

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON APPROPRIATIONS

Call to Order: By Chairman Bardanouve, on March 27, 1991, at
8:03 a.m.

ROLL CALL

Members Present:

Francis Bardanouve, Chairman (D)
Ray Peck, Vice-Chairman (D)
Dorothy Bradley (D)
John Cobb (R)
Dorothy Cody (D)
Mary Ellen Connelly (D)
Ed Grady (R)
Larry Grinde (R)
John Johnson (D)
Mike Kadas (D)
Berv Kimberley (D)
Wm. "Red" Menahan (D)
Jerry Nisbet (D)
Mary Lou Peterson (R)
Joe Quilici (D)
Chuck Swysgood (R)
Bob Thoft (R)
Tom Zook (R)

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Jim Haubein, LFA
Sylvia Kinsey, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Note: The Chair and Vice Chair alternated in conducting the
meeting and are not always specified as Chair.

HEARING ON HOUSE BILL 676

Establish a Problem and Compulsive Gambling Program

Presentation and Opening Statement by Sponsor:

REP. GARY FORRESTER, House District 98, Billings, explained his bill as establishing a compulsive gambling program within the Department of Institutions. There was a general fund appropriation in the bill and he is asking for amendments in this committee that would remove the general fund appropriation and replace the revenue which is 1/2 of 1% from the State Special

Revenue Gambling License Fee account which seemed to have an excess last year of about \$1 million. EXHIBIT 1, proposed amendments was submitted. Gambling has created revenue for towns and the state but it has also created a monster.

Proponents' Testimony:

Diane Roberts representing a citizens group, Don't Gamble with the Future, told of receiving calls from people who were in trouble because of gambling. They know Montana will have a few thousand people in trouble because those are the national figures. We have the responsibility to respond to the many people and their families who are in trouble because of this addiction. She urged the committee to give favorable consideration to the bill.

Opponents' Testimony:

REP. DAVE BROWN, HB 72, Butte, said he opposes this bill. They tried to deal with this issue in 16 months of testimony before the Gaming Advisory Council, held hearings in five cities around Montana and heard evidence there was 7/10,000 of 1% of the problem known in Montana. There were many related disorders since there was compulsive behavior that involves alcohol, maybe gambling, eating, etc. This was not a problem we need to rush into. He submitted a 4 page memo from Mr. Chisholm, EXHIBIT 2, which explains the things needed to set up this program.

Questions From Committee Members: REP. KIMBERLEY said he had attended one of those meetings and did not get the impression that compulsive gambling is a problem with only a small percentage of the populous. The testimony in Billings was a constant parade of real horror stories and he was led to believe there is indeed a serious problem statewide. REP. BROWN said he would reemphasize that the Billings area was the one where they heard from five or six folks who had gambling addiction problems and told some horror stories. Billings was the place where they heard from more people. From the treatment center people who came in when we asked the specific question of how many people have you treated or seen in this area for gambling addictions in the last period of time, the numbers were very small.

REP. CODY asked REP. FORRESTER about how the funding was changed. REP. FORRESTER said they had a general fund appropriation and now with the amendments, it will take money from the DOI in the State Special Revenue License account. He checked with Mr. Schenck, LFA, this morning and he told him there is about \$900,000 in that fund and it seems the fund is generating excess money every year. He felt it was important to remember we treat this as an industry and money should be taken from the industry creating the problem to treat the problem it created.

REP. CODY asked how much of the \$900,000 are you taking. REP. FORRESTER said he thought about \$35,000 or \$36,000 per year.

REP. CODY asked Kathy McGowen while she was aware of the problem, she was concerned that we do not have people who are prepared to counsel for gambling addiction. She asked if there are people in the community base centers who are prepared to take on this task? Ms. McGowen said not to her knowledge. The other thing she would be concerned about this being funded out of DOI, would be whether we had adequate dollars to expand into other programs. They are barely scraping by now with the programs they have now and to try to expand into other areas could be detrimental to other programs.

REP. CODY asked, in the two years you have been holding hearings, can you tell me why the Gaming Advisory Council didn't come up with a good proposal. REP. BROWN said this bill actually came out of the interim advisory council with a lot of questions still ill defined so far as the council was concerned.

REP. GRADY asked REP. BROWN, saying he knew his feelings on gambling, but didn't you feel maybe the industry should start addressing some of these issues if we want more gambling in the state? REP. BROWN said there is an absolute responsibility to do that, the only question is at what pace do we proceed. Will throwing money at a problem make it go away and there is already legislation through that gets us well down the road on this area, but does not get us into the area of sending out folks in the field to set up those treatment centers. The question is how much can you do and how fast can you do it.

Closing by Sponsor: REP. FORRESTER said he would stress this program is a start, it doesn't actually begin until a year from now. That is when the DOI would get the program in place. If we want to hide our head in the sand and admit there is a problem but do nothing about it you go with REP. BROWN's plan, if you want to start addressing it, pass this bill.

HEARING ON HOUSE BILL 980

Designation of State Epidemiologist

Presentation and Opening Statement by Sponsor:

REP. ANGELA RUSSELL, House District 99, Lodge Grass, said this would get a state epidemiologist in DHES and sets up the powers and duties for the department. She became interested in this because she could not get information, the reason being there was no epidemiologist to consolidate the data. This bill puts in a \$50,000 appropriation for support staff to collect data; the potential is there to gather the data, but there is no analysis going on.

HEARING ON HOUSE BILL 981

Appropriation for Program for Emotionally Disturbed
Children and Adolescents

Presentation and Opening Statement by Sponsor:

REP. ANGELA RUSSELL, House District 99, Lodge Grass, said this bill would develop a comprehensive coordinated system for in-state services to meet the long term care needs of emotionally disturbed youth. This bill takes a look at community based services for emotionally disturbed children and keeping them in a least restricted environment and setting up joint responsibilities between the public and the private individual. It is looking at the possibility of bringing back children that are out of state that are very costly at this point and looking at alternatives for in-state treatment. There was a \$3 million request to begin with and it is brought down to \$400,000 and the other day when she talked to them they were willing to settle for \$50,000 which would be used as a match to start a pilot project.

HEARING ON HOUSE BILL 978

Require SRS to Seek a Waiver to Provide Services in
Personal Care Facilities

Presentation and Opening Statement by Sponsor:

REP. JOHN PHILLIPS, House District 33, Great Falls, distributed EXHIBITS 3 and 4 and said it seemed if we can keep an elderly person in a room or a bed that costs \$900 versus \$2300 when they have some mobility, it made sense. The feds don't support medicaid for that now without a waiver but it will in 1994.

Proponents' Testimony:

Jean Johnson, Executive Director, Montana Association of Homes for the Aging and represents retirement homes, nursing homes and personal care facilities in Montana, spoke in favor of the bill. The bill asks for authority for SRS to go to the Federal Government and ask for a waiver to allow medicaid reimbursement to medicaid eligible folks living in personal care homes. The other thing the bill asks for is money. The money is only \$60,000 which will act as seed to reap \$213,523 and with that money they will reimburse personal care facilities, no more than 4 representing the 3 different size groups, no more than 100 beds for one year. They would then be able to determine how cost effective it would be. She discussed personal care services in Montana and referred to EXHIBITS 3 and 4. She said Mike Hanshaw was here from SRS to answer any questions about the waiver.

Questions From Committee Members: CHAIRMAN BARDANOUVE asked for clarification between this waiver and the usual waivers for nursing home care. Mr. Hanshaw, Medicaid Services Division, SRS, said the traditional waiver is a special program set up to deal with people, who in the absence of these services would be in nursing homes. This waiver is really a request to the Federal Government for an exemption from their regulations that relate to personal care and has nothing to do with the medicaid waiver

program. A better way of saying this would be that we are asking them for an exemption from some of their regulations. The waiver program funds home based services, some group homes, but does not fund any services delivered to people in licensed personal care facilities.

REP. BRADLEY said the bill states homes are regulated by certificate of need. Where are we heading with that since we are talking about phase down and terminating certificate of need, and where are we with it now. Mr. Hanshew said it is his understanding the certificate of need process will stay in place, but when we get information on certificates of need, Licensed Care Facilities is one of the fastest growing health services in Montana. There are probably a half dozen certificates of need to expand these long term nursing home beds. This is following where the demand is.

REP. BRADLEY said you state the costs range from \$400 to \$1400 a month. She finds \$400 almost unbelievable, and would be concerned about going through in short order the same process they just went through with nursing homes where we were adding percentages on each year and find we are so far behind we have to enter a whole new chapter called rebaseing. Mr. Hanshew said that is the whole subject of the personal care pilot project, if we fund it, to establish what a reasonable rate is. The second issue as it relates to the nursing home rebasing is the federal law they foresee as the issue of reimbursement in both nursing homes and hospitals, does not now apply to this service. It is like physician services and other services in that there couldn't be a federal suit, at least one based on the Boren amendment legislation, on this particular service at this time.

REP. BRADLEY asked if it was not applied to this kind of facility because most states haven't entered in to this kind of facility yet and as soon as everybody does we will have another Boren amendment? Mr. Hanshew said that could well be, but there were some differences of opinion as to the intent of the Boren amendment. Some say it was actually a cost control measure that has been reinterpreted by other courts to set up a floor for rates rather than a ceiling, and that could well happen with this service. In 1994 we will have the option of entering into this kind of service, and the purpose of the pilot program is to give us information to make an informed choice.

