Rep. Bradley moved to add 7 FTE back into the Department
of Revenue, Property Assessment Division, 2 supervisors, 5 area
managers, which were previously removed.

M U S E U M O F T H E R O C K I E S

1907
5/1/07
1970



A N E W S T A R
I S R I S I N G
O V E R T H E R O C K I E S

DEPARTMENT OF LIVESTOCK

2
3/19/87
814



LEWIS AND CLARK GOVERNOR

STATE OF MONTANA

February 20, 1987

RE: Testimony - H.B. 814

The Department of Livestock favors H.B. 814. We feel we have the supervisory experience in place and could set up and administer the requirements of the act.

There are, at this time, approximately 26 states now conducting such programs.

Call Montana Livestock Crimestoppers 800-647-7464

90

March 9, 1987



Representative Loren Jenkins
Capitol Station
Helena, Montana 59620

Dear Representative Jenkins,

I understand you are sponsoring H.B.844, which will allow for appropriation of funds to construct a new foundation seed building at the Montana Agricultural Experiment Station at Bozeman.

The Montana Seed Trade Association, recognizing the importance of a quality foundation seed program to Montana agriculture, fully and unanimously supports H.B.844.

The foundation seed program, through its increase of varieties, provides the basis for certified seed. Certified seed provides the farmer with a product in which high quality standards are maintained and does not allow for the presence of noxious weed seeds. The cost, to the State of Montana and the farmer, to control weeds is continuing to increase at a time when economic pressures, also, continue to increase.

At the present level of production of foundation seed, University data indicates \$25 million is generated into the economy annually. In 1983 8 percent of the small grain acreage in Montana was seeded to certified seed; the potential exists to increase the acreage five-fold if farmers were changing seed every four to five years.

Improved storage and handling facilities for foundation seed could, both, increase revenues to the program and reduce costs through the more efficient production of foundation seed.

Sincerely yours,


Thomas Matchett
Secretary, Montana Seed Trade Association

MONTANA SEED GROWERS ASSOCIATION

COOPERATING WITH MONTANA STATE UNIVERSITY
MEMBER OF ASSOCIATION OF OFFICIAL SEED CERTIFYING AGENCIES

Headquarters:

Montana State University
Leon Johnson Hall



Area Code: 406
Phone: 994-3516

Not a Marketing Association

BOZEMAN, MONTANA 59717

February 24, 1987

Representative Loren Jenkins
Capitol Station
State Capitol
Helena, MT 59620

Dear Representative Jenkins:

The Montana Seed Growers Association strongly supports HB 844. This bill would appropriate the money to construct a Foundation Seed Storage Facility.

The basic seedstocks for 7.6 million acres (1985) of small grains, grasses and legumes planted each year funnel through the foundation seed program at the Plant and Soil Science Field Research Laboratory at Bozeman at one stage or another and are released to Montana Seed Growers. All Seed Growers must rely on foundation seed for production of registered and certified seed. Therefore, foundation seed is vital to the success of Certified Seed Growers.

It is now evident that we have reached another plateau and need to, once again, increase our volume of foundation seed produced.

Growers at present only produce enough certified seed to plant 8% of total planted acres of small grain.

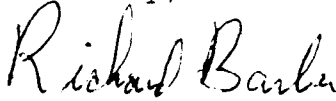
As President of the Montana Seed Growers Association, I feel that certified seed production should increase by five-fold in order to meet today's needs.

The seed industry is a vital part of Montana Agriculture and presently generates approximately \$25 million into the state, plus all of the income generated for Agri-business. As the seed goes into production of commercial crops approximately \$827 million is generated.

February 24, 1987
Representative Jenkins
Page 2

The Montana Seed Growers Association feels there is a definite need for a foundation seed storage facility so that foundation seed production can be increased.

Sincerely,

A handwritten signature in cursive script that reads "Richard Barber".

Richard Barber
President
Montana Seed Growers Association

RB/ys

cc: Eugene Donaldson

Howard ... - 194-5376
John ... - 194-5065

IMPROVEMENT OF FOUNDATION SEED AND STORAGE FACILITIES

Justification Statement

The Montana Agricultural Experiment Station is responsible for the development and release of crop varieties. The extent to which these varieties are used by Montana farmers and ranchers is dependent upon the availability of foundation seed. Once a plant breeder has obtained breeders seed of a new variety, his activities concerning seed increase of that variety should be discontinued. The increase of foundation seed is a mechanical operation which can best be handled by other individuals trained in seed production techniques. The foundation seed program is responsible for the increase of initial seed stocks of new varieties and recurrent increases of previously released varieties.

Initial foundation seed production is a specialize type of production that requires special procedures and equipment, particularly in the early stages of increase. The principal characteristics of seed in the certification program are trueness to variety, freedom from other crops, other varieties, weed seed, diseases, and has a high germination percentage.

The production process consists of the following stages: Breeders seed provided by the plant breeder is increased to produce foundation seed, foundation seed is planted to produce registered seed, and registered seed is planted to produce certified seed. Montana seed growers usually have the responsibility for registered and certified seed production but are required to rely on the Agricultural Experiment Station for foundation seed to plant their fields.

Failure to plant certified seed may result in the following sources of economic loss:

1. Failure to capitalize quickly on new and better adapted varieties;
2. Failure to plant the variety intended;
3. Market discounts for crop mixtures;
4. Market discounts for varietal mixtures;
5. Contamination of fields with serious weed pests;
6. Yield losses due to plant diseases;
7. Poor germination and partial or complete loss of stands.

There are approximately 41 varieties of foundation seed being produced in Montana. the foundation seed program is responsible for providing seed of these varieties.

The basic seedstocks for the 7 million acres (1984) of small grains planted each year funnel through the foundation seed program at the Plant and Soil Science field Research Laboratory at Bozeman at one stage or another and are released to Montana seed growers.

The limited generation system which all seed certifying agencies are following has created a demand for a continuous supply of foundation seed.

This system does not permit the recertification of certified class seed, except in cases where an emergency is declared when demand for a particular variety exceeds available stocks of foundation and registered seed classes.

The overall goal of the Montana Agricultural Experiment Station is to develop superior crop varieties and to increase and distribute seed of these varieties to Montana farmers and ranchers. The success of this program depends on the availability of foundation seed. The larger the supply of foundation seed, the greater the production of registered and certified class seed; consequently, more Montana farmers and ranchers benefit from tax dollars through the accomplishments of the Experiment Station.

These facts can be substantiated by comparing the growth of the Montana Seed Growers Association and the volume of foundation seed produced. In 1972, the production of foundation seed was limited to 1 to 2 acres of seed per variety, once every 2 years. This procedure proved inadequate and recently we have tried to increase varieties as needed every year. The increased foundation seed production has greatly influenced acres of certified seed being produced in the State. Montana Seed Growers' acreages during the past 15 years are as follows:

| <u>Year</u> | <u>Acres Certified</u> |
|-------------|------------------------|
| 1971 | 9,740 |
| 1972 | 8,836 |
| 1973 | 20,016 |
| 1974 | 22,219 |
| 1975 | 19,724 |
| 1976 | 22,566 |
| 1977 | 24,517 |
| 1978 | 22,876 |
| 1979 | 26,300 |
| 1980 | 26,071 |
| 1981 | 31,373 |
| 1982 | 38,195 |
| 1983 | 34,852 |
| 1984 | 42,253 |
| 1985 | 42,157 |

It is now evident that we have reached another plateau and need to once again increase our volume of foundation seed produced. There were 7 million acres of small grain planted in 1983 and only enough certified seed to plant 3% of that acreage. We feel that maximum grain production in Montana could be obtained if farmers and ranchers changed their seed once every 4 to 5 years, which would require a five-fold increase in certified seed production. Today, this increase is not possible due to a shortage of foundation seed. Recent foundation seed releases of Clark, Glenman, and Norwin have all been short of the grower demands. These shortages could have been eliminated if we would have had adequate storage facilities to keep seed in large volumes from year to year.

Economic Benefits to Montana

Foundation Seed is the basis of production of Certified Seed. Certified Seed standards are high and do not allow for the presence of noxious weeds.

Weed scientists estimate that weeds cost the State of Montana over \$100 million each year. Herbicide use alone accounts for approximately \$25 million of this cost. Through drillbox surveys, we have found that over 50% of the seed being used for seeding purposes contains noxious weed seed. All of these factors are causing the increased cost of production for grain and forage. Therefore, by providing larger volumes of Foundation Seed for the production of Registered and Certified Seed, we would be able to make high-quality seed available to farmers and ranchers.

MSU researchers are trying to develop an export market for hard white wheat grown in Montana. The present supplier is Australia and research has shown that our varieties are of higher quality. At the present time, the Pacific Rim countries and parts of Africa are interested in our hard white wheat. If this market develops, these countries would want to insure grain quality by using containerized shipment, which could be shipped from the Port of Butte. It is possible that hard white wheats could replace 10% of each of the hard red winter and spring wheat acreage.

The economic benefits of this industry would be to provide an exclusive market for Montana wheat and provide greater income for all related agribusiness. The Pacific Rim countries are also looking at two of Montana's new barley varieties for malt. They are presently conducting research with malt from 'Lewis' and 'Gallatin' barley varieties.

Our present facilities are inadequate to provide the foundation seed for our present program let alone for the volume of foundation seed necessary to produce the grain for export. This limitation would create a bottleneck and prevent the development of both export programs. However, with the expansion of facilities as outlined in this proposal, we feel we could meet the needs of our present program and the expansion for export.

The volume of Foundation Seed produced today supports a \$25 million seed industry plus all of the other components of agribusiness which are utilized in the production of seed. By increasing our Foundation Seed supply we could double the income derived from seed in Montana.

Present Status

Foundation seed which is harvested from fields is presently being cleaned, as soon as possible, bagged, and stored in a machinery shed. This arrangement often results in delay of harvesting seed because there is no place to store seed until it is cleaned. Seed bags are now being placed on pallets and moved some 200 feet with a forklift. Bags are broken in transit and storage due to the movement of machinery. Seed loss due to broken bags is substantial; however, our greatest loss is due to mice. The present storage building is not mouse-proof and each year many bags of seed are lost. This arrangement also makes it difficult to store seed from one year to the next; which is necessary because of the large number of varieties we must handle. Montana seed producers are wanting more foundation seed which cannot be provided because of lack of seed storage.

Suggested Remedies and Cost

An increased level of foundation seed production will create many problems, such as handling, equipment, and storage facilities. The Montana Agricultural Experiment Station's conditioning facility located in the Plant and Soil Science Field Research Laboratory at Bozeman does not have these capabilities. Therefore, a seed storage facility approximately 50'x100'x20' with three doors is needed. Two doors will be roll-up, overhead, mouse-proof and the third door will be a fire-proof sliding door located between the conditioning facility and the storage facility. In the storage facility, we will need 50 steel storage boxes and a cool storage breeders seed room.

Estimated Cost of Improvements

| | | |
|-------|---|------------------|
| I. | Seed storage building, metal, mouse-proof, cement slab, 3 doors (1 fire-proof), 50'x100'x20', erected, explosion proof wiring (+2 yrs inflation @ 10%/yr) | = \$160,000 |
| II. | Cool storage facility w/humidity control | = 25,000 |
| III. | Equipment for seed storage & handling: 50 steel storages boxes (+2 yrs inflation @ 10%/yr) | = <u>14,000</u> |
| TOTAL | | <u>\$199,000</u> |

Yardstick for Validity of Request

The states of Washington, North Dakota, and South Dakota are states with somewhat similar cereal crop production. therefore, a comparison of Montana's foundation seed facilities with these states may help to substantiate our need for the facilities requested in this proposal.

| <u>Facilities</u> | <u>Montana</u> | <u>Washington</u> | <u>No. Dakota</u> | <u>So. Dakota</u> |
|----------------------------|----------------|-------------------|-------------------|-------------------|
| Cleaning rate, bu/hr | 75-125 | 100-150 | 225-250 | 60-100 |
| Cleaning area, sq. ft. | 1,024 | 5-8,000 | 2,400 | 2,304 |
| Storage area, sq. ft. | 840 | 12,000 | 7,600 | 7,200 |
| Cleaning plant built | 1968 | 1955 | 1950 | 1935 |
| Bushels cleaned/year | 19,644 | 48,000 | 80,500 | 41,600 |
| Acres of foundation seed | 236 | 500 | 2,300 | 520 |
| Small grain acreage (1983) | 6,970,000 | 3,395,000 | 12,924,000 | 5,791,000 |

March 19, 1987

H.B. 844
Mr. Chairman
Committee Members

My name is Harry Johnson. I'm from Townsend and am president of the Montana Seed Trade Association (MSTA). I'm representing them here this morning.

The MSTTA feels the foundation seed program is very important to Montana agriculture. It provides the basis for a certified seed program within the state that generates millions of dollars from the value it adds to the production of seed grains. There is an even bigger economic benefit to the end user because certified seed has standards that help control noxious weeds as well as increase yields.

We feel an upgrading of the present foundation facilities is both necessary and desirable for the following reasons:

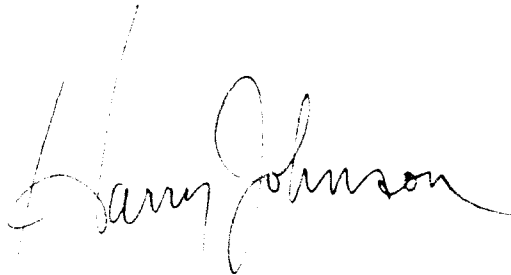
Present handling and processing facilities are inadequate.

They won't allow for any meaningful growth of a foundation seed program.

Montana lags most other agricultural states in the use of certified seed. We only use about 8% in our production. It could easily grow to over 20% with available seed and education.

The trend is for more varieties of seed to fit specific circumstances. The development of more varieties will require more output from the foundation seed program that the present facilities do not have.

For these reasons this bill has the unanimous support of our association and we urge its passage.



3/19/87

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HOUSE BILL 866
TESTIMONY BY
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

The Department supports the Bill for several reasons. First, the Domestic Abuse Program Funds were to encourage a State-wide network of programs to address and service victims of Domestic Violence. Of the original programs funded in FY '80, seven (7) are still working and providing services in their communities. These were 5 shelters - Mercy Home in Great Falls; Gateway House in Billings; Battered Women's Network in Bozeman; Friendship Center in Helena; and YWCA in Missoula - with two other programs providing safe homes, counseling, advocacy and educational information - in Dillon; and Women's Place in Missoula. Several other communities since that time have implemented programs so that the past few years we contracted with 16-18 programs. These include 3 other shelters at Butte, Havre, and Ronan, plus programs offering safe homes and other services, at Kalispell, Libby, Gilford, Harlem, Colstrip, Glendive, Sidney, and Lewistown.

In the last 5 (five) years, the Domestic Abuse Funds appropriated by the Legislature have increased only \$16,371. These funds have been used to maintain the seven original programs and add eleven programs. After eight years of operation, we are no longer in a position of only starting new programs, but rather, maintaining what has begun.

The marriage license fee of \$14 will not allow us to anticipate any funding growth since Montana's population shows very slow growth and the number of marriage licenses over the past six years have been on a steady decline. (See Attachment) Based upon the marriage licenses in 1985 of 7,178 a \$5.00 increase would bring the funds to be appropriated to \$136,382 which would then allow a 3% increase from Fiscal Year 1987 funds.

The women and children, many times, become up-rooted from their homes and need to start from scratch with only extremely limited resources. Shelter, safe homes, transportation to a safe location, and counseling to help mend broken minds while broken bodies heal, are the relief needed from the abusers in Domestic Violence.

The community programs are required to have a 20% local match, revenue or in-kind contribution. They use a variety of local funding resources, depending on their particular community. However, because of the State's economy, many local sources are diminishing since other programs and special funding events have turned dramatically to private sources. Private grant resources are getting so competitive, programs need skilled grant writers, with research and development experience, to obtain funds. Since the domestic abuse programs rely mostly on volunteers, those persons with unique grant preparation skills are not always available. New volunteers have to be trained frequently to work in this highly emotional and stressful program with the threat of further violence is always present to victims, as well as, staff and volunteers.

| | FY '81 | FY '82 | FY '83 | FY '84 | FY '85 | FY '86 |
|-----------------------------|-------------------------------|--------|--------|--------|--------|-------------|
| Number of Marriage Licenses | 8,209 | 8,185 | 8,092 | 7,659 | 7,178 | 6,723 (est) |
| | (.....continous decline.....) | | | | | |

| | FY '83 | FY '84 | FY '85 | FY '86 | FY '87 |
|--------------------|-------------------------------|---------|---------|---------|---------|
| Funds Appropriated | 115,500 | 121,744 | 130,875 | 131,871 | 131,871 |
| | (.....increase \$16,371.....) | | | | |

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#L/3/38
March 17, 1987

March 17, 1987

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Capitol Station
Helena, Montana 59620

Dear Legislators,

I am a Regional Representative from the MONTANA COALITION AGAINST DOMESTIC VIOLENCE (SPOUSE ABUSE & CHILD ABUSE), and I am asking for your support of HOUSE BILL 866-- A Bill to raise the Marriage License Fee.

In February of 1977, the MONTANA LEGISLATURE started working with us to start solving the problem of DOMESTIC VIOLENCE by a SENATE-HOUSE JOINT RESOLUTION which mandated Crime Control to study Spouse Abuse in Montana. That Study was made and called 'SPOUSE BATTERING IN MONTANA'. In April of 1978, Governor Judge appointed a STATE TASK FORCE ON SPOUSE ABUSE which was established to read and study 'THE STUDY' and make recommendations to the 1979 LEGISLATURE. In addition to the LEGISLATION that has been passed by you in the last 5 LEGISLATURES, the MONTANA TASK FORCE ON SPOUSE ABUSE (which I chaired for 4 1/2 years has:)

- Developed a STATE TRAINING PACKET ON SPOUSE ABUSE for Mental Health Professionals & Clergy.
- Developed a SPOUSE ABUSE PROTOCOL in the 61 State Hospitals
- Developed a RAPE PROTOCOL in the 61 State Hospitals.
- Developed a booklet with the STATEWIDE SERVICES entitled 'BATTERED WOMEN RIGHTS & OPTIONS.
- Do COMMUNITY INTERVENTION WORKSHOPS sponsored by the LAW ENFORCEMENT ACADEMY
- Spearhead GRASS ROOTS EDUCATION on the Problem in Communities.
- Do STATE WORKSHOPS in Training Advocates; latest research on the CYCLE OF DOMESTIC VIOLENCE
- In October 1982, formed the MONTANA COALITION AGAINST DOMESTIC VIOLENCE who are:
 - Continuing the GRASS ROOTS EDUCATION STATEWIDE (I do 60 Talks/Workshops yearly)
 - Continue our Systemic Approach to the Problem with STATEWIDE WORKSHOPS (see enclosed STATE WORKSHOP BROCHURES of Missoula '85; Glendive '86.)
 - Sponsored our 2nd 'LONE WITHOUT FEAR WEEK' around the STATE with the MONTANA FEMINIST ASSOCIATION
 - The 3 SHELTERS and 12 TASK FORCES (who have Private Safe Homes and network with the Shelters if needed have continued to Volunteer their services and do Educational outreach as listed below: *asterisk denotes Shelters)

Hi-Line Help for Abused Women does Education and Outreach into Toole, Sanders, Cascade, and DeWitt Counties, & State Workshop.

****Great Falls Mercy Home** has done Education & Outreach to: Belt, Law Enforcement Training in Lewistown, Cascade, Stockett, Ula, Vaughn, Sand Coulee, Choteau, Presentors at both ROADV STATE DOMESTIC VIOLENCE SEMINARS in Missoula & Glendive) with CRS, Mt. Legal Services, Women's Law Caucus, Mt. Peace Officers/Mt. Chief of Police Assoc./Crime Control

****Missoula PW Shelter** -have done Education & Outreach to: Stevensville, Hot Springs, Hamilton, & Women's Place -Larby, Seeley Lake, Ronan, Frenchtown, Milltown, Potomac, and Spangle. of one lot 'Legal Advocacy for Battered Women in Montana' Workshop with Mt. Legal Services in Feb'86.

Helena Violence Free Crisis Line has done training for Sheriff's Officers & Churches, Columbia Falls, Olney, Dayton, & several State Workshops on Spouse/Child Abuse

****Fablo-Ronan Family Crisis Center** is doing 'Responsible Parenting Classes' in Polson along with establishing a Resource Center in Polson. Also in St. Ignatius/Ronan

Libby Lincoln County Women's Help Line has done Lincoln Co. reserve Sheriff Officer's Training, plus Training to the Lincoln County Bar Association.

****Helena Friendship Center** has done Education & outreach to Boulder, Townsend, Augusta.

****Butte Safe Space** has done Education & Outreach to: Whitehall, Sheridan, Anaconda, Deer Lodge, Dillon has done 12 hrs. Advocate training for 6 Advocates from Twin Bridges (Madison Co.), Has presented programs in Sheridan, Twin Bridges, & Dillon Schools; plus Awareness Programs in Lima, Dell, Grant, Wisdom, Jackson, Wise River, Divide, Melrose, Glen, Laurin, Virginia City & Ennis in Beaverhead, Madison & Silver Bow Counties.

****Bozeman Battered Women's Network** has a 1-800 Number to do Outreach to surrounding area in addition to their Educational Outreach to: Belgrade, Ennis, Livingston, West Yellowstone, Big Sky, White Sulphur Springs, & State Workshops.

****Havre Shelter HRCO D.V. Program** has done 20 hr. Advocate Training in Havre, Wolf-Point/Poplar area, Malta & Rocky Boy so they could begin their own Programs.

**Billings Gateway Shelter has done outreach & Education to: Ft. Belnap Reservation, Cheyenne Reservation, and Crow Reservation plus in the Billings Area.

Colstrip Battered Women's Task Force has been doing Education & Outreach in that Area.

Glasgow Area Spouse Abuse Task Force did Outreach to Richland, Nashua, Malta

Glendive Dawson County Spouse Abuse Program to Education to Wibaux, Terry, Circle & a State Domestic Violence Seminar they hosted.

Sidney Richland County Coalition Against Spouse Abuse has done Training with Volunteers plus Education in that Area.

Miles City Mental Health 24 hour Crisis Line

Harlem Ft. Belnap Tribal Health

Twin Bridges 24 hr. Crisis Line/Information

Whitehall Information and referral & Jefferson Ct. Spouse Abuse Program

Lewistown Spouse Abuse Vital Emergency Services (S.A.V.E.S.) has done Public Awareness and Education to Churches in six-county Area, all Schools, Legal Professionals and Law Enforcement.

The Great Falls Mercy Home opened in May 1977, our first Shelter in Montana and one of 30 in the United States addressing the problem of Spouse Abuse. We have been able to give Technical Assistance and spearhead 7 other Shelters and 12 Spouse Abuse Task Forces in Montana.

In 1979, the LEGISLATURE raised the marriage License fee to fund the Battered Spouse Programs under the DOMESTIC VIOLENCE GRANT PROGRAM. In 1983, the LEGISLATURE added 6% out of General Funds (over and above the Marriage License Fee); and the 1985 LEGISLATURE added 4% out of General Funds (over and above the 6% and the MLF) but since the SPECIAL SESSION in June 1986 cut 5% Across the Board, we never received the 4%.

A Shelter as large as Mercy Home (which can accomodate 22-27 Women & Children) served 538 Women and Children 'in' the Shelter in 1986, and an Additional 1,381 Family Units in Outreach, plus 1,115 in Telephone Advocacy, and Educated 2,250 people in over 78 Local Talks and Workshops given in the Schools, Jr. High, Communities.

This is an Increase in Client Load again for the 5th year of 28% with the same amount of Staffing.