REP. CODY asked if we were setting up another entitlement program. Mr. Hanshew said it could be an entitlement program if the Legislature in 1994 made the choice to add it as an optional service. It would then have eligibility criteria established and would be entitled to the service. It is by no means certain that the federal government will give us this waiver. We would have to ask them prior to 1994 and limit it to a pilot program and not make it into an entitlement program.

REP. COBB asked how long it would take to get the waiver and how easy it was to get. Mr. Hanshew said nothing comes real easy from the federal government. They planned to get the waiver in the first year of the biennium and the contingent on the waiver services would start in the second year. REP. COBB asked who would write the waiver up. Mr. Hanshew said the folks in his bureau would be responsible for implementing the program. If the bill passed we would start now.

CHAIRMAN BARDANOUVE asked with this limited program, how do you select these people. Mr. Hanshew said they do a request for proposal process where they ask facilities of different size that wish to participate to make a proposal to the Dept. Once these were selected they would have to put together a pre-screening process for those who met the eligibility criteria and was going into one of those facilities where they would be eligible for medicaid.

CHAIRMAN BARDANOUVE asked if they did not get the waiver, would you spend this money and Mr. Hanshew said no, it would revert back.

Closing by Sponsor: REP. PHILLIPS said it makes sense to keep somebody in a facility that gives them a better quality of life instead of being put into a nursing home with a death warrant.

HEARING ON HOUSE BILL 999

Generally Revise Laws on Out-Of-District Placement of Child with Disability

Presentation and Opening Statement by Sponsor:

REP. RAY PECK, House District 15, Havre, said this bill is a combination bill with REP. SWYSGOOD. REP. BRADLEY had a bill in the committee which dealt with residential care and REP. RICE had a bill on it but no one has thought about the implications on education we see. HB 304, Hannah's bill last session, is the bill that created this problem since they had a specification that you had to have a minimum of 30 beds. Shodair Hospital is challenging that requirement saying it is discriminatory and you cannot do it. About 84 Montana children receive treatment outside of Montana this year and that translates into about \$1.6 million. The residential psychiatric care is an optional medicaid service without a 3-1 or 4-1 match. It appears to be one of those optional services that once you get into it you can't back out. This relates to the Montana schools because the education costs that are associated with those kids in those out-of-state facilities are not paid by medicaid. Those facilities bill back to the school district those educational costs. Some kids go into these facilities who do not qualify for as being handicapped under the special ed law. You may have a sexual offender who is a top student and cannot be certified as handicapped in terms of the educational aspect. The ANB is lost

to the school district, but the school district is paying the educational costs. The school districts are often a very small rural school district, may have a very low tax base and are up against I-105 and have a very difficult time paying the bill without ever having participated in the placement of the kid. He said REP. SWYSGOOD had a good idea that the costs be paid for those non-special ed students out of a county levy rather than a local levy so it would spread the responsibility. That fits well with the concept of how we handle high school tuition, it is a departure from the elementary tuition. He distributed proposed amendments EXHIBIT 5 and said they would cover the concern at an estimated cost for these out-of-state placements at about \$100,000. He walked the committee through the bill and discussed areas such as limiting the cost that can be collected against the district, etc. The appropriation in the bill as submitted was \$3.342 million. That has been decreased after careful examination to \$2.471 million.

Proponents' Testimony:

Dori Nielson, OPI, said the Special Education people could not be here today and she does understand it but not to the degree they understand it. This is a bill designed to remedy newness and inequities in the way educational fees are paid for children who have been placed in private residential programs and psychiatric hospitals for children. Under current law the school district of residence is responsible for education fees for children placed in residential programs. Almost all of these children have been placed by state agencies and not by the schools. Essentially schools have financial responsibility for decisions made by the DFS. The services are important and necessary and very often these children are difficult to educate also. It isn't that the service is not essential, but the schools often don't have decisions in the financial obligation they have to take on. The costs have been escalating wildly with the average annual rate of increase about 30% per year for in-state residential costs. This bill imposes cost controls that are extremely rigid and that is a very important component of this bill. She gave the example that currently in-state residential program funds have been provided in the amounts of \$561,000 in Special Education, \$131,000 for cost to Yellowstone Public School which has no ANB count so theirs becomes a special education cost. \$31,000 in contingency aid out of approximately \$500,000 that is available and \$250,000 in tuition costs. The total of these figures is \$973,000. Under this bill if the containment were in place for in-state residential facilities next year those same costs would have been limited to \$666,000. The bill also provides funds for educational fees for children in psychiatric hospitals for costs that are coming on in the future. She believes the bill corrects numerous problems in our current out-of-district educational fee system and does so in a cost effective manner.

Opponents' Testimony:

Jim Smith, Montana Residential Child Care Association and representing a couple of providers, said this bill has many commendable features. It is necessary that the law be clarified and said that anyone who was not confused just didn't understand what is going on in the bill. This bill does clarify the law, it addresses the real issues that were spoken to. On the other hand a couple of the providers that REP. PECK mentioned do stand to lose money on this arrangement, specifically the Yellowstone Treatment Center and the Intermountain Children's Home in Helena. Their analysis up to this point, tells them that with this arrangement they will probably lose up to 25% of the reimbursements they are currently receiving for providing for the education of the kids that come to their facilities from other districts. It gets complicated trying to deal with what is and what is not an allowable cost as set forth in Section 8 of the bill. These two facilities are concerned that there are no rules in place governing what is an allowable cost and what is not. If the bill should pass they would ask that the rulemaking process begin immediately.

Questions From Committee Members: REP. CODY asked if the two groups Mr. Smith represents are private profit or non-profit providers. Mr. Smith said the facility in Helena is a private non-profit corporation and he believed Yellowstone Treatment Center was also non-profit. REP. CODY said if they are non-profit groups doesn't that also exempt them from taxation? Mr. Smith answered yes.

Closing by Sponsor: REP. PECK said OPI has taken this bill out to everyone. They discussed it with Special Ed directors, with providers etc. The only provider who objected in the House Education Committee was the Yellowstone Education Center. The rest came and were reluctantly positive about it saying we need the bill. The Special Ed Directors say yes, we need the bill. School Administrators say yes, we need the bill if we are going to get any kind of handle on the situation. He said we need this bill, it is not a perfect bill and 2 years from now we will probably hear more about it, and with the rapid growth in the area this is a necessity for the school districts.

CHAIRMAN BARDANOUE asked if the money were removed from the bill would there be any value to the bill and REP. PECK said yes, there would be some administrative value. If he has no money he has no power. It would have some value without the money, but very little. Ms. Nielson said there were some components that would help.

HEARING ON HOUSE BILL 905

Building a New Century

Presentation and Opening Statement by Sponsor:

REP. DOROTHY BRADLEY, House District 79, Bozeman, said she was surprised that none of the committee amendments from the Business and Economic Development Committee had been put in the bill. She said the copy of the bill that is marked "corrected copy" in the lower right hand corner has the amendments in it. She had one other sheet of amendments, EXHIBIT 6. The subcommittee that met with this bill and REP. HARPER's bill in the Business Committee did a lot of thoughtful work. This bill, the bank bill, started out with a loan program and a grants program. The loan program was built on top of the water development project loan, enlarged the number of entities who could go after the loans, increased the eligible but did require a pay back. It had a separate fund into which the dollars remained and then would come out and roll into the bank fund. From that came the grants as opposed to the loans. The concept of the grants was for projects of statewide interest and it was outlined that it included a 5 year statewide capitol improvement program and also state buildings and real estate. One to be prioritized by FWP and the second by the DOA. Since these are already done there would be no new FTE needed to prioritize those projects. They took the loan program out of her bill and decided REP. HARPER's bill would be the loan program. The subcommittee put all the grants in this bill. The grant proposals can come in 2 years from now for state parks and historic sites.

Questions From Committee Members: CHAIRMAN BARDANOUVE asked if these two bills have now become companion bills. REP. BRADLEY said no. These projects are subject to a 3/4 vote approval of the Legislature. She explained more on projects and grants.

CHAIRMAN BARDANOUVE said if one bill fails and the other passes, how will the program work? REP. BRADLEY said they can pass together, apart or not at all, but they are compatible. If one fails you either have loans or grants but not both.

REP. COBB said if they both pass would you need some sort of coordination clause since there is the same amount of money going into both? REP. BRADLEY said she didn't think so, because of the way REP. HARPER's bill works is that in his program it will happen first before any of the revenue goes in the bank.

Tape 1, side 2

There was discussion between the bills on revenue, interest, etc. REP. COBB asked if this bill takes a majority vote to pass and then 3/4 vote for each project next time. REP. BRADLEY said yes.

REP. GRINDE said they have turned this program into a grant, but does it still have the capability of the \$12 million that could go out because of our bonding capacity for loans. REP. BRADLEY said her bill has no ability to do any loans. Everything that enables a loan is stripped. If this bill passes without REP. HARPER's the only loan program that continues is the existing water development loan program. REP. GRINDE said if both of

these bills passed he could not understand that portion, they are both going for the same amount of money. REP. BRADLEY said she would get whatever was left over.

REP. GRINDE said he would like to comment on the three bills with these two and the Governors and would hope all three would be considered at the same time. There will be eventually through one of the three bills, a loss to the coal severance tax income fund which funds the general fund and the school foundation program. REP. BRADLEY said in two years and \$20 million of prioritized projects are given a 3/4 vote out of this assembly, then that revenue would be lost in the next biennium for accumulating interest which would go to the general fund and the foundation program.