The Great Falls Community has been one of a great deal of support to the Mercy Home since we first began operation in 1977. Last year we received a total of \$145,407.00 of IN-KIND CONTRIBUTIONS of which 60,289.00 was Donated SERVICES of VOLUNTEER STAFFING which has enabled us to keep our Staffing costs low, and has strengtened our Counseling & Advocacy Services. Our Budget last year was \$35,000.00; and the Domestic Violence State Grant furnished about one-fourth of that Budget; and Locally thru United Way and Donations we have another fourth of our Budget each year. The rest of the Budget is funded by the 14 Grants I write each year.

I have continued COMMUNITY COALITION BUILDING and involvement through our GREAT FALLS COMMUNITY FOOD BANK which networks with the STATE FOOD BANKS. We disbursed \$270,000.00 worth of Food in St. Falls last year (\$15,000.00 to each of the 18 Non-Profit Agencies that are a part of the FOOD BANK. We are currently working on having 2nd Harvest to come into MONTANA which will greatly enhance the 43 FOOD BANKS STATEWIDE.

I am proud of the ways in which our 'GRASS ROOTS' plans of the MONTANA COALITION AGAINST DOMESTIC VIOLENCE have developed into Strong Programs of Human Services & Education through the cooperation of the past FIVE LEGISLATURES, the past two Governors, and the Department of Social & Rehabilitation Services in the STATE OF MONTANA. Due to Economic conditions and high unemployment (a triggering event for Domestic Violence), we are seeing a tremendous increase in Client Loads. With a portion of the Domestic Abuse Fines, we will continue to stretch every penny to benefit the entire STATE.

Sincerely,

Caryl Wickes Borchers
Caryl Wickes Borchers

Executive Director, Great Falls Mercy Home

Chair, Montana State Task Force on Spouse Abuse (1978-82)

Rep., MONTANA COALITION AGAINST DOMESTIC VIOLENCE

Montana Coalition Against Domestic Violence

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Testimony of Deborah Kimmert
February 11, 1987

I am Deb Kimmert, a domestic violence expert. I have been the director of a domestic violence program in Missoula and am now the Director of the Battered Women's Network in Bozeman. I am also Treasurer of the Montana Coalition Against Domestic Violence. I bring to this hearing a variety of experiences and a statewide perspective on the issue.

I. What We Do

I would like to discuss the impact of domestic violence programs in Montana. The statistics before you were compiled by the Coalition - and represent only the member programs of the Coalition.

During 1986, these programs reported:

5,559 crisis calls - these are men; women; family and friends who need immediate assistance.

2,372 personal contacts - which are in-person meetings with someone desiring crisis support and information.

2,290 women and children sheltered in shelters and safe homes.

Safe homes are private residences where people have volunteered space in their homes to house victims of domestic violence during emergencies.

Thus making a total of 10,021 persons who received emergency services last year.

II. Current Funding Sources

In looking at the positive side of our funding:

The federal government provided VAWA workers and Crime Control funds in 1986.

The private sector, such as corporations and foundations also provide money to shelters.

Locally, some of the \$45,000 needed to operate the local programs were provided through local fundraising and giving programs such as United Way.

In in-kind contributions alone, it doubles the amount of actual monies received to over \$900,000. This means that there are a lot of programs utilizing volunteer services and contributions in an extremely efficient and effective manner - even when these are considered to be economically depressed times. This also shows that there is large grass-roots support for our programs.

In looking at the bleak side:

The private corporations and foundations only have so much money to distribute and more and more agencies are applying for these monies as governmental support drops away. These monies are often restricted to specific areas where subsidiaries are located.

Page 3

victim - the entire family is involved - and all parties need to be addressed. The programs are at this point - we're ready. However, given current funding realities and the constant increase in demand for our services, incorporating a family systems approach will require more money or in-kind contributions.

IV. Domestic Abuse Fines

Two years ago, the Coalition and several individual programs approached the legislature to introduce legislation concerning several aspects of domestic violence - one of which is the legislation making domestic violence a crime. With the passage of these laws came a fine of up to \$500 levied for violation of the statute. In addition, law enforcement officers were instructed to arrest as a preferred response.

In doing an informal survey at the last state Board meeting of the Coalition, it was found that most court systems do not levy the full \$500.00 fine. Fees range from \$50.00 to \$300.00. Therefore, several points could be made:

1. Court systems are meeting their financial needs without levying the full fine as allowed for by law.
2. Everytime a batterer is arrested, it costs the court systems, it costs the law enforcement agencies and it costs the local programs in providing services to the victims. At this point the courts and the law enforcement agencies are receiving reimbursement. The local programs are not.
3. Since the local courts are not levying the full fines, there is room to raise the fees in order to compensate for this 50% we are asking for - AND still ensure that the local criminal justice systems meet their costs.
4. Out of all the sources from which we receive our funding, this legislation alone would ensure that the people doing the battering would actually contribute to the care of their family.

I would like to thank you for your continued support of domestic violence legislation. I would be happy to answer any questions that you may have at this time.

Montana Coalition Against Domestic Violence 3/19/87

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Services Provided - 1986

There are currently 15 domestic violence programs, representing 6 shelters and 7 safe home systems, who are members of the Coalition. Each of these programs provides 24 hour emergency services, advocacy support and public education.

During 1986, the member programs of the Coalition reported:

- 5,559 crisis calls
- 2,372 personal contacts
- 1,169 women and 1,121 children sheltered
- 10,221 people received crisis services

Additionally,

- 610 women, men and children attended support groups.

- 459 speeches, educational forums and workshops were provided for 14,921 community members and professionals.

- 530 volunteers, 256 providing direct crisis intervention

** 25,752 people benefited from local domestic violence programs in 1986.

These services have been the responsibility of 27 full and part time paid staff (6 funded by federal monies) and 9 VISTAs who will no longer be available after this fiscal year.

Budget Information - 1986

The total cost of providing these 24 hour services is over \$900,000. One-half of this cost is provided by in-kind contributions of 530 volunteers and local communities.

The dollar cost of these programs in 1986 was over \$450,000. The average program budget was approximately \$31,000 - ranging from \$400 to \$90,000. A breakdown of funding sources shows:

- 22% provided by marriage license and general fund monies through SRS.
- 36% provided by local communities.
- 12% raised through grant writing efforts.
- 31% provided from federal monies. This is the first year these monies have been available. Their status for FY88 is not known.

** A total of \$21 of actual program dollars were raised through local community and grant writing efforts.

** General fund monies may not be available after July 1, 1987. VISTA workers will not be available after July 1, 1987.

** In addition to the almost \$470,000 donated by volunteers, 58% of actual program dollars were raised locally through United Way, donations and marriage license fees.

Information compiled by: Lucille Pope, Coordinator
Box 5096, Bozeman 59715
586-3084 or 586-0263 (messages)

February 13, 1987

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Dear Legislature:

I urge you to pass HR: 866

I am one of many women who are abused each year with little or nothing done. We are fortunate here in Great Falls, to have the Mercy Home but without some funding how long can it survive??

In February 1985, I had to go to the Mercy Home due to physical abuse by my husband. After we had been out having a good time for my birthday, he became physically abusive. Pushing me off the bed and he started to twist my left leg toward my head with his foot on my chest and throat, stopping only because my daughter came into the room yelling at him to stop. After a few minutes he stops and turns over in bed and went to sleep. My daughter and I left our home to call the police---they stated they couldn't arrest him because I'd left the house. I did press charges and they, the court, fined him \$100.00. I spent a few days at Mercy Home until I could get housing. I filed for divorce. Only 13 months (Aug. 86) after the divorce, he again chose to abuse me by following me out in the parking lot of a public establishment. Twisting my left arm and breaking it---throwing me to the ground. A passer by called for help. He spent the night in jail and pleaded not guilty and the trial date was set for March 8th. I am still going for therapy on my arm, trying to get it more functional---costing me \$20,000.00 in hospital and aftercare costs, not to mention I have been unable to work now for 7 months. I worked as a licensed practical nurse, but no longer will be able to stay in my field. It is not easy finding a new type of a job at 46 years of age.

These things go on all the time. They (the abusers) need to be charged and made to pay for the damages, some of the money going to the abused and some going to the programs and homes helping us but without some funding how can they function???

Thank you for your time.

Carol Bullard

Carol Bullard
707 Parkdale
Great Falls, Mt 59-05

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3/19/87
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February 14, 1987

Dear Legislators:

Please support House Bill 866 which provides a portion of the Domestic Abuse fines for the funding of emergency shelters and other domestic abuse programs. The movement to stop domestic abuse started as a grass roots program, with Mercy Home in Great Falls as one of the first shelters for abused women in the Nation. Many long, stressful hours given by dedicated volunteers has gotten us where we are today. With a million dollar statewide budget, a full half of those monies for running shelters and other domestic programs still come from volunteer efforts and donations.

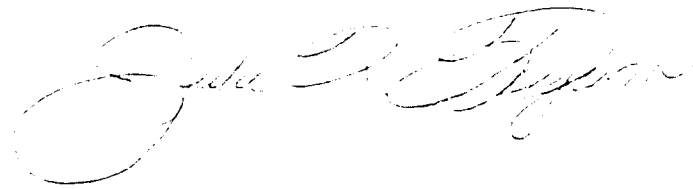
Mercy Home in Great Falls drastically changed the course of the lives of myself and my two small children, perhaps even saved them. It gave us a safe place to go to flee a very abusive husband and father. It gave me counseling which helped me to understand the cycles of abuse and that battering is learned behavior. That explained to me why nothing I did or didn't do, said or didn't say ever made a difference in the incidences of abuse. My situation had escalated to the use of guns by my ex-husband to threaten me in front of my children, then aged 3 and 1. He often hit me with a closed fist in the head while I was holding one of my children. He beat me when I was pregnant. He was very abusive to my children, hitting, tripping and picking my 3 year old up by the neck, and spanking my baby and literally throwing her into her crib. My marriage had become a nightmare. Mercy Home helped me change my life, at no cost to me. This is important to note because when a woman leaves an abusive home, she often flees with little but the clothes on her back. I am now self-supporting and content with my life. My children and I no longer live in fear.

By supporting funding for domestic abuse programs, you not only help one person, but generations to come by showing them that battering is learned behavior, that they are not the cause of battering incidents, and that they can change the course of their lives.

I can think of little worse than living in constant fear and repression in your own home. Please support House Bill 679. Help our children learn what love is. Help society continue to get the message across to abusers that domestic abuse is not acceptable behavior. It is a crime.

Thank you for your time.

Yours sincerely,



LF
3/19/87
866

February 19, 1987

Dear Legislators:

I am writing in regards to spouse abuse. I was married in July 1984 and the abuse started approximately 6 months later. At first it was just pushing and shoving. Later on it was kicking and hitting in areas that people could not see, such as my head, legs, buttocks, etc. The abuse not only affected me, but it also affected my children.

My daughter was a nervous wreck when my husband was around for she never knew what to do. He was always on her case about something and she had continual stomach problems. My son also was a nervous child and would not go to anyone but me. I left my husband 2½ years ago and since that time, both my daughter and son have become different people. They are more trusting, loving and happy children.

My husband came from a good "christian" family as his father was a Reverend. This good "christian" background gave my husband such a temper that he has lost 3 jobs and his family because of it. This type of behavior is hard to live with as you never know if he will be kind and gentle to you or beat you to a pulp because you did not talk to him the way he wanted. I don't feel any person who is this unpredictable and outrageous has the right to have custody of their children for fear they may end up six feet under.

I lived on pins and needles most of my marriage in fear that I would always do or say something to set my husband into a rage. I have found through support groups that people like Tim do not need anything to set them into a rage.

Thank you for listening to my story and I ask your help in this matter.

Sincerely,

Kim

7
3/19/87
187

Montana Grain Growers Association
Position Paper
HB 187
Spring Wheat Breeding Program

The Montana Grain Growers Association supports HB 187 to establish a Spring Wheat Breeding Program in the State of Montana.

The wheat industry in the United States and the World has become extremely competitive. The wheat producing countrys' ability to produce has exceeded the demand for consumption. This has made price and quality extremely important factors in the struggle to capture domestic and world wheat markets.