REP. CODY asked if there is anything that says we can't strip the amendments from the bill. REP. BRADLEY said this committee can do whatever it wants, but until this bill gets to the floor that would be like a slap in the face to the subcommittee that worked on it in the Business committee. REP. CODY said she had yet to see a bill from the Senate that hasn't either stripped amendments or put them in and is just a part of the process. With all three bills losing some general fund monies down the road, do you have any idea of the amount as it relates to all three bills? REP. BRADLEY said she had not calculated the loss on REP. HARPER's bill, the loss on the Governor's bill is pre-determined that \$20 million is diverted and it is diverted immediately so it actually has the loss of interest at a cost to the general fund for this coming biennium. On her bill the diverted money would depend on how many of the projects the legislature decided to go for.

REP. GRADY said he had trouble figuring this out too. In talking about state parks and historic sites, will they get thrown into the pot, or is there a certain amount of this that will be assured that state parks and historic sites would have money available? REP. BRADLEY said it is possible they would not get anything, but they had specifically set it up to take the capital improvements part recommended by the Park Futures Committee. Originally when drafted, it was limited to \$4 million a year they could apply for and it would be a 5 year period.

REP. GRINDE said he needed more information on the two bills and the funding available. REP. BRADLEY had stated she got what was left over, and as he read REP. HARPER's bill, it is a long term project. He will start taking money out and in the beginning there might be more available for your grant programs, but as his accelerates in time, yours would become less? REP. BRADLEY said she did not think so but was not sure she could explain it. He said he agreed with REP. CODY there should have been one consensus bill coming out, and it seems to me you are taking the short end of the stick. You put both these bills into the system, we have set up a grant program that is available now and a loan program.

REP. COBB asked REP. BRADLEY if she had concern if the amendments were put back in but allowed both grants and loans? REP. BRADLEY said hers originally had both. In totalling this she thought in two years there could be available \$60 million for loans. She did more comparison on the two bills.

Closing by Sponsor: REP. BRADLEY said she wanted to respect the work of the subcommittee and was not trying to turn around anything they did even though she did not entirely agree with them.

HEARING ON HOUSE BILL 1008

Allocate Coal Tax Separately for Parks and Cultural Projects

Presentation and Opening Statement by Sponsor:

REP. FRANCIS BARDANOUVE, House District 16, Harlem, said the Committee on Long Range Planning has been listening to testimony on the parks. We all realize the parks are in a pretty miserable position. We have failed to keep them up and this is a result of our desperation. There is a serious lack of maintenance and preservation of what we have. The parks system has a trust fund from the coal. 2/3 of the money from that trust goes to the parks and 1/3 to the cultural projects. The trust remains and the interest off that trust goes in the same proportion and generates several hundred thousand dollars a year in interest and is a little under a million dollars for the biennium. In this bill the interest for a 2 year period would not go in the trust but directly to the parks for maintenance.

Proponents' Testimony:

K. L. Cool, Director, FWP, distributed EXHIBIT 7 and explained it. This shows the coal tax distribution, the parks portion, the proposal, history of the parks and gave examples of threatened historic resources. This concept has been reviewed with the Governor personally, he supports the concept and the utilization of these funds for the two year period.

David Nelson, Montana Arts Council, said they support the bill but would like to point out a number of things. This creates in perpetuity, a cultural trust--the 1/3 is divided out and becomes a cultural trust while the Parks 2/3 would be temporary. It would be difficult to come to the committee with an arts emergency, so the value of this cultural trust to the cultural community is its long term stability and its potential to grow. This would give the chance for the cultural trust to grow. As it stands now any money we would leave in the trust, 2/3 of that dollar would go to the FWP. There was a rounding error in the bill and passed out an amendment to correct it. EXHIBIT 8

REP. ED GRADY asked to be listed as a proponent.

REP. JOE QUILICI asked to be listed as a proponent.

REP. BERV KIMBERLEY asked to be listed as a proponent.

REP. MARY ELLEN CONNELLY asked to be listed as a proponent.

REP. CHARLES SWYSGOOD asked to be listed as a proponent.

Questions From Committee Members: REP. CODY said she had no trouble trying to cap the fund for two years, but what about this bill going strictly to maintenance? REP. BARDANOUE said he would like to acquire more park land, but the reality is we have acquired more now than we can properly maintain. This is an attempt to maintain the parks we now have. REP. CODY said she knew that was what was being attempted, but that is not what the bill says. In the title it allocates this tax to separate trust funds that would be deposited in a non-expendable trust fund for park's acquisition or management. REP. BARDANOUE said he would have no problem with the committee amending that out since there was no attempt to acquire anything.

REP. GRADY asked Mr. Cool to comment on the title. Mr. Cool said he thought that represented current law and the acquisition of parks property is controlled by the Legislature so it is within their control. There is no attempt to acquire anything with this 2 year funding source which will not provide enough funding to handle our high priority projects in terms of historic sites and stabilization of those areas. REP. CODY said this is not only in the title but was repeated throughout the bill. If she were to support the bill it should be spelled out more specifically that it was not for acquisition.

REP. THOFT said the only problem he has is with the termination date. He really would like to do it right and make it 4 years. REP. BARDANOUE said he very reluctantly agreed to even accept 2 years. We lose money on this and it is a long term loss to the trust. REP. CONNELLY said early in the session this was voted down by the committee, then with the lack of maintenance and restoration money we decided to try this. If we don't do it now, since these things are falling apart we will lose them.

REP. GRADY asked if we wouldn't be more assured of getting something done here in the next couple of years than we would in REP. BRADLEY's bill. There would be no chance of getting the money for a couple of years and no assurance we would even get the money to do it. REP. BARDANOUE said he was probably right.

Closing by Sponsor: REP. BARDANOUE said he did not love the bill, but the "patient" is a ill, needs a shot in the arm, and if we don't take care of this crisis we may lose the "patient".

There was a 10 minute break followed by CHAIRMAN BARDANOUE announcing the bills that still had to be acted upon. In order to resolve HB 5 we would have to resolve HB 528.

EXECUTIVE ACTION ON HOUSE BILL 528

Request for Proposals for Siting of Women's Prison

Motion: REP. KADAS moved HB 528 do pass. Second by Rep. Nisbet.

Discussion: REP. QUILICI said REP. MENAHAN has amendments for HB 528 and went to get them.

Motion to Amend: REP. BRADLEY move to amend page 3, line 24 to change the 200 beds to 100 beds.

Discussion: REP. THOFT said he would resist the amendment, he did not think we should go below 120 beds.

REP. BRADLEY said one of the reasons she felt so strongly about the 100 bed facility is because the women's prison population is not a population that needs to be in a big facility. The big facility has the high construction costs and the small facilities have the more concentrated programs, you can move people out of them faster and give them the skills like the life skill center does in Billings. To go for 100 prisoners is an appropriate compromise. The Committee Corrections Bill has now passed unanimously out of the Senate Committee and will go to the floor. In two years time communities can bring in proposals to put smaller units and pay for them on a per bed basis in their community. She has resisted building s women's prison but there has to be something because the present system is such a disaster.

REP. THOFT commented that these ladies are becoming more violent all the time and do need to be in prison and in order to have programs for those people you will have to have an institution that can provide some sort of training and rehabilitation. If this were scattered all over the state the costs would be much higher. Support facilities were needed for 200 beds and believed it would be a big mistake to do otherwise. If you don't build it now you will soon be into remodeling etc., and it would be a mistake to go below 120 beds and an even bigger mistake to scatter it all over the state.

Substitute Motion to amend: REP. NISBET moved this be 120 beds. Second by Rep. Cody.

Discussion: REP. NISBET said he agreed with REP. THOFT and the 120 beds was the minimum amount of beds the department felt was necessary.

REP. BARDANOUE said he felt it was wrong to go above 100 beds. It just means down the road we will have 20 more women in that prison that should be in community based services. In some way Montana has ignored the local facility women's prison. We put in one center in Billings and it just died there. Rather than freezing ourselves into a high cost prison there is no reason

that down the road we cannot add another dormitory if we need it. This is one area we must recognize women are not equal to men since they are not as violent as their male counterparts, and a higher percentage of women prisoners can be held in local facilities. There are some bad women prisoners, but basically the history of women in prison is not as bad as that of men in prison, and the state should lean more toward community based facilities.

REP. KIMBERLEY said he was not sure what the magic number is, but is inclined to agree with 100. The Life Skills Program in Billings is one of the few programs he had ever seen that he would conclude works, and works very well. The building is located across from a junior high school and it is not in trouble. The people in the neighborhood were scarcely aware that it exists because it is not a problem. The women go out during the day and work at their particular jobs, act comfortable in the setting and appear to be well adjusted. It is an excellent program.

REP. GRADY asked if both motions would be built so it would be easy to add on at a later date. **REP. BRADLEY** said she would not resist building a facility that could be added to and said there would be a greater set of options with the community based facilities since if a 200 bed facility were built we would fill it. **REP. NISBET** agreed but felt it was wiser to have a 120 bed facility since the Dept. had said this should be the minimum. **REP. THOFT** said he did not disagree, but wanted members to remember these community based facilities are pre-release centers and we have women prisoners in Warm Springs that are not ready for a pre-release center. In speaking of the women prisoners in Billings these are pre-release and not the ones that need to be locked up.

REP. GRINDE asked if there were any projections given on the increase or decrease in crime over the next 10 to 20 years? **REP. BARDANOUE** said the Dept. projected a rise in the population of women's prison into the year 2000 or so in which we would have a 200 bed prison filled. **REP. NISBET** referred to a handout **EXHIBITS 10 and 11** and said the Dept. predicted by 1998 it would be up to 129 individuals. According to the Dept. projections a 120 bed facility would carry us through about 1996 where they project 120. He said the question is shall we build a 100 bed facility which according to the Dept. projections would carry us through about 1996 and then add on in 5 or 6 years. **REP. BARDANOUE** said the 200 bed proposal is the prison in Minnesota and they have at least 5 times the population of Montana and their 200 bed facility is full. Minnesota also has a great many community based facilities, so if the 200 bed facility there with five times the population has held their women prisoners many years, then Montana with 1/5 the population a 100 bed facility should be ample for several years down the line.

REP. NISBET closed on his substitute motion by saying the need will be there within the next 10 years. If we build an undersized facility now it will cost us more later when we have to add on.

Vote: Motion passed 13 to 5, roll call vote # 1.

REP. MENAHAN said he had amendments from the Dept. and some of his own. He had amendments drafted that would change some of the waiting system to try to make it more favorable than eliminating people which he felt HB 528 does. He discussed this with **Mr. Chisholm** and asked him to change what was necessary. The Dept. Amendments were the result of this.

Mr. Chisholm addressed the amendments, **EXHIBITS 12** and **9**. He said one of the things that needs to be understood is that he has the distinct feeling that the comfort level of this committee is best served if we had a bonded bill for the funding of the women's correctional center as opposed to having the communities raise the revenue and go with the GO leases. These amendments presume you would bond a 120 bed facility in HB 5 so the financial aspects have been taken care of. If that is the case, these amendments are intended to restructure HB 528 into a bill that authorizes the committee and the process the committee will use to make the final decision. It appropriates dollars to fund the work of the committee. He discussed the committee briefly and referred to **EXHIBIT 10** saying it was a comparison of what the Dept. and HB 528 is on record for and he walked the committee through the comparison. The amendments are a compromise and felt it would be the easiest method of continuing with this endeavor.

REP. MENAHAN said he had some concerns about both the Speaker of the House and the Senate President being from Helena as well as the director of the Institutions.

REP. KADAS asked **Mr. Chisholm** in (6) where the recommendation shall be made to the director of the Dept. of Institutions and must be binding unless there is found to be an error in process or fact. What happens if there is an error in process or fact? **Mr. Chisholm** said if that should be the case the decision would be remanded back to the committee to correct their error. There would have to be some reconsideration of what they had done so the decision is a clean decision. **REP. KADAS** asked **REP. BROOKE** to respond to the amendments. **REP. BROOKE** said she thought amendment 2 seemed redundant and did not know the reason for it. On page 1 of the bill, line 13, all of this kind of language is already contained there, and if they put the amendment in she felt other language would have to be stricken. On amendment 3 (2) **REP. GRINDE** had asked for **Mr. Chisholm** and herself to have an informal meeting and encompass some agreements. This was not one of them. (3) was an agreement and so far as sub section (2) was concerned she still felt the language in the bill reflects the request for proposal and does not feel it violates any agreement the institution has made with the community and felt it was unnecessary since it is governed by the criteria in the

request for proposals. That is redundant since in the bill it already has the kinds of things that are in the request for proposal. She said the bill speaks of mandatory criteria and that is different than the request for proposal so it may be confusing to the committee. the committee would be better served to have a clear guideline as to what is mandatory and what would be scored. in 3 (4) (a) in regard to the particular people, she still stood with what is in the bill and it was discussed in their meeting and Mr. Chisholm knew that she would stand with the bill. The expertise in the subcommittee is valuable and if the Governor appointed those people on that subcommittee she felt he would support their findings. Those who have gone through so much of this process will not have to be educated once again. The subcommittee is very much aware of the issues. She objected to amendment 7, the term women's correctional center would be changed to women's correction facility. She felt this institution would stand on its own and felt it was important.

CHAIRMAN PECK asked if it would be fair to say **REP. BROOKE** was not highly attracted to the proposed amendments. **REP. BROOKE** said they were highly unnecessary in one area at least. **REP. BARDANOUE** said he saw absolutely no reason why there should be a representative from A & E on this selection committee. This is a selection committee, not a designing committee. He really respected that office but did not feel they should be on the selection committee, they have nothing to do with selection. This is an appropriation bill and the Legislative council says we cannot form a committee in an appropriation bill.

REP. JOHNSON said he was not sure if **REP. MENAHAN** has it in his amendments, but the person from A & E should be in an advisory capacity and not a full member of the committee.

REP. MENAHAN said he had some objections. Just limiting it to the subcommittee is not fair. It should be open to the whole committee. He attended some of those meetings and already some of those people have determined where they want the site to go. If those people are appointed you might as well skip the process, those minds are made up. He did not feel HB 528 was fair either and would like to see it be a fair process.

CHAIRMAN PECK asked why there hasn't been an ongoing process since the bill was presented and some agreement on these amendments, rather than come in with them now. **REP. MENAHAN** said they have been working on this on their own and had some amendments and did not know which way it was going to swing. He would like to have a couple hours to work on this since he had thought the bill would not be up until this afternoon. **REP. BARDANOUE** said he felt the committee members would all be on the floor until very late. Something would have to be done today since HB 5 had to go out.

Mrs. Cohea said she understood the Chief Clerk's office needed all bills out of committee to be read across the rostrum today.

CHAIRMAN PECK asked if this could go on the floor and be amended there? **REP. MENAHAN** said he did not think so. **REP. BARDANOUE** said it was not quite fair to **REP. MENAHAN** not to act on it in committee.

REP. CODY said she did not think it was that far apart and felt it could be worked out here. Regarding the amendment that was offered by the Dept., we could make the A & E position advisory. The site selection should be able to be solved. All we really need to say is that no one will serve on the committee that has a special interest in where the site selection is. She thought this was already in the bill.

REP. BARDANOUE said he imagined the committee could agree on the amendments, but first he would like to find out if the committee wants to pass this bill or the other bill. If we are going to pass this bill we can work on the amendments, if not, it is not necessary. **REP. THOFT** said this is not the last hearing this bill will have and would suggest the amendments be moved.

Motion to Amend: **REP. MENAHAN** moved to amend HB 528, EXHIBIT 9 be adopted. Second by Rep. Cody.

Discussion: **REP. QUILICI** said there are some of these amendments he likes, without certain amendments in this bill he would not support the bill. He would be willing to amend it and let the floor work on it. **CHAIRMAN PECK** asked **REP. MENAHAN** if he was going to give any consideration to his amendments, EXHIBIT 12. **REP. BARDANOUE** said we are ignoring anything **REP. BROOKE** wants in her bill. **CHAIRMAN PECK** said if we take a look at the other amendments, the majority of the committee might prefer them. **REP. MENAHAN** said with these amendments, we take part of both **REP. BROOKE's** bill and the Dept. recommendations and then put on the board one financial advisor and one representative of the Board of Pardons. EXHIBIT 12 takes some of the recommendations by the Dept. and put it in some of the weighted criteria to change it around. That basically is what was done with these amendments. **CHAIRMAN PECK** said one of the things that bothered him about the Dept. amendments is that they would limit it to the 8 communities that are currently on the list, and yet we will be significantly changing the bonding that will take place and remove that responsibility from the local community. He asked if **REP. MENAHAN's** amendments deal with this and was told no, they stayed with the eight communities because when they made the request for proposals they had a couple from their area they felt were the best proposals, now if you open it up those communities who did not put in can see our proposal and have the advantage. **CHAIRMAN PECK** said he felt they would have a chance to revise their proposal somewhat if they went to GO bonds. **REP. MENAHAN** said, but we already made theirs and they get to come in behind. He felt the bids should remain and those who pulled out did so of their own free will.

Tape 2

REP. QUILICI said he did not want to make a substitute motion but if possible would like to amend the amendment. He said on the handout ex-officio members, it talks about Mr. Russell and Mr. Burgess. The amendments REP. MENAHAN handed out says one representative from the Board of Pardons. The five members on the Board of Pardons probably know more about the criminal justice system than a lot of people. He would propose an amendment to strike A & E and insert one member of the Board of Pardons. CHAIRMAN PECK said it would be proper to make such a motion after the amendment was acted upon.

REP. KADAS said the more he looked at the bill and all the amendments the more comfortable he was with the bill as is.

REP. BARDANOUVE said he could not see what the Board of Pardons had to do with the site selection. The other thing was why did we need a financial advisor when we put the bonds through our government bonding agency.

REP. CODY asked, if we pass out the bill with the amendments and it is read over the rostrum at one, when is the bill considered. REP. PECK said it would be 2nd and 3rd vote tomorrow. REP. CODY said this would give anyone the opportunity to work on the amendments to the bill.

Vote: Motion to adopt the Dept. amendments passed 9 to 7 with 2 absent, roll call vote # 2.

Motion/Vote: REP. CODY moved HB 528 as amended do pass. Second by Rep. Thoft. Motion passed 11 to 4 with 3 absent, roll call vote # 3.

EXECUTIVE ACTION ON HB 5

Appropriation for Capital Projects

REP. CONNELLY said she had a clean up amendment for the bill.