To capture and maintain an acceptable share of world wheat markets U.S. producers must continue producing a high quality product at a price that can move into world markets. To do this, on going research must be conducted in providing new and improved varieties of wheat--wheat that not only meets the need of the buyer, but costs less to produce.

Montana has a special place in world markets. Over half of the wheat produced in Montana is Dark Northern Spring Wheat, a high quality, high protein , Hard Red Spring Wheat. DNS is a bread wheat primarily used to blend with Hard Red Winter Wheat flours to increase protein levels and improve milling and baking qualities. Montana, on the average, is the number 2 producer of HRS wheats in the U.S.

In the past, Montana has provided producers with spring wheat varieties through a spring wheat breeding program of the Agricultural Research Service (ARS) of the USDA. Since the ARS has reoriented this research program toward more basic genetic issues and discontinued variety development, Montana has been left without a program that can provide producers with new varieties.

To retain and eventually increase their competitiveness in both the U.S. and world markets, Montana producers need to increase the demand for the products we raise. To increase the demand for Montana wheats, we need to continue enhancing the quality. We need wheats that have higher protein, better milling and baking qualities, and higher nutrition values. To go one step further, Montana needs to develop "value-added" varieties. An example is "Sweet Wheat". The consumer is increasingly becoming concerned with the way his diet is affected by sugar and artificial sweeteners. If one could produce a wheat that produces it's own sweetener, products could be produced from these wheats that contain little or no sugar of any kind. A

"sweet wheat" wheat is currently being developed at MSU. If we are to stay on the leading edge, we need to be creative and explore even more creative and innovative products.

Not only do Montanans need better varieties to maintain demand for their product, but they need them to reduce the cost of production. Today's farmer is, at best, struggling to stay in business. In addition to working toward adjusting the world's supply/demand situation so that prices of our commodities will be forced up, we need to focus more attention on the inputs of small grain production. We need to take some giant strides in reducing the cost of producing a bushel of wheat.

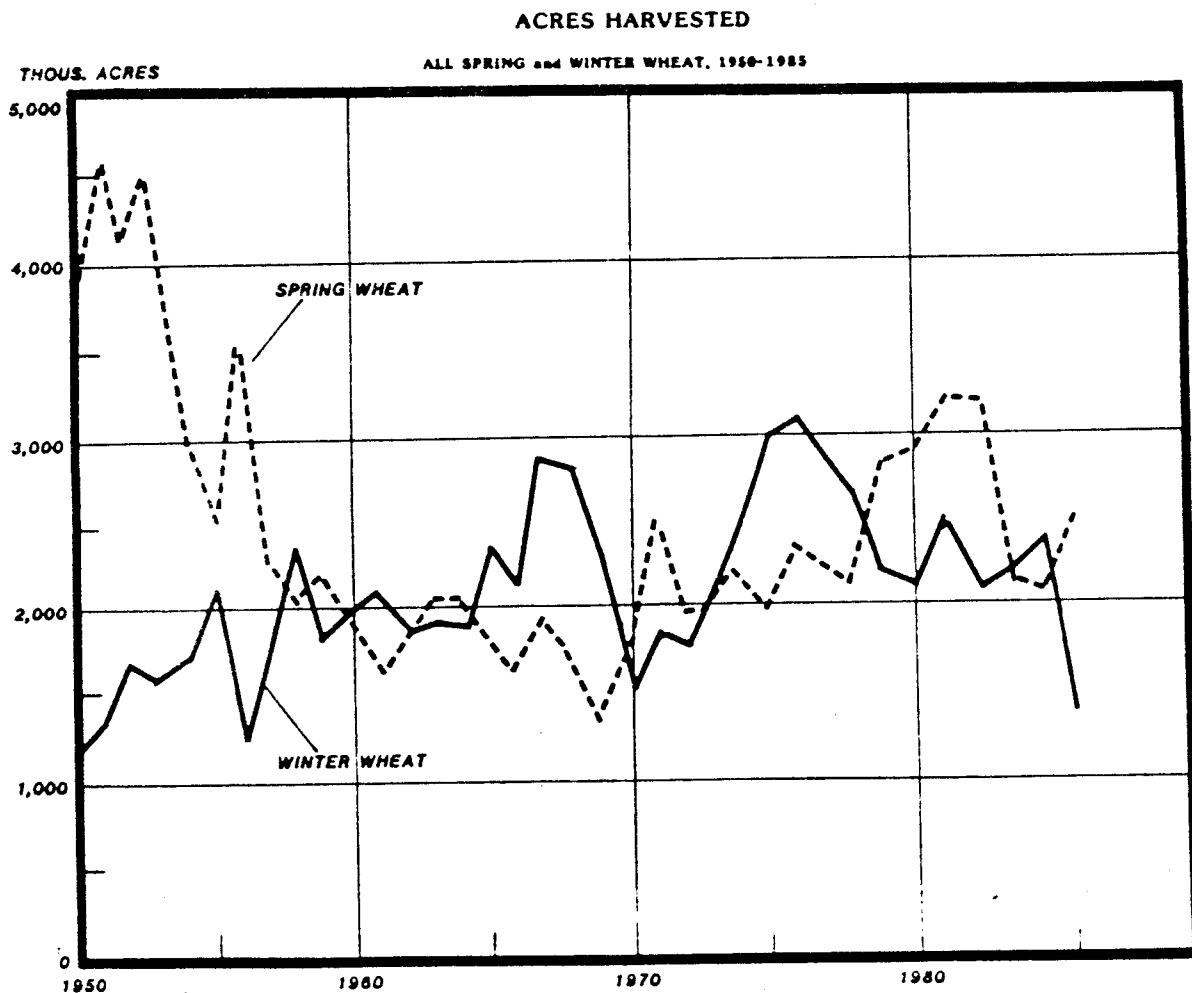
This means developing wheats that require less inputs and/or more efficiently use those inputs. Wheats that use less or even produce their own nitrogen. Wheats that can take more stress and produce more in the dry climate of Montana. Wheats that are resistant to chemicals. Wheats that are resistant to the diseases and pests of Montana. In short, Montana needs to release wheat varieties that require less fertilizers, herbicides, pesticides, and fungicides.

To do that, we need a spring wheat breeder in Montana. First, because of geographical, cultural, disease, and insect differences, Montana can not rely on variety releases of other states. Second, Montana cannot rely on varieties released by private breeders, again, because we are unique. Private breeders cannot afford to develop varieties that are specifically adapted to Montana's conditions. They cannot sell enough seed in one single state to recover the development cost of a new variety. They tend to develop varieties that are more designed for the midwestern and greatplains states.

Since the 1950's, several economic studies have measured the benefits of agricultural research relative to the costs. The resulting benefit/cost ratios vary, but most fall in the range of \$30 to \$50 of benefits for each dollar spent. This program would not only benefit the income of Montana producers, but also work to improve the general economy of Montana. A price increase of 10 cents per bushel from improved quality and protein will produce an additional \$5.5 million for Montana's economic base.

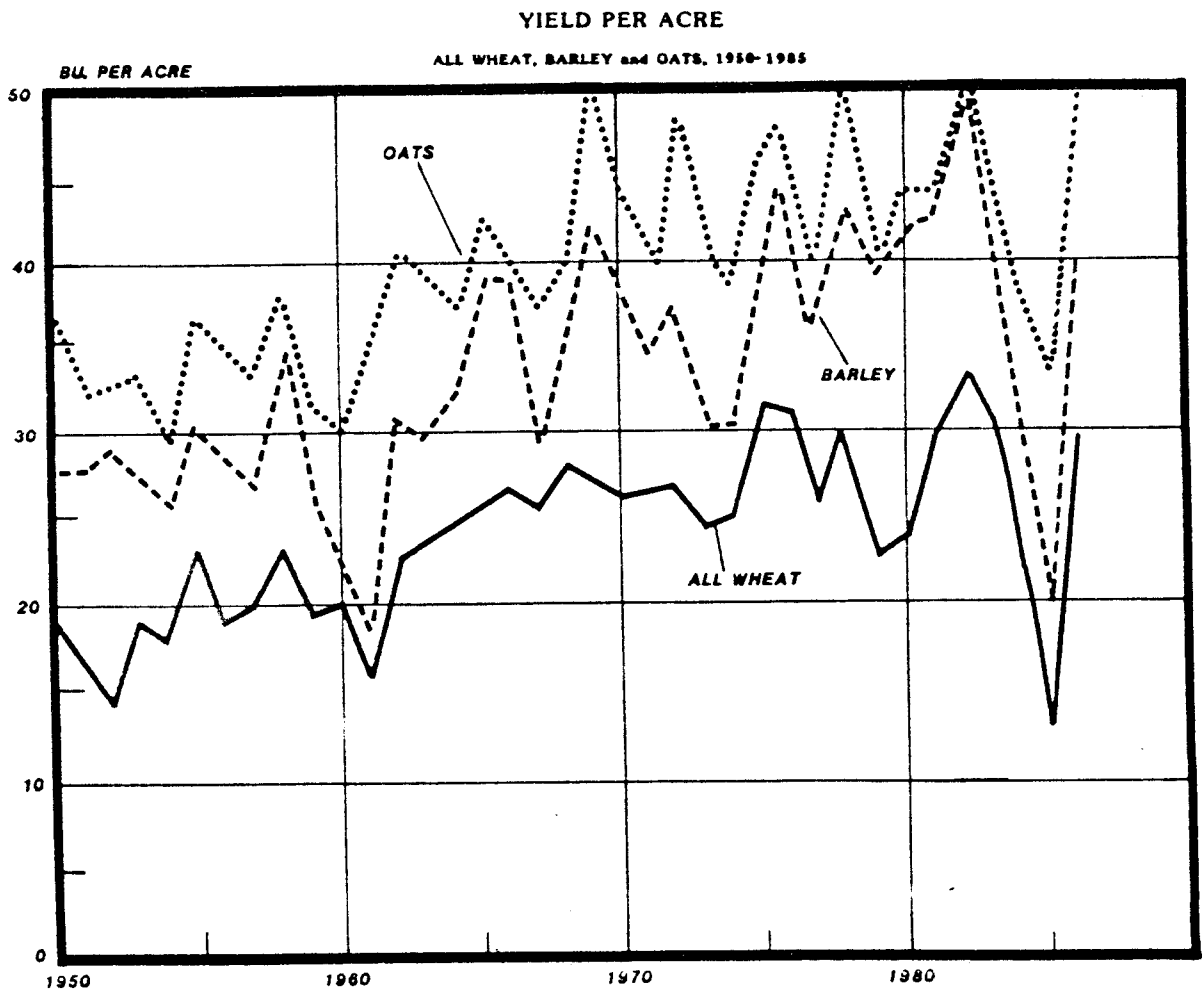
SPRING WHEAT PRODUCTION IN MONTANA

Spring Wheat is the single most important commodity raised in Montana. Montana ranks second in the production of hard red spring wheats in the U.S. Spring Wheat is grown in 52 Montana counties. In the last five years, Montana seeded an average of 2,803,000 acres of Spring Wheat, with an average production of 55.1 million bushels. In three of the last five years, there was more spring wheat seeded than winter wheat. On the average, spring wheat accounts for 53% of the total wheat production in Montana. At \$227,766,000.00 per year, the value of spring wheat (excluding government payments) averages 30% of all crops raised in Montana. It amounts to 16% of the value of all agricultural products raised in Montana. Spring Wheat is vitally important to the economy of Montana.