Motion: REP. CONNELLY moved HB 5 do pass. Second by Rep. Grady.

Motion to Amend/Vote: REP. CONNELLY moved to amend HB 5, page 10, EXHIBIT 13. Motion passed unanimously.

CHAIRMAN BARDANOUVE said the Dept. says there must be an amendment in this bill on the Women's Prison.

Motion/Vote: REP. THOFT moved to amend HB 5 on page 9 following line 24 insert "Construct Women's Correction Center \$10,075,600" and then page 10 they change the totals. Second by Rep. Nisbet. Motion passed unanimously.

Motion/Vote: REP. PECK moved HB 5 do pass as amended. Second by Rep. Grady. Motion passed 17 to 1 with Rep. Cody abstaining.

EXECUTIVE ACTION ON HB 963

Long Range Building Bonds for Montana Development
Center

CHAIRMAN BARDANOUVE said HB 963 was his bill that was passed out on the bonding facility proposal. It was passed out so quickly we passed out the original bill. He had submitted all the amendments to the bill which re-wrote the bill. He asked for reconsideration of the bill. Copy of amendments **EXHIBIT 14**.

Motion/Vote: **REP. PECK** moved HB 963 be reconsidered. Second by Rep. Swysgood. Motion passed unanimously.

Motion/Vote: **REP. PECK** moved the amendments proposed by Rep. Bardanouve for HB 963. Second by Rep. Swysgood. Motion passed unanimously.

Motion/Vote: **REP. SWYSGOOD** moved HB 963 as amended, do pass. Motion passed unanimously.

EXECUTIVE ACTION ON 623

Provide Free Access to State Parks; Replace Fee Revenue
with Coal Tax Trust.

Motion/Vote: **REP. GRADY** moved HB 623 be tabled. Second by Rep. Cody. Motion passed 14 to 4 with Rep. Cobb, Thoft, Bradley and Kadas voting no.

EXECUTIVE ACTION ON HB 746

Authorize Indian Monument and Flag Circle on Capitol
Grounds

REP. GRINDE said his name is on this bill and when it was brought to him there was no general fund appropriation in the bill. There is an appropriation in the bill now, and would like to make this clear to the committee before voting.

Motion/Vote: **REP. THOFT** moved HB 746 be tabled. Second by Rep. Peck. Motion failed 7 to 8 with 3 absent, roll call vote # 4.

Motion/Vote: **REP. KADAS** moved HB 746 do pass. Second by Rep. Connelly. Motion passed 8 to 7 with 3 absent, reverse roll call of above motion.

EXECUTIVE ACTION ON 792

Appropriating General Fund Money for Salaries at the
MSDB.

Motion: **REP. MENAHAN** moved HB 792 do pass. Second by Rep. Nisbet.

Discussion: REP. PECK said if this bill passes, there should be an amendment. It says "local school districts" and he had asked the sponsor and he said he had intended it be Great Falls School District.

Motion to Amend: REP. MENAHAN moved to amend the bill to read Great Falls Public School District. Second by Rep. Nisbet.

Discussion: Mrs. Cohea said it was not clear as to whether the appropriation is for each of the fiscal years or for the biennium. She assumed it was for each of the fiscal years which raised the price tag to about \$.5 million.

REP. GRINDE said there are so many retirement programs, teachers salaries that are not equal, etc. The state needs to get together and try to solve these problems instead of nitpicking at them session after session. CHAIRMAN BARDANOUVE said here we are taking these teachers and putting them in the pay plan of the Great Falls School District. REP. PECK said it did not make any sense to have different benefits available for these teachers than the public school teachers, it does not make any sense.

Vote: Motion to amend passed unanimously.

Substitute Motion/Vote: REP. KADAS moved to table HB 792. Second by Rep. Swysgood. Motion passed 11 to 5 with 2 absent, roll call vote # 5.

EXECUTIVE ACTION ON HB 980

Designation of State Epidemiologist

Motion/Vote: REP. THOFT moved HB 980 be tabled. Second by Rep. Peck. Motion passed 15 to 3 with Rep. Nisbet, Cody, and Kimberley voting no.

EXECUTIVE ACTION ON HB 978

Require SRS to Seek a Waiver to Provide Services in Personal Care Facilities

Motion/Vote: REP. MENAHAN moved HB 978 do pass. Second by Rep. Quilici. Motion passed 11 to 6 with 1 absent, roll call vote # 6.

EXECUTIVE ACTION ON 927

Vocational Specialist to Determine the Employability of GA Recipients

Mr. John Donwen, Administrator, Support Services Division, SRS, said the Dept. had some amendments made to this bill last week and the dept. would like to make one more. EXHIBIT 16. This amendment would decrease the cost of this bill by \$458,000 in general fund. This would allow them to handle it without slighting a small number of people.

REP. CODY asked if we didn't do this last session? How many months of GA were they entitled to? Mr. Donwen said 4 months initially and with some exceptions, reassessments up to 6 months. REP. CODY asked what this will do that wasn't done? Mr. Donwen said this allows us to extend a very few cases up to 9 months. REP. PECK asked if the amendments were now on the bill and Mr. Donwen said the other amendments were made, this amendment was not and was handed out in committee.

Motion to Amend/Vote: REP. KADAS moved to amend HB 927, EXHIBIT 16. Second by Rep. Cobb.

Discussion: REP. COBB said all the amendment does is refer it back to the section that allows them to extend it to 9 months. Mrs. Cohea read the rationale from her copy of EXHIBIT 16. Mr. Donwen said that was the wrong amendment and read the rationale from the EXHIBIT 16 in the minutes. The motion was withdrawn and made once again to endorse the correct copy of the amendment. The wording of the amendment was the same as the former.

REP. THOFT said he would like to know the price tag. Mr. Donwen said a very small amount of money. Marcia Dias said it was her understanding this amendment differed from their amendment to extend the time limit for those with serious drug and alcohol problems by 3 months which is approximately 45% of the caseload and would probably be less than 40 people. In the law that is supposed to be in effect now, but has not been enforced. She thought this would be about \$200 to 300 dollars per month. REP. KADAS said the maximum would be about \$8,000 per year.

Vote: Motion to amend passed 17 to 1 with Rep. Thoft voting no.

Motion/Vote: REP. KADAS moved HB 927 do pass as amended. Second by Rep. Quilici. Motion passed 15 to 3 with Rep. Thoft, Grinde and Grady voting no.

EXECUTIVE ACTION ON HB 449

Appropriate Money for Full Funding of Special Education Allowable Costs

Motion: REP. THOFT moved HB 449 do pass.

Substitute Motion: REP. PECK moved to table HB 449. Second by Rep. Swysgood. Motion passed 17 to 1 with Rep. Thoft voting no.

EXECUTIVE ACTION ON HB 676

Establish a Problem and Compulsive Gambling Program

CHAIRMAN BARDANOUVE said this would use surplus license fees and would be about \$35,000 per year. Mrs. Cohea said the committee amended the bill to go from \$70,000 and then went to \$11,000. This would be special revenue. REP. BRADLEY asked why don't the

communities that have the big gambling and the serious problem do this on a community basis? There are communities that are really promoting gambling and going to the full extreme the law will allow and they could deal with it on a community basis.

REP. CODY said this reflects back on questions she had asked at the time of the hearing as well as the whole situation of community based services. Those people who will be treated for a gambling addiction will receive the services free and she was not convinced there are certified and qualified folks in the communities to treat them under the community based services. She said it needed to be done, but was afraid this would be premature. REP. PECK said he did not feel that obsessive addictive behavior had to have a specialty within it for gamblers only. REP. CODY said she believed each addiction had a different criteria and thought those giving the services had to know how to handle each addiction as it arose.

REP. GRINDE said we have Alcohol Anonymous to look at alcoholics, Gamblers Anonymous, etc. all started by private organizations and doing a good job. He hoped some of those organizations could pick up the slack on this in a community based system.

Motion/Vote: REP. SWYSGOOD moved HB 676 be tabled. Second by Rep. Johnson. Motion passed 13 to 5 with Rep. Peck, Bardanouve, Grady, Kimberley and Quilici voting no.

EXECUTIVE ACTION ON HB 981

Appropriation for Program for Emotionally Disturbed
Children and Adolescents

Motion/Vote: REP. THOFT moved HB 981 be tabled. Second by Rep. Peck. Motion passed 11 to 7 with Rep. Quilici, Connelly, Cody, Bradley, Johnson, Kimberley and Nisbet voting no.

REP. BRADLEY asked if HB 999 could be discussed since Mr. Wilkinson was present and could explain how it impacted the Intermountain home. CHAIRMAN BARDANOUVE said they would listen to him but not act on the bill immediately. Mr. Wilkinson said it would be a disastrous impact to them. OPI could levy for needed money, Intermountain could not. They needed to provide the education for these children who were under psychiatric residential care and would not have the money to do so. He explained section 8 to the committee and told how it would impact the Intermountain home.

EXECUTIVE ACTION ON HB 1009

Honorary Cash Benefit for Veterans of Operation Desert
Storm

Motion: REP. MENAHAN moved HB 1009 do pass. Second by Rep. Quilici.

Motion to Amend: REP. MENAHAN moved to amend the appropriation to \$50 a month and leave it at 550. If in '93 we find there are more it can be adjusted. Second by Rep. Quilici.

CHAIRMAN BARDANOUVE expressed concern that there was no termination date, no beginning date, and no definite appropriation in the bill. REP. THOFT said this was premature since we don't know how long they will be there and we don't know what Congress will do for them. We should come back next session and handle it properly.

Vote: Motion to amend passed unanimously.

Discussion: REP. GRINDE said there is no timeframe in the bill to tell us where we are coming from or where we are going.

Motion/Vote: REP. GRINDE moved HB 1009 be tabled. Second by Rep. Cobb. Motion passed 11 to 7 with Rep. Swysgood, Nisbet, Kimberley, Menahan, Grady, Connelly and Quilici voting no.

EXECUTIVE ACTION ON 4

Budget Amendment Bill

Motion/Vote: REP. SWYSGOOD moved HB 4 be reconsidered. Second by Rep. Cobb. Motion passed 10 to 6 with 2 abstaining, roll call vote # 7.

Motion/Vote: REP. SWYSGOOD moved HB 4 do pass as amended. Second by Rep. Cody. Motion passed 10 to 6 with 2 abstaining. Same vote as roll call vote above.

EXECUTIVE ACTION ON HB 800

Require Agency or Parent to Pay School Tuition on School Fees in Some Cases

Motion/Vote: REP. SWYSGOOD moved HB 800 be tabled. Second by Rep. Quilici. Motion passed unanimously.

Recess was called and meeting to resume following session.

Tape 2, side 2

The meeting resumed and REP. BARDANOUVE said the Speaker had given them an hour and a half to complete the business in the committee. They would take up the infrastructure bills and hear them side by side.

EXECUTIVE ACTION ON HB 374

Big Sky Dividend

Motion: REP. GRINDE moved HB 374 do pass. Second by Rep. Cobb.

Discussion: REP. GRINDE said in looking at the three bills they have many concepts in common. Each of the three bills has a general fund and a trust fund to the schools impact. The Big Sky Dividend is the largest and it is immediate so we could start some of the infrastructure and it is up to this committee to decide what the coal money will be used for.

REP. CODY said she was concerned with that this bill is an outright grant. You are giving them something with no pay back.

Substitute Motion: REP. KADAS moved HB 374 be tabled. Second by Rep. Kimberley.

Discussion: REP. GRINDE asked if he could address REP. CODY's concern. He said she was correct, this is a give away program. You will get jobs from it throughout this state, it will provide water quality and sewer systems to a lot of communities etc.

Vote: Motion passed 10 to 8, roll call vote # 8.

EXECUTIVE ACTION ON HB 795

Coal Tax Bonds to Finance Local Infrastructure Loans

Motion: REP. KADAS moved HB 795 do pass. Second by Rep. Nisbet.

Substitute Motion: REP. COBB moved HB 795 be tabled. Second by Rep. Grinde.

Discussion: REP. COBB said this bill is confusing with the subsidy on principle etc. He thought it also ended up taking money out of the general fund. REP. GRINDE said he had a 20 year print out of this bill. What Rep. Harper is trying to do in this bill appeared as having little or no effect on the infrastructure of the state. After 20 years the total figure he will have in the Special Revenue would be approximately \$20 million.

Vote: Motion failed on a 9 to 9 vote, roll call vote # 9.

Vote: Motion on original do pass vote failed on a tie vote, 9 to 9, roll call vote # 10.

Motion/Vote REP. GRINDE moved HB 795 be tabled. Second by Rep. Cobb. Motion passed 10 to 8, roll call vote # 11.

EXECUTIVE ACTION ON HB 905

Building a New Century

Motion: REP. BRADLEY moved HB 905 do pass. Second by Rep. Cobb.

Motion to Amend: REP. CODY moved the amendments on HB 905 be stricken. Second by Rep. Zook.

Discussion: REP. CODY said this would put the bill back into its original form for both grants and loans. She liked the original bill as introduced.

REP. BRADLEY said she was concerned because this came down for a fiscal analysis and this was a substantive amendment. Since the loan bill has been stopped in this committee, if it is the wish of the committee to put the loans back in it is okay with her.

REP. PECK asked if REP. HARPER's bill had not been out there, do you think the amendment would have gone on, or was the subcommittee trying to set up a situation where the two of you are going forward with bills. REP. BRADLEY said she thought they felt the best way to reach some kind of compromise was to put all the loans in one and the grants in one.

REP. KADAS asked if this passes will the original fiscal note be accurate? REP. BRADLEY said no it is not because the one amendment she took before the subcommittee that worked on all the amendments, there was an error in the drafting put in sections that do not need to be there and you will see that lined out on page 12 starting with section 14. It accidentally amended in, it put the bank bill into a different part of the water development program that was never intended to be there. Those are the dollars that don't go to the permanent trust but go to the rest of the funding, but some of them ended up in water development. There were sections amended that do not need to be amended. She said her amendment before that committee was to delete on page 14 all the outlined parts starting on 17 through page 25. That can be knocked out of the bill because we do not need to amend that part of the bill. If the committee wishes to put the loan program back in they need to leave that original wording that cuts out that portion. The reason for the confusion over the fiscal note is that we are accidentally amending in a part of the code we do not need to amend in. It doesn't deal with the Water Development program that is strictly in the constitutional trust.

REP. QUILICI said with the amendments in there, the fiscal note says the bonding capacity will be approximately \$122 million. He asked if that was still in the bill? REP. BRADLEY said the bonding capacity of the Water Development Program is \$250 million right now. It is true that if you take the projects that have been reauthorized under Long range--the different Water Development programs--there is only \$12 million left over to work with. They went through and looked at all the projects that had been reauthorized and realized some of them will not go through. She discussed how these dollars could be moved around and more dollars freed up and said the coal revenues coming in could cover up to \$60 million worth of grants in 2 years, and that is the high estimate.

REP. QUILICI said this says the Dept. of Commerce will set the interest rates for local governments. Will those rates be lower than the prevailing interest rates at a bank or is there an

incentive to get the money through this process? **REP. BRADLEY** said there is a strong incentive right now, because people keep coming in for the water bond programs. The program is well used and very popular. This would allow an expansion of the entities that could come in for those loans and the dept. could take those interest rates down to a lower interest rate or no interest rate at all. There is a list of factors they would consider in reaching that conclusion just as there are now.

REP. KADAS asked what the fiscal note would be under **REP. CODY's** amendments and **REP. BRADLEY** said nothing more than it is without the amendment. The only thing needed here is an FTE in the Dept. of Commerce to help in the prioritization projects. **REP. KADAS** asked if there was any other impact on revenue to the general fund and **REP. BRADLEY** said no.

CHAIRMAN BARDANOUVE asked if there would be more loans for water projects in here and **REP. BRADLEY** said yes. The same program that is set up for water would be expanded. The water projects will still be evaluated by DNRC. The broadened capability would be evaluated by the Dept. of Commerce.

REP. COBB said you will put in loans, is there any problem with putting loans or grants on page 3? **REP. CODY** said she would have a problem with it, she liked it as it was. She said perhaps she should amend her motion to delete from line 17, page 14 through line 18, page 25 and that would correct that error.

Amendment to Motion to Amend: **REP. CODY** moved to strike from line 17, page 12 through line 20, page 25 the language **REP. BRADLEY** referred to.

Mrs. Cohea said the motion would return the bill to the original form with the exception that beginning on page 12 line 20 through page 25, line 18 which would be eliminated.

REP. GRINDE said **REP. BRADLEY** had alluded to the amount of money it would take to administer this. Is that the section 4 you are talking about where you need 1 FTE in the Dept. of Commerce and there is no number on that? **REP. BRADLEY** said that is correct. **REP. GRINDE** said if this bill were to pass and go on line in the next biennium, would you need more staff people either in DOC or DNRC? **REP. BRADLEY** said she did not believe so and would be doing just as much in the next 2 years as they would in perpetuity. **REP. GRINDE** asked if the stricken language on pages 12 through 25 took care of Mae Nan's concerns and **REP. BRADLEY** answered yes. **REP. GRINDE** asked **Anna Miller** if she thought the portion taken out addresses the **Dorsey Whitney** report and **Ms. Miller** said there is one other item she is concerned about. On the original bill, Section 8, it talks about a loan program and about an interest rate at the amount of the bond program. She wanted to make sure if it was the intent of the committee that you give subsidy such as you are giving in the current water development program, that the section is taken care of.

REP. GRINDE said he would like his questions answered. **Ms. Miller** said in the yellow bill stamped Re-Deferred and approved by Committee on Appropriations, even though it is wrong, it does identify the copy of the bill. In section 5 under Loan Terms, it says the period for repayment may not exceed 20 years and in (3) it says the interest rate may be made to (b) cover the bond debt service for a loan. To her that means you would give loans that would not be subsidized in any manner. If it is your intent that you want to give the subsidy this language would need to be adjusted.

Vote: Motion passed 10 to 7, roll call # 12.

SPEAKER HARPER said this morning he had not known the metamorphosis of this bill as an appropriation and HB 795 was a revenue bill. We have made this bill a revenue bill and is not subject to the appropriation deadline and that has been confirmed by the president of the Senate. This committee then will have more time if they want to wait and see information you may not have before voting on this bill.

REP. MENAHAN moved this bill be deferred. Second by Rep. Cody.

REP. BRADLEY withdrew her motion.

REP. KADAS requested the LFA draft a gray copy with the amendments.