INCREASED PRODUCTION DUE TO IMPROVED VARIETIES

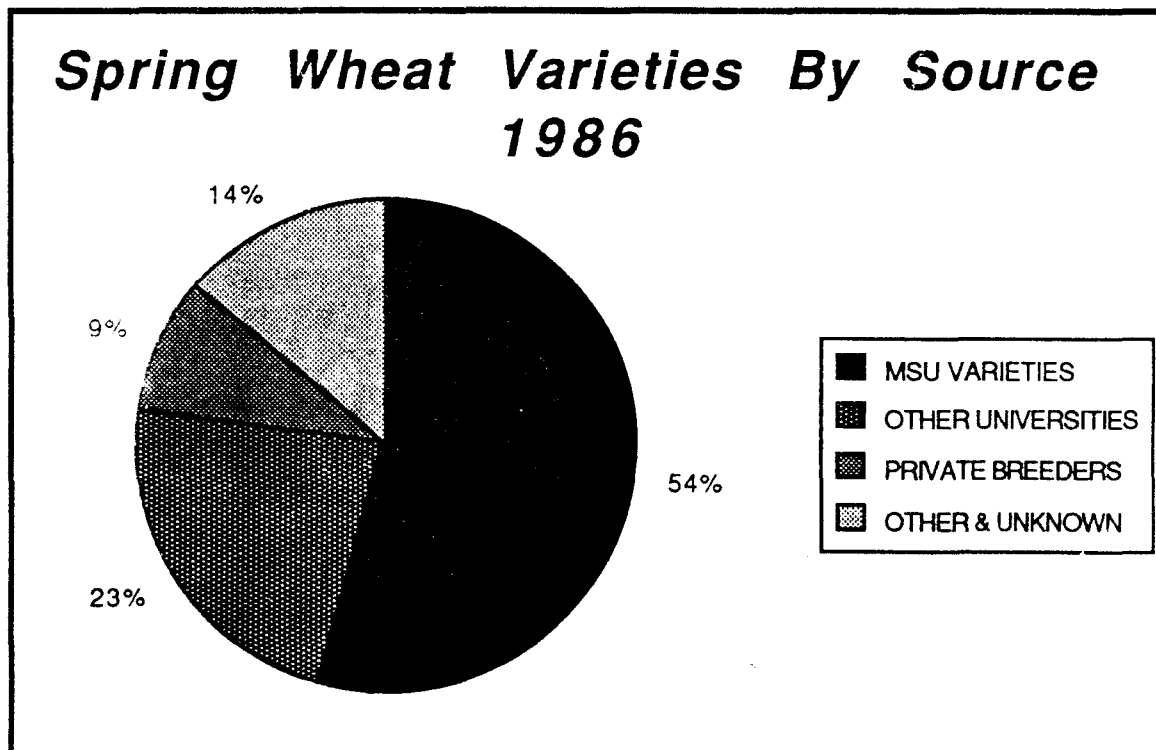
In 1950, the average yield for wheat was less than 20 bushels per acre. Now wheat yields in Montana are approaching 40 bushels. Much of this increase is due to wheat varieties that are more suited to Montana's climate and soils. This increased yield, means not only increased gross income for a producer, but also less production costs per bushel. A recent study shows that in 1940 spring wheats grown at research centers produced about 2 to 2.5 bushels per inch of water. In trials conducted in 1982, spring wheat produced 5 bushels per inch of water.



1982 Yield per acre Oats - 51.0 Bushels

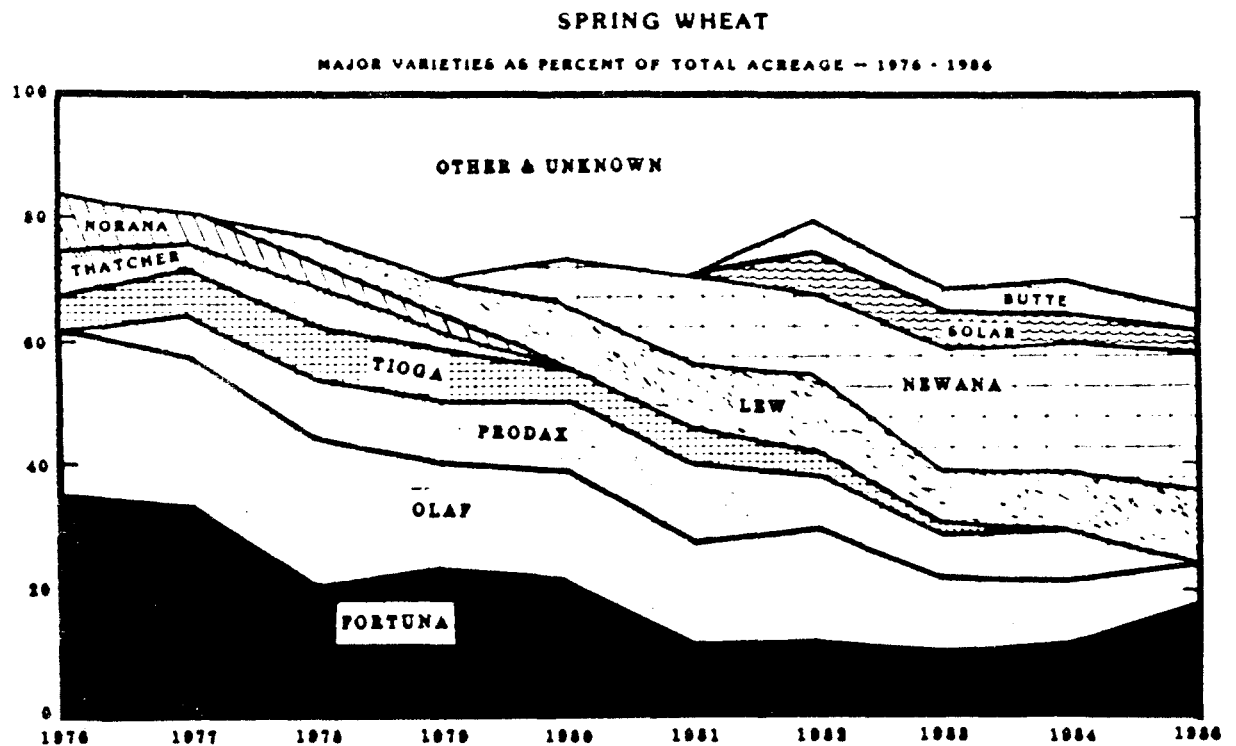
MONTANA'S SPRING WHEAT BREEDING PROGRAM

Much of the increased spring wheat production in Montana can be attributed to the Spring Wheat Breeding Program at Montana State University, that up to this point has been largely federally funded. Currently, six MSU varieties are in commercial production in Montana. In 1986, three of the top four varieties were developed at MSU. 54.5% of the seeded spring wheat acreage were Montana varieties. 23% of the acreage was developed by Land Grant Universities in other states, 9.1% by private breeders and 13.4% by other and unknown sources. Development of spring wheat varieties that are better adapted to Montana's climate and soils are a significant factor in increasing HRS acres in relation to the total wheat acres seeded in Montana.



WHY MONTANA MUST DEVELOP IT'S OWN VARIETIES

Montana developed varieties are the highest yielding and most seeded varieties because Montana is unique. Our climate, soils, altitude, pests and diseases are not similar to many other locations. A wheat developed for another state in most cases is not suited for Montana. Because our state is unique, private breeders are not inclined to develop varieties that do well here. They can not sell enough seed in one single state to recover the development cost of a new variety. They tend to develop varieties that are designed to do well in the Midwest and Central states.





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3/19/81

P.O. Box 1165 • 750 6th Street S.W. • Great Falls, Montana 59403 • 406/761-4596

MONTANA GRAIN GROWERS ASSOCIATION
Testimony on HB 187

Spring Wheat Breeder Program

Since 1981, there has been no Spring Wheat Breeder, either federally, or state-funded, at Montana State University. The position simply does not exist.

Traditionally, this was a position manned and funded by the Agricultural Research Service of the U.S.D.A. But, ARS made a policy shift several years ago. They will no longer be involved in breeding positions for crops because, too often, these programs could be utilized only in a very limited geographic area. A new variety of wheat, for example, might only be grown in a few counties in one state and the economic impact felt by a relatively small portion of the tax-paying public. Instead, ARS wanted to broaden research areas to broaden the return on that research. For breeding programs, this means federal funding for the support people for a breeder, but not the breeder position itself.

The ARS will support a geneticist because that position sends material to breeders over a multi-state area. But, ARS will no longer be maintaining Cultivar Release Programs. That will be the individual state's responsibility. But, they will support those state release programs.

Now the case in point. Dr. Harry Mc Neil for many years was the one and only Spring Wheat Breeder in Montana. As an ARS breeder, he was totally federally funded. When he retired in 1981, ARS invoked their new philosophy and did not replace him with another breeder. (This is the pattern they say they will follow in all states---do away with the program through natural attrition.) ARS, however, did not cut funding to MSU. They gave MSU a geneticist instead, Dr. Larry Alexander.

Understand, geneticists are nice people to have around. They provide the germ plasm enhancement that gives the breeder material to work with. Pair a geneticist with a breeder and one has the nucleus of an on-going release program. At MSU, both the winter wheat and barley programs have had such a pairing of federal and state personnel for years, but not for Spring Wheat. The federal authorities

GREGORY HOLT
President
Great Falls

WILLIAM BRINKEL
Vice President
Broadview

LARRY JOHNSON
Secretary
Kremlin

VIGGO ANDERSEN
Treasurer
Great Falls

Page 2

have had their half of the team on line but the state, since 1981, has not added a breeder.

It should be noted that a Spring Wheat Program was maintained, at a reduced level, since Dr. McNeil's retirement. The ARS wanted to give Montana an adjustment period after withdrawing their program. They allowed their geneticist, Dr. Alexander, to wear "two hats" and spend approximately half of his time on breeding and the variety release program. Of course, without the FTE, MSU had little funding for him and the Montana Wheat Research and Marketing Committee stepped up its support.

But last year it hit the proverbial fan. Dr. Alexander left Montana for greener pastures where he was paid more and only had to do one job. MSU asked the U.S.D.A. to replace him. The Fed's response was predictable. Montana, in five years, had made no tangible move to pick up the state responsibility of providing a breeder to compliment the federal geneticist.

After nearly a year of debate the U.S.D.A. has relented---to a degree. Yes, they will give Montana a Spring Wheat geneticist but he will no longer be allowed to do any wheat breeding. When this person arrives at MSU, and ARS is interviewing candidates right now, he will be strictly a laboratory person, concerned with molecular engineering and molecular genetics. It is an open question as to what kind of scientist Montana will be able to attract when he discovers that his work will not be leaving the lab because we have no breeder to make a practical application of his work.