REP. COBB asked why this is now a revenue bill? **SPEAKER HARPER** said this affects the flow of revenue. **REP. COBB** asked about HB 374 and HB 795. **SPEAKER HARPER** said HB 795 is a revenue bill because it affects the flow of revenue, 374 is not because it is just an appropriation.

REP. BRADLEY said HB 905 is not a revenue bill. It doesn't raise any money and it doesn't spend any money. **REP. PETERSON** said you make loans and charge interest. **REP. BRADLEY** said not until 2 years from now at which point it has to be a 3/4 vote. **SPEAKER HARPER** said technically no bill would have any impact until it went into effect. It will have an impact in 2 years, depending on the vote of the Legislature.

Vote: Motion to defer passed 14 to 4 with Rep. Grady, Cobb, Grinde and Swysgood voting no.

EXECUTIVE ACTION ON HB 731

Management Standards for Forest Practices in Streamside Management Zones

Motion: **REP. KADAS** moved HB 731 do pass. Second by Rep. Swysgood.

Motion to Amend: REP. KADAS moved to amend HB 731 EXHIBIT 17.
Second by Rep. Swysgood.

Discussion: REP. GRADY explained that the original fiscal note was around \$182,000 and \$130,000 and there were amendments put on the bill that essentially took most of the work out of the state lands and now all they have to do is go out and inspect their burning permit and see that the burning was done and that is when they will make the inspection. They will have some informational duty to get information out to the people so they know they are not breaking the law before they do their timber harvesting practices. The amount was reduced to \$60,000 annually and is not general fund now, it is a special revenue account that comes out of the slash accounts. He felt this would cover the amount of money State lands would need to do the job.

EXHIBIT 18 was given to the secretary.

REP. NISBET said on the amendment in the new section, the last sentence, if the money is not available in the account it would come out of the general fund and the question was raised at the time the bill was presented as to whether or not it should be in there.

Roger Bergmeier, DSL, Forestry Division, said this is the first time he has seen the amendment for the \$60,000 that is in question. The Stewardship Special Revenue Account of \$60,000 is new to him since originally it was general funded. They had a question about the \$60,000 in the first place because in making the inspections on the slash law they are about 18 months behind the logging contractors. Because of the possibility that people will look at an operation and have the opportunity to make a complaint, we may be out there with a lot more of these operations up front than we thought we would and will wind up with a lot more time involved. Two field FTEs would amount to about \$95,000 instead of the \$60,000. He said he wished he had more time to look at this amendment.

CHAIRMAN BARDANOUVE said, you are saying if you do any kind of a job this is not enough money? Mr. Bergmeier said that is correct. We have some clerical in there and accounting that is required for their hazard reduction program and that is going to cost both time and effort. The other thing is when they go out in the field and work with individuals they have training and educational responsibilities, they would have to investigate alleged non-compliances, develop rehabilitation, hold hearings if necessary.

REP. BARDANOUVE asked if there was more money in this bill would you support the bill? Mr. Bergmeier said officially the DSL supports the use of voluntary DMTs and this is also the position of the State Society of American Foresters. However, if this bill were to pass and the job were to be done right, it would require at least 2 field FTEs to do that.

REP. GRADY asked if there was enough money in this account to cover this bill. Mr. Bergemeier said he did not know, the \$60,000 in the special stewardship account could be federal funds. REP. GRADY asked him how much general fund money? The \$95,000 for '92 and the \$73,000 in '93, is that closer to what you think you will need. Mr. Bergemeier answered yes. REP. THOFT said when you hire these people and buy their vehicles, etc., you are going to have to operate on hard money, and you don't appear comfortable with this fund. Aren't we talking general fund money? CHAIRMAN BARDANOUVE said why not make this an honest amendment and give them enough to operate or kill the bill.

Substitute Motion/Vote: REP. GRADY moved to fund this bill with \$95,000 in '92 and \$73,000 in '93. Second by Rep. Kadas. Motion failed 9 to 9 with Rep. Peck, Quilici, Thoft, Swysgood, Zook, Peterson, Grinde, Cobb and Kimberley voting no.

Motion: REP. THOFT moved HB 731 be tabled. Second by Rep. Swysgood.

Discussion: REP. THOFT said there are defects in the bill such as grading roads, logging on timber slopes, etc. We have a voluntary program in place now that seems to be working. There have been people cited and fined for not performing to the voluntary criteria.

REP. SWYSGOOD said his concerns have not been addressed since he believes on page 9 it says private land to him. In his county there were roads which ran along the creek and if the county grades a road and a rock rolled off the blade and into the creek, it is in violation. REP. GRADY said he felt the biggest and most critical problem in regard to our environment is the streams. Riparians have proven to be a benefit to all landowners, and this is a start to addressing this problem.

REP. PETERSON said she would like to know if there is really a forest stewardship account. Bob Kuchenbrod, DSL, said there is a section in the bill that creates this account. As of now the account doesn't exist.

REP. CONNELLY said she had read about it in HB 2.

Motion for all Motions pending/Vote: REP. BRADLEY moved to amend page 7, line 22, following ""means" insert "within a timber sale". Second by Rep. Cody. Motion passed unanimously, roll call vote # 13.

Vote: Motion to table failed 8 to 10, roll call vote # 14.

MOTION: REP. KADAS moved HB 731 do pass as amended. Second by Rep. Grady. Motion passed 13 to 5 with Rep. Thoft, Swysgood, Zook, Grinde and Cobb voting no.

EXECUTIVE ACTION ON HB 999

Generally Revise laws on Out-of-District placement of
Child with Disability

Motion: REP. PECK moved HB 999 do pass. Second by Rep. Kadas.

Motion to Amend: REP. PECK moved to amend HB 999, EXHIBIT 5.
Second by Rep. Kadas.

Discussion: REP. PECK said the amendments would accommodate REP. SWYSGOOD's concern in terms of using county equalization funds for the tuition in residential care rather than the local district being responsible for it. This included the out-of-state tuition also. He had also reduced the appropriation in the bill from \$3.2 million to \$2.5 million.

Vote: Motion to amend passed unanimously.

Discussion REP. BRADLEY asked what had been done. REP. PECK said the bill takes the administration of placement into a residential psychiatric care units of facilities to the state level. They will administer it and the law provides the tuition level will not exceed the student cost at the local district level for the educational portion of those children when they are in those facilities. You create a state administration and control of that so you standardize the cost that will be paid and remove the obligation from the local districts so they don't get hit with the high cost they have had. CHAIRMAN BARDANOUVE asked if this limits the overall cost of the program. REP. PECK said yes and sets up rules for limiting those costs. Now the local districts are paying what they are billed for and that applies to the Yellowstone Educational Center and the unit in Helena. The facility may refuse to accept that payment and not provide the educational program the law provides, and in that case the state is authorized to call upon the local district to provide the education for those children. REP. COBB said if you just do out-of-state placements and not in-state would it make a difference in the cost? REP. PECK said yes, REP. SWYSGOOD's concern is a minor part of the bill in terms of the cost factor, but we would still be in the position where the local school districts are at the mercy of the facility in terms of billing for their educational costs. There would be no controls out there.

Motion/Vote: REP. PECK moved HB 999 do pass as amended. Motion passed 14 to 4 with Rep. Cobb, Cody, Bradley, Grinde voting no.

EXECUTIVE ACTION ON HB 122

Provide General Assistance Medical Relief--in-Hospital
Care to Jail Inmates

Motion/Vote: REP. ZOOK moved HB 122 be tabled. Second by Rep. Peck. Motion passed 14 to 4 with Rep. Kadas, Quilici, Nisbet and Kimberley voting no.

EXECUTIVE ACTION ON HB 1008

Allocate Coal Tax Separately for Parks and Cultural Projects

Motion: REP. CODY moved HB 1008 do pass. Second by Rep. Johnson.

Motion to Amend/Vote: REP. JOHNSON moved to amend HB 1008 EXHIBIT 8. Second by Rep. Kimberley. Motion passed

Motion to Amend/Vote: REP. GRADY moved to strike the acquisition from the bill. Second by Rep. Zook. Motion passed 14 to 4 with Rep. Menahan, Nisbet, Peck and Grinde voted no.

Motion/Vote: REP. GRADY moved HB 1008 do pass as amended. Second by Rep. Kimberley. Motion passed 17 to 1 with Rep. Grinde voting no.

EXECUTIVE ACTION ON HB 125

Appropriation for Director of American Indian/Minority Achievement

CHAIRMAN BARDANOUVE said REP. GERVAIS would explain why he would like this bill reconsidered. REP. GERVAIS said he felt the committee might have missed something in the testimony. He said he had some people here, the lady who wrote the program, the director and John Hutchinson are here they can answer questions. He said there are 10% Native Americans in the school and her job as director is to keep these people in school. This would keep them off the welfare roles. This program has been ongoing for 2 years and if we get rid of the program, the person who keeps them off the welfare roles will probably be there herself.

CHAIRMAN BARDANOUVE asked what the fiscal impact is and Mrs. Cohea said an appropriation of \$175,648 general fund for the biennium.

Motion/Vote: REP. KADAS moved HB 125 be reconsidered. Second by Rep. Bradley. Motion passed 9 to 6 with 3 members absent and Rep. Peterson, Grinde, Cobb, Zook, Peck and Bardanouve voting no.

Motion/Vote: REP. KADAS moved HB 125 do pass. Second by Rep. Quilici. Motion passed 9 to 6 with 3 absent, roll call vote # 15.

EXECUTIVE ACTION ON HB 77

Use Automobile Insurance Premium Tax to Increase Highway Patrol Pension

Motion: REP. QUILICI moved to reconsider HB 77. Second by Rep. Cobb.

Discussion: Mrs. Cohea said the list of bills for reconsideration is for those people who told her they wanted a bill reconsidered. That is the only standing the list has.

REP. QUILICI said the Highway Patrol is willing to raise the amount taken out from their pensions from 7.59% to 9% of their monthly salaries and it will take approximately \$76,171. The money is from the premium insurance, ultimately general fund. It would be \$500,000 plus.

Vote: Motion passed 10 to 5 with 3 absent, roll call vote # 16

Motion to Amend/Vote: REP. QUILICI moved to amend HB 77, EXHIBIT 19. Second by Rep. Connelly. Motion passed unanimously.

Motion/Vote: REP. QUILICI moved HB 77 as amended do pass. Motion passed 8 to 6 with 4 absent, roll call vote # 17.

EXECUTIVE ACTION ON HB 595

Removing 50 yrs of Age as an Eligibility Requirement
for Police Retirement

Motion: REP. CONNELLY moved to reconsider HB 595. Second by Rep. Quilici.

Discussion: REP. CONNELLY said this would make it so the age for retiring was the same for all members of the Police.

Motion to Amend: REP. CONNELLY moved to amend HB 595, EXHIBIT 20.

Discussion: REP. CONNELLY said this amendment would have the officers put in 1.2% and the municipality .9% and the state would only put in .6% so it would reduce the cost to \$67,000 in '92 and \$70,000 in '93.

REP. BRADLEY asked how does this amendment change what the cities do now from what they did in the original bill and how do they deal with it. REP. CONNELLY said they have agreed to it. Kim Wilson, Montana Police Protection Association, said this amendment would leave the municipality contribution the same as it was in the original bill. It lowers the state contribution to .6% and raises the officers contribution to 1.2%. The bill itself allows an officer to retire after 20 years.

REP. GRINDE asked why you people are willing to pay more now, why not when the bill first came in? Mr. Wilson said he couldn't answer the question because he was not in on the drafting of the original bill. When they saw the bill was in trouble they volunteered to raise their share and lower the state share.

REP. JOHNSON asked if they could retire after 20 years of service regardless of age? Mr. Wilson said yes, that is what this bill would do. They would not have to wait until age 50.

Vote: Motion to reconsider passed 9 to 6 with 3 absent and Rep. Peck, Bardanouve, Peterson, Cody, Kadas and Grinde voting no.

Vote: Motion to amend passed 14 to 2 with 2 absent and Rep. Cody and Grinde voting no.

Motion to Amend: The motion to amend was out of order and was repeated at this point.

Vote: Motion passed unanimously.

Motion: REP. CONNELLY moved HB 595 as amended do pass. Second by Rep. Nisbet.

Discussion: REP. BRADLEY asked Mr. Wilson about the 20 years service. If a police officer started at age 23 he could retire at age 43 and that did not seem right to her. Mr. Wilson said the argument is that the police officers get very low pay for the amount of stress they are under. They have a difficult time keeping the officer because of the low pay. This is an incentive for the cities to keep the officers for a longer period of time.

REP. BRADLEY said she felt there were a lot of jobs that were high stress and REP. STRIZICH said this is extremely onerous to the individuals that do this job because of the size of the agencies in Montana, they are all small. A person that starts in the police force will probably drive a patrol car until they retire and most of the people that enter police work do so at a later date, so when they start at 28 or 30 they are pushing against 50 before they can retire.

REP. CONNELLY read on the information, "an officer who began work prior to July 1, 1975 is eligible to retire after 20 years regardless of the age". This would just allow all officers to retire after 20 years regardless of age.

Tape 3

Vote: Motion passed 9 to 6 with 2 absent and Rep. Menahan abstaining. Roll Call Vote # 18.

EXECUTIVE ACTION ON HB 299

Appropriate Money to DFS for Permanency Planning for Children in Foster Care

Motion/Vote: REP. CODY moved to reconsider HB 299. Second by Rep. Kadas. Motion passed.

Motion: REP. CODY moved to amend HB 299 EXHIBIT 21. Second by Rep. Kadas.

Discussion: REP. CODY said this takes out the appropriation of money to DFS. The Dept. would like the bill passed without the money.

REP. BARDANOUE asked if this sets up a program that will be in for money in two years? REP. CODY said no, it is her understanding that they just want the authority. This would save money in the long run because these children would be adopted by permanent families.

REP. BRADLEY said she would support this amendment. If these children could be put into a permanent place it would be a real advantage to the state.

Vote: Motion to amend passed unanimously.

Motion/Vote: REP. CODY moved HB 299 as amended do pass. Second by Rep. Quilici. Motion passed 12 to 3 with 3 absent and Rep. Grinde, Cobb and Bardanoue voting no.

EXECUTIVE ACTION ON HB 937

Revise and Continue programs Under the Montana Child Care Act

Motion: REP. CODY moved to reconsider HB 937. Second by Rep. Kadas.

Discussion: REP. CODY said this will take out the appropriation of \$440,000 from the bill. The purpose of the bill now is to repeal the dates that were in the bill. It would strike section 2 and leave section 1.

REP. BARDANOUE asked what this bill does if we remove the money and REP. CODY said we have removed the AFTER and the \$240,000 for that program but if we remove the repeal the law will remain in place and they can spend the federal money they may have access to for child care.

Vote: Motion passed 15 to 3 with Rep. Bardanoue, Grinde and Cobb voting no.

Motion to Amend/Vote: REP. KADAS moved to strike section 2 in HB 937. Second by Rep. Johnson. Motion passed unanimously

Motion/Vote: REP. KADAS moved HB 937 do pass as amended. Second by Rep. Menahan. Motion passed 14 to 3 with 1 absent and Rep. Bardanoue, Grinde and Cobb voting no.

EXECUTIVE ACTION ON HB 103

Prohibit Pretrial Detention of Mentally Ill Persons in Jail

Motion: REP. COBB moved to reconsider committee action on HB 103. Second by Rep. Kadas.

Discussion: REP. COBB said there is no fiscal note because we will hear SB 391 later that made it an entitlement, medicaid option for the seriously mentally ill. SB 391 they say as soon as it is done they have enough general fund in Institutions that will just match it. If you don't want to start a new entitlement, that is different, but the reason there is no money in this bill is because of the Senate bill.

REP. BARDANOUE said if there is no money, how can you take general fund and match the money? REP. COBB said SB 391 has general fund in their budget at DOI.

Vote: Motion failed 7 to 9 with all members present voting no except Rep. Bardanouve, Peterson, Quilici, Grady, Zook, Grinde and Cobb.

EXECUTIVE ACTION ON HB 366

Appropriate Money to Family Services to Provide
Services to Indian Children

Motion: REP. JOHNSON moved to reconsider HB 366. Second by Rep. Kadas.

Discussion: He said this would amend the dollars down to make it \$446,272 and 8 FTE instead of 16 FTE and \$896,000. EXHIBIT 22.

Vote: Motion failed 7 to 8 with 3 absent and Rep. Bardanouve, Peck, Quilici, Grady, Zook, Peterson, Grinde and Cobb voting no.

EXECUTIVE ACTION ON HB 804

Providing Benefits for Employees Terminated Through a
Reduction in Force

Motion: REP. MENAHAN moved to reconsider HB 804. Second by Rep. Nisbet.

Discussion: REP. MENAHAN said they would take the counties and school districts and make this just state employees. He said if there is no RIF there won't be any impact. They do not have an estimate of cost.

Vote: Motion passed 8 to 7 with 3 absent and Rep. Bardanouve, Peck, Zook, Peterson, Grinde, Cobb and Johnson voting no.

Motion to Amend/Vote: REP. MENAHAN moved HB 804 be amended to take out the school districts and counties and leave only the state employees. Motion passed 13 to 2.

Motion/Vote: REP. MENAHAN moved HB 804 as amended do pass. Second by Rep. Quilici. Motion passed 8 to 7 with Rep. Bardanouve, Peck, Zook, Peterson, Grinde, Cobb, and Johnson voting no.

EXECUTIVE ACTION ON HB 393

Long-Term Loans to Special Revenue Funds

Motion: REP. PECK moved to reconsider HB 393. Second by Rep. Quilici.

Discussion: REP. PECK said this bill has no money in it, it is a staff approach which deals with extending the inter-entity loans that are limited to one year now and it just doesn't operate. You need more time because of the difference in the budget process, particularity with the federal government.

Vote: Motion passed 10 to 5 with 3 absent and Rep. Bardanouve, Zook, Grinde, Peterson and Grady voting no.

Motion: REP. PECK moved HB 393 do pass. Second by Rep. Quilici.

Mr. Virag said the problem is the agencies are participating in federal programs that continue forever. They are reimbursement programs and are in the position of needing the loan cash from other sources into their federal accounts pending the receipt of the reimbursement. The law provides loans only if the agency has an agreement guaranteeing reimbursement.

REP. PECK asked if there is any loss of money if you do this? Mr. Virag said no, there is not. REP. PECK asked Mr. Haubein who said he would agree with the statement.

REP. BARDANOUE asked how government has been operating all these years. Mr. Virag said some agencies have worked around the act, some request the language in the appropriation act allowing for extension of loans and then SRS came in last session, recognized they had a problem and asked for statute to address the problem.

REP. PECK