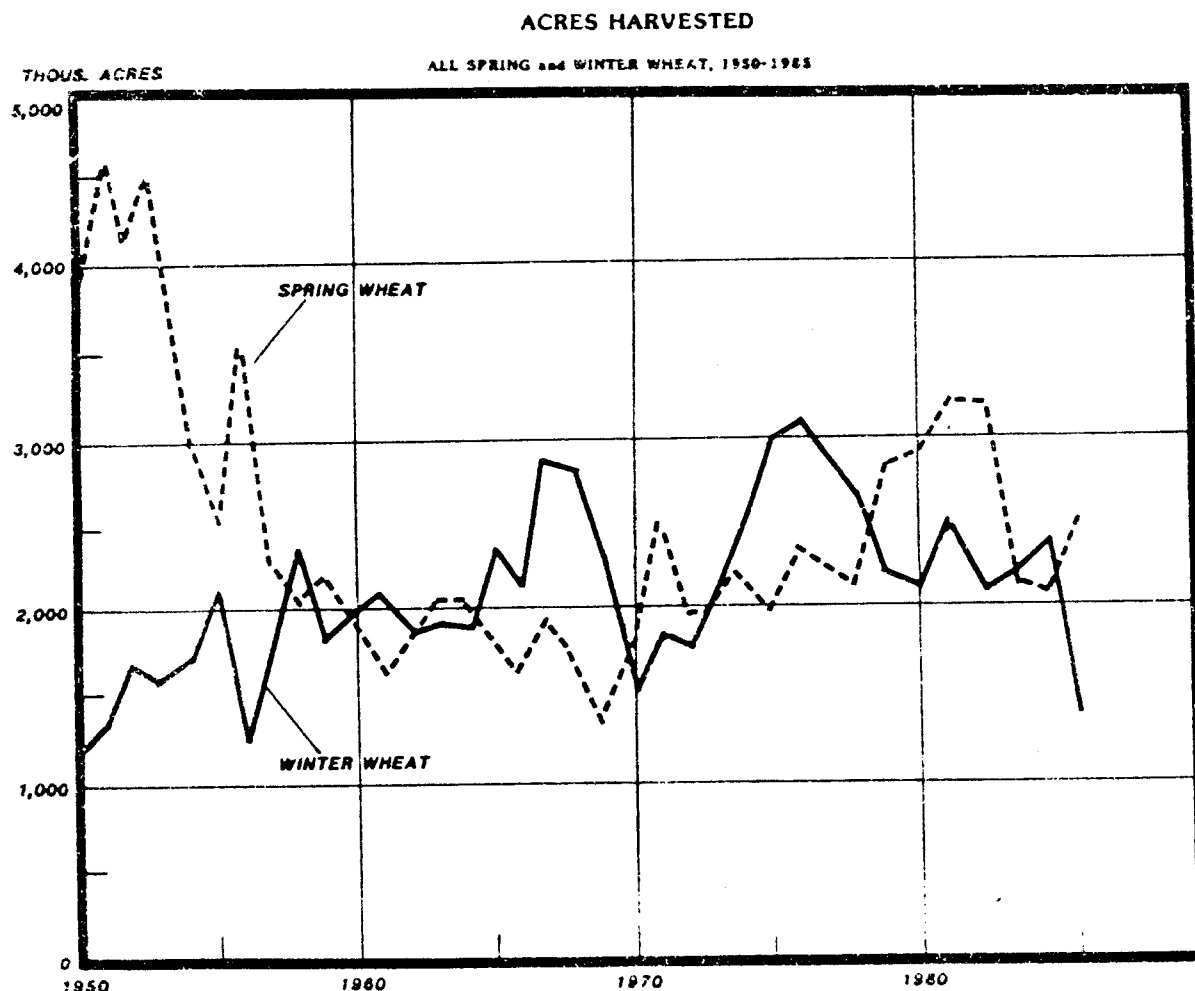
It is being asked of you, then, that Montana take the responsibility of Spring Wheat breeding as has been traditionally the case in Hard Red Winter Wheat and barley. In four of the last seven years, Spring Wheat exceeded Winter Wheat both in acres and value in our state. Spring Wheat has exceeded barley in value forever. Therefore, Spring Wheat should receive, at least, an even cut in general fund support with these other crops.

Thank you for your support of House Bill 187.

3/19/87

SPRING WHEAT PRODUCTION IN MONTANA

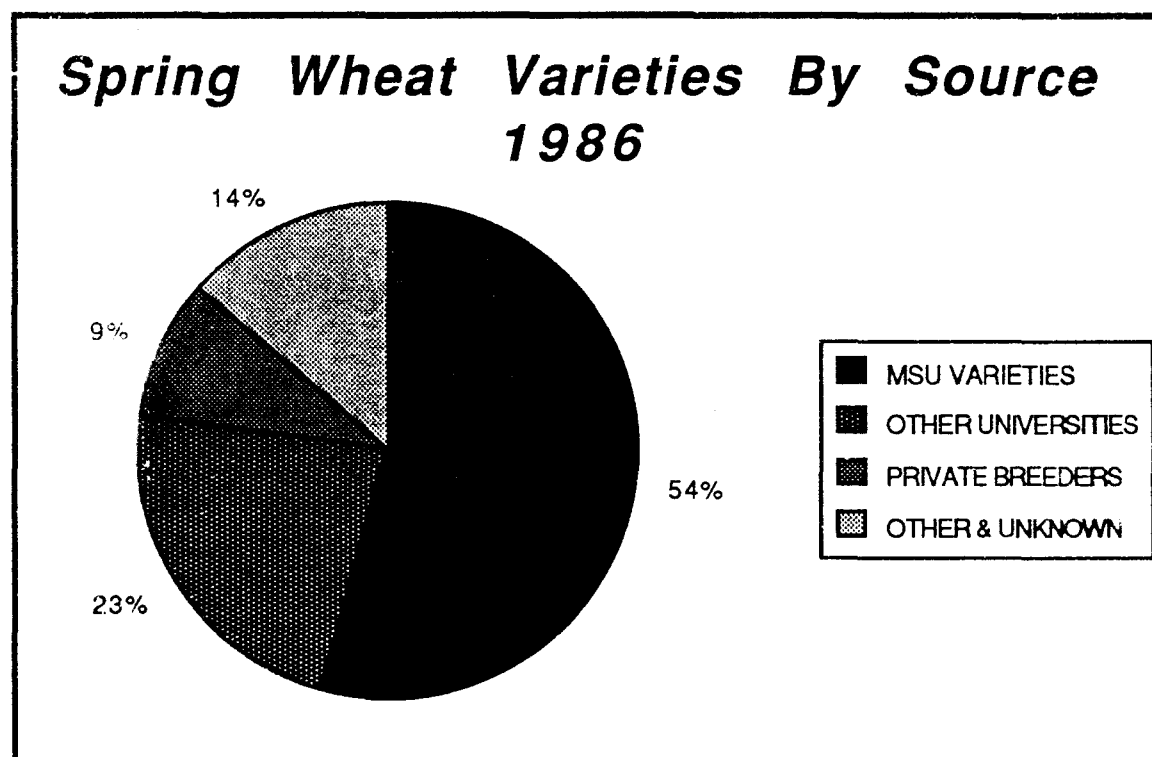
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3/19/87

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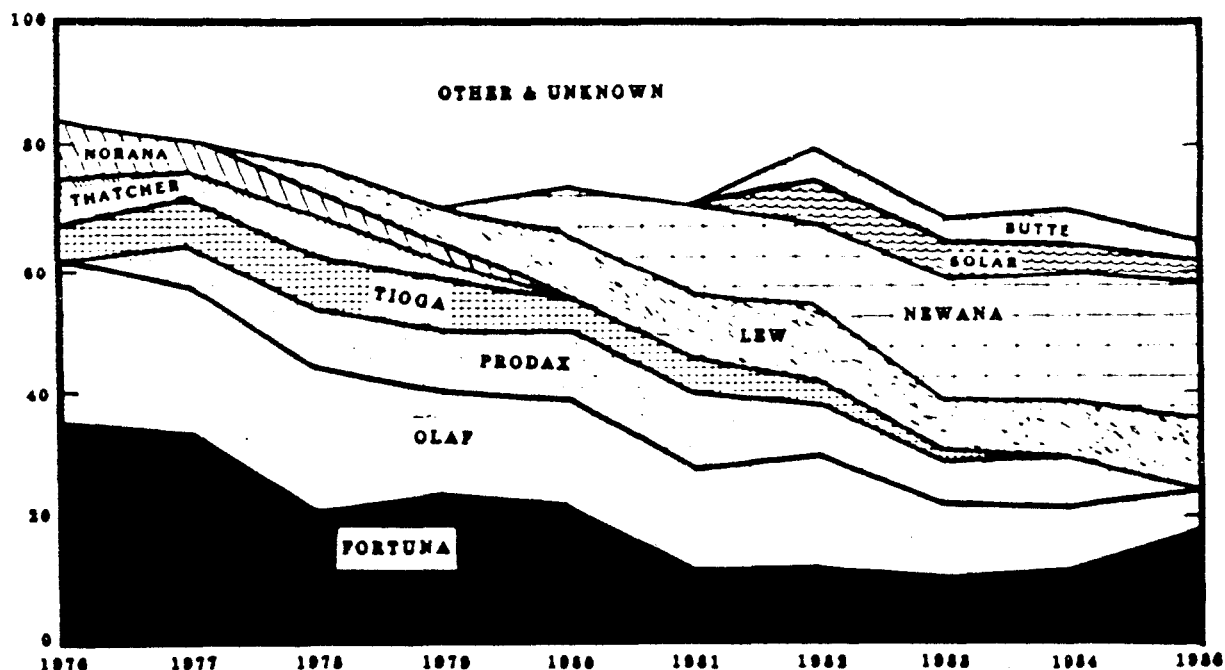
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WHY MONTANA MUST DEVELOP IT'S OWN VARIETIES

SPRING WHEAT

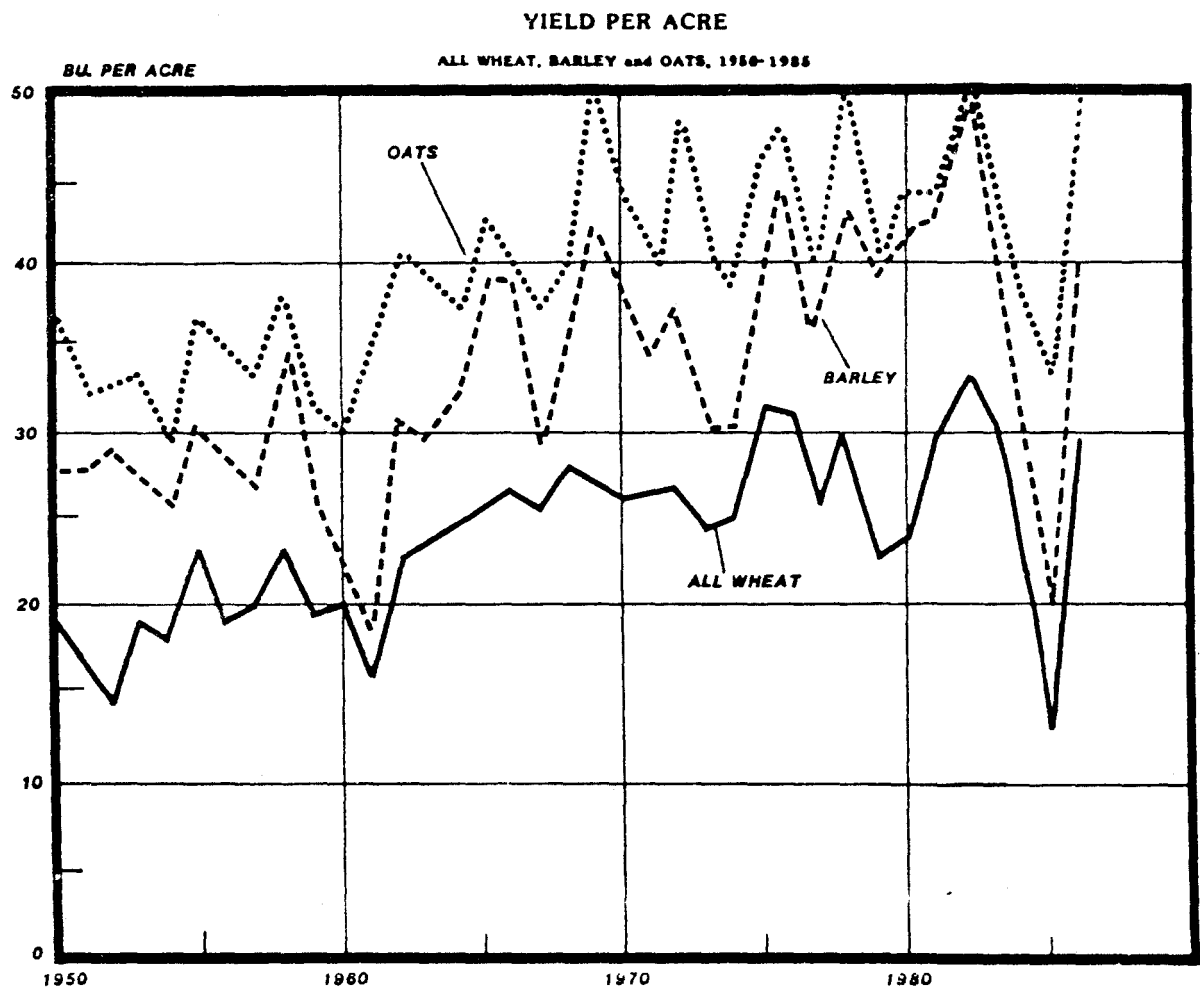
MAJOR VARIETIES AS PERCENT OF TOTAL ACREAGE - 1976 - 1984



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3/19/81

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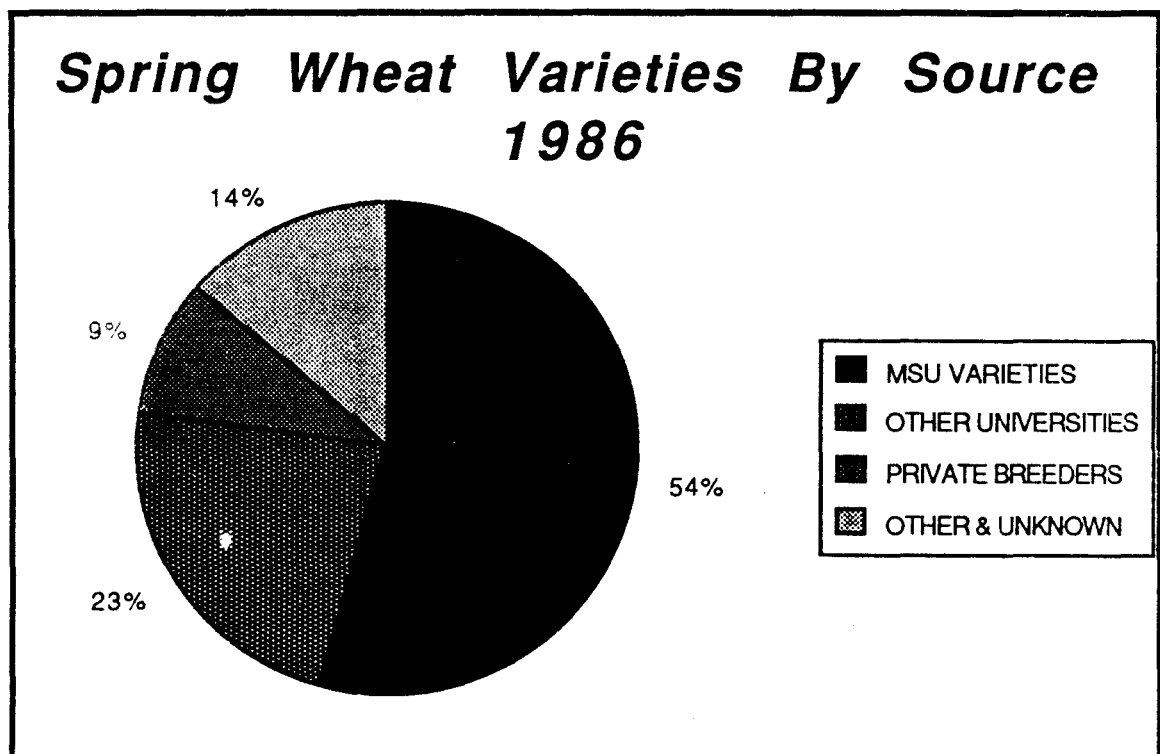


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3/19/81

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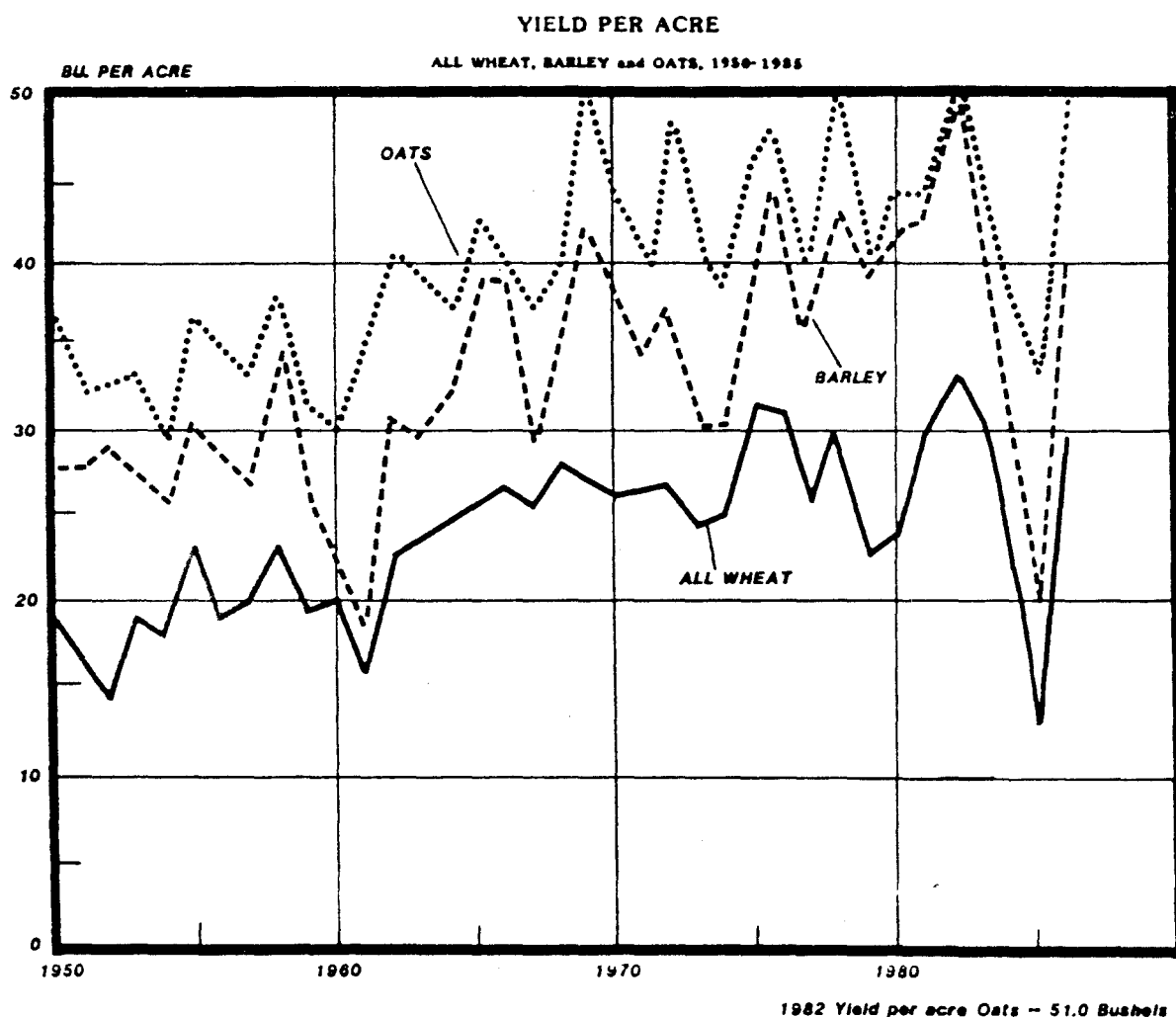
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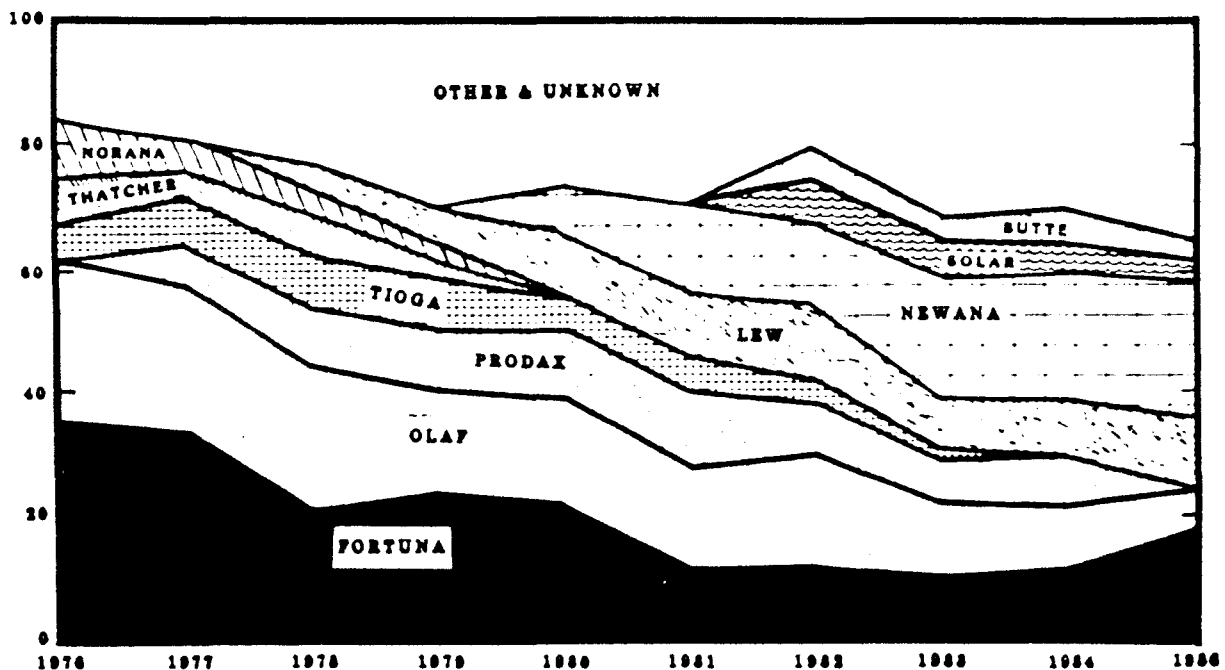


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3/19/87

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8
3/19/87

MONTANA SPRING WHEAT FACTS SHEET

1. Spring wheat has an average gross sales value of over \$200 million per year (excluding government payments) and averages 10% of all crops raised in Montana.
2. Spring wheat accounts for 16% of the value of all agricultural products raised in Montana.
3. Montana seeds an average of 2.8 million acres of spring wheat with an average total production of 55 million bushels.
4. On the average, spring wheat accounts for over half of the total wheat production in Montana.
5. A price improvement of 10¢ per bushel resulting from improved quality properties will produce \$5.5 million additionally for Montana's economic base.
6. In 1986, three of the top four varieties in Montana were developed at MSU. Montana varieties occupied over half of the seeded spring wheat acreage.
7. Much of the current quality, pest resistance, and variety adaptation in Montana spring wheat has come from the USDA breeding program at Montana State University. This program has been redirected toward basic wheat research and genetics.
8. Montana currently does not have a spring wheat breeding program to produce new varieties.
9. Varieties developed in other states will not maintain Montana's competitive edge in quality or production.
10. Private breeders will not provide all varieties necessary to satisfy Montana's needs.
11. House Bill 187 will authorize a program to develop new varieties with special emphasis on more desirable market properties, insect and disease resistance, and basic wheat biotechnology to improve Montana's competitiveness in the marketplace.

JRW:sak/114
1/30/87

Amendment to House Bill 472 (3rd Reading Copy Blue)

9
3/19/87
472
Donaldson

Statutory
Approp.

1. Title, line 13
Following: "SECTION
Strike: "SECTIONS 17-7-502 AND"
Insert: "SECTION"

State
Special

2. Page 2, lines 22 and 23
Following: "(2)" on line 22
Strike: remainder of line 22 through "FUND" on line 23

State
Special

3. Page 2, line 24
Following: "IN THE"
Strike: "ACCOUNT"
Insert: "general fund"

State
Special

4. Pages 2 and 3
Following: "." on page 2, line 24
Strike: remainder of line 24 through "used" on Page 3, line 1
Insert: "The legislature may appropriate the amount it determines
necessary"

Salary

5. Page 4, lines 10 and 11
Following: "commissioner" on line 10
Strike: "remainder of line 10 through "\$35,000" on line 11
Insert: "shall be set by the supreme court"

Statutory
Approp.

6. Page 10, lines 8 through 13
Strike: lines 8 through 13 in their entirety
Renumber: subsequent section

10
3/19/87
472

AMENDMENTS TO HB 472, THIRD READING COPY, PREPARED FOR REP.
DARKO.

1. Page 4, line 3.

Following: "(a)"

Insert: "at least"

2. Page 4, line 4.

Following: "counseling,"

Insert: "counseling psychology,"

Following: "other"

Insert: "similar"

3. Page 4, line 10.

Strike: "is"

Insert: "must be set by the senior district court judge and be
based on training and experience of the court commissioner,
but may not exceed"

4. Page 7, line 3.

Following: "commissioner"

Insert: "without good cause and approval of the district court
judge"

AHB472c/JM/JM2

AMENDMENT TO HB2

POPLAR RIVER MONITORING

MOTION: That the Water Resources Division budget be amended to include, as a line item, \$15,650 in FY 88 and FY 89 for purposes of monitoring the water quantity and quality of the Poplar River.

SOURCE OF FUNDS: General Fund

11
3/19/87
2
Ua+he

POPLAR RIVER MONITORING

| <u>Water Quality</u> | <u>FY 88</u> | <u>FY 89</u> |
|--|-----------------|-----------------|
| Poplar River at international boundary | \$ 6,200 | \$ 6,200 |
| East Poplar at international boundary | 7,000 | 7,000 |
| East Poplar at Scobey | 7,000 | 7,000 |
| Water quality assurance with Canada | 3,900 | 3,900 |
| | <u>\$24,100</u> | <u>\$24,100</u> |

Surface Water Quantity

| | | |
|--|-----------------|-----------------|
| Poplar River at international boundary | \$ 3,200 | \$ 3,200 |
| East Poplar at international boundary | 4,000 | 4,000 |
| | <u>\$ 7,200</u> | <u>\$ 7,200</u> |
| Total | \$31,300 | \$31,300 |
| USGS share | \$15,650 | \$15,650 |
| Montana share | \$15,650 | \$15,650 |

Daniels County currently has a \$90,000 water development grant for Poplar River surface and ground water monitoring. It is anticipated that the carryover funds from the Daniels County grant and the proposed \$15,650/year appropriation could adequately fund the monitoring project in the FY 88/89 biennium.

HOUSE BILL NO. 2

INTRODUCED BY DONALDSON

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

1
2
3
4
5 A BILL FOR AN ACT ENTITLED: "THE GENERAL APPROPRIATIONS ACT OF 1987 FOR THE APPROPRIATION OF MONEY TO VARIOUS STATE
6 AGENCIES FOR THE BIENNIIUM ENDING JUNE 30, 1989."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 (Refer to Introduced Bill)

10 Strike everything after the enacting clause and insert:

11 Section 1. Title. This act may be cited as "The General Appropriations Act of 1987".

12 Section 2. Definitions. For the purposes of this act, unless otherwise stated, the following definitions apply:

13 (1) "Agency" means each state office, department, division, board, commission, council, committee, institution,
14 university unit, or other entity or instrumentality of the executive branch, office of the judicial branch, or office of
15 the legislative branch of state government.

16 (2) "Approving authority" means the governor or his designated representative for executive branch agencies; the
17 chief justice of the supreme court for judicial branch agencies; appropriate legislative committees for legislative
18 branch agencies; or the board of regents or its designated representative for the university system.

19 (3) "University system unit" means the board of regents, office of the commissioner of higher education,
20 university of Montana at Missoula, Montana state university at Bozeman, Montana college of mineral science and
21 technology at Butte, eastern Montana college at Billings, northern Montana college at Havre, western Montana college at
22 Dillon, the agricultural experiment station with central offices at Bozeman, the cooperative extension service with
23 central offices at Bozeman, the forestry and conservation experiment station with central offices at Missoula, or the
24 bureau of mines and geology with central offices at Butte.

25 Section 3. Other funds to offset general fund. The approving authority shall decrease the general fund

1 appropriation of the agency by the amount of funds received from other sources in excess of the appropriation provided
2 in this act unless such action is expressly contrary to state or federal law, rule, or contract or unless the approving
3 authority certifies that the services to be funded by the additional funds are significantly different from those for
4 which the agency has received a general fund appropriation.

5 Section 4. Expenditure limit. Expenditures may not exceed appropriations.

6 Section 5. Budget requests. (1) Sufficient funds are appropriated in this act to enable each agency to submit its
7 1991 biennial budget request to the budget director and the legislative fiscal analyst pursuant to the time schedule
8 established in 17-7-112(1). If any agency fails to submit its final, complete budget request by the deadlines
9 established in 17-7-112(1), the expenditure authority granted in this act must be reduced or rescinded by the budget
10 director unless the agency director certifies that an emergency situation has precluded a timely budget presentation and
11 the budget director approves an extension of the deadlines, not to exceed 30 days.

12 (2) Employees added through the appropriation of federal or state special revenues or proprietary funds in this
13 act may not be included in the current level budget presented to the 1989 legislature if their continued employment
14 requires general fund support.

15 Section 6. Detailed budget information. Within 2 days after submission of the preliminary executive budget to the
16 legislative fiscal analyst, the budget director shall give the legislative fiscal analyst the preliminary expenditure
17 recommendations by object of expenditure to the second level of detail and by funding source detailed by accounting
18 entity. Within 1 day after the legislative finance committee presents the budget analysis to the 51st legislature, the
19 budget director and the legislative fiscal analyst shall mutually exchange expenditure recommendations by object of
20 expenditure to the second level of detail and by funding sources detailed by accounting entity. This final information
21 must be filed in the respective offices and available to members of the legislature and the general public.

22 Section 7. Operating budget. (1) Expenditures by a state agency must be made in substantial compliance with an
23 operating budget approved by an approving authority as defined in 17-7-401. Substantial compliance means that no
24 category in the approved operating budget may be exceeded by more than 5%. Appropriations are contingent upon approval
25 of the operating budget by August 1 of each fiscal year. An approved operating budget must comply with legislative

1 intent as expressed in state law and legislative statements of intent. Legislative intent for the general appropriations
2 act includes a formally adopted narrative that accompanies the act.

3 (2) Each operating budget must include expenditures for each agency program, detailed at least by the categories
4 of personal services, operating expenses, equipment, benefits and claims, grants, transfers, and local assistance. Each
5 agency shall record its operating budget and any approved changes on the statewide budget and accounting system. Forms
6 used for changing an operating budget must reference the current fully completed and approved operating budget, show the
7 proposed changes to the operating budget, and reference any other pending documents to change the operating budget.

8 Section 8. Program transfers. Unless prohibited by this act or by statute, the approving authority may approve
9 agency requests to transfer appropriations between programs within each fund type within each fiscal year. The transfer
10 amount may not exceed 5% of the total agency appropriation. All program transfers must be completed within the same
11 fund from where the transfer originated. A request for a transfer accompanied by a justification explaining the reason
12 for the transfer must be submitted by the requesting agency to the approving authority and the legislative fiscal
13 analyst. Upon approval of the transfer, the approving authority shall inform the fiscal analyst of the approved transfer
14 and the justification for the transfer.

15 Section 9. Reduction of appropriation. In the event of a shortfall in revenue, the governor may reduce any or all
16 appropriations. No appropriation may be reduced by more than 15%. The following appropriations may not be reduced:

17 (1) payment of interest and retirement of state debt;

18 (2) the legislative branch;

19 (3) the judicial branch;

20 (4) school foundation program, including special education; or

21 (5) salaries of elected officials during their terms of office.

22 Section 10. Access to records of contracting entities. (1) Unless a contract made with a nonstate entity complies
23 with subsection (2), no money appropriated by this act may be expended for such contract. Such contract to provide a
24 service to members of the public on behalf of the state may be either written or oral.

25 (2) A contract described in subsection (1) must contain a provision to allow access, for legislative audit and

1 fiscal analysis, to the records of the contracting nonstate entity sufficient to determine whether the parties to the
2 contract have complied with the terms of the contract. Such an audit and fiscal analysis require access to records
3 necessary to carry out the legislative audit and analysis functions set out in Title 5, chapters 12 and 13.

4 (3) The state may unilaterally terminate any contract upon refusal by the contracting nonstate entity to allow
5 access to its records necessary to carry out such a legislative audit or analysis.

6 Section 11. Coal tax trust income. Interest income from the coal tax constitutional trust fund established under
7 Article IX, section 5, of the Montana constitution is hereby appropriated to the general fund for use during the
8 biennium ending June 30, 1989. The portion of the general fund that represents this appropriation is appropriated to
9 the department of commerce, the vocational-technical centers, and the university system.

10 Section 12. Severability. If any section, subsection, sentence, clause, or phrase of this act is for any reason
11 held unconstitutional, such decision does not affect the validity of the remaining portions of this act.

12 Section 13. Audit costs. Amounts appropriated for audits may be transferred between fiscal years. Agencies shall
13 reserve enough cash in each fund to pay for audit costs and shall to the maximum extent allowable under federal
14 regulations charge audit costs to federal funds.

15 Section 14. Totals not appropriations. The totals shown in this act are for informational purposes only and are
16 not appropriations.

17 Section 15. Appropriations. The following money is appropriated for the respective fiscal years:

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**AMENDMENT TO #82
WATER COURT FUNDING**

MOTION: That the Water Court funding be reduced from \$512,066 to \$216,033 in FY 88, and from \$503,396 to \$254,448 in FY 89.

Further, that \$100,00 of this water development fund savings be appropriated to the Environmental Quality Council for use by the Water Policy Committee to contract for an independent evaluation of the water rights adjudication program and to report its findings and recommendations to the 51st Legislature.

Proposed Amendments to HB 2

14
3/19/87
2

1. Page 6, line 3
Following: "Fund"
Strike: 26,000 26,000"
Insert: 126,000 126,000"
2. Page 6, line 6
Following: "Fund"
Strike: "26,000 26,000"
Insert: "126,000 126,000"
3. Page 6, line 7
Following: "FUNDING"
Strike: "267,233 237,442 504,675"
Insert: "367,233 237,442 604,675"
4. Page 6, line 24
Following: "Fund"
Strike: "485,966 486,160 972,126"
Insert: "242,983 243,080 486,063"
5. Page 7, line 3
Following: "Fund"
Strike: "504,366 504,560 1,008,926"
Insert: "261,383 261,480 522,863"
6. Page 7, line 5
Following: "FUNDING"
Strike: "4,809,808 4,687,595 9,497,403"
Insert: "4,566,825 4,444,515 9,011,340"
7. Page ____, line ____, insert the following:

"Section _____. (1) The water policy committee of the legislature created at 85-2-105 shall contract with a qualified consultant or consultants who have no conflict of interest in the water adjudication process to review, analyze and comment on the process and the results of the process, including, but not limited to, the various functions carried out by the department of natural resources and conservation, the practice and procedures being implemented by the water judges, and the need for legislative changes, if any. The water policy committee shall solicit recommendations from the water judges, the department, and other interested parties regarding the consultants to be retained, and the committee shall report to the legislature on the first day of the next regular session on the results of the consultants' findings and any proposed legislation.

(2)(a) No temporary preliminary decree or other interlocutory decree, preliminary decree, or final decree may be issued by a water judge from [the effective date of this act] until July 1, 1989.

(b) The water judges and the department shall cooperate

with the consultants retained under subsection (1). The water judges and the department shall perform their statutory functions in those basins where a temporary preliminary decree or preliminary decree has been issued.

(c) Nothing in this section limits the activities of a water judge to exercise jurisdiction over cases certified to the district court under 85-2-309, any matters necessary to enforce a final decree, any activities to process and decide issues related to objections to decrees issued before [the effective date of this act], or to exercise his direction of the department under 85-2-243, if not inconsistent with this section. Nothing in this section limits the department's functions to maintain centralized water rights records pursuant to Article IX, section 3(4) of the Montana constitution.

15
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AMENDMENT CONCERNING MLEA PURCHASE

Amend as follows:

Notwithstanding the provisions of the purchase option agreement entered into between the attorney general and the current lessor of the academy facilities, the state of Montana is entitled to purchase the facilities in Bozeman at a price of \$452,000 less the amount of principal and interest payments on the lessor's original indebtedness incurred to finance the facilities. The amount of principal and interest to be deducted from the purchase price must be calculated through the date of purchase according to the schedule of payments on the lessor's original indebtedness in effect on July 27, 1978.

VISITOR'S REGISTER

COMMITTEE

BILL(S) _____

DATE _____

SPONSOR (S) _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR VISITOR'S STATEMENT
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.

VISITOR'S REGISTER

COMMITTEE

BILL(S) _____

DATE _____

SPONSOR(S)

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR VISITOR'S STATE
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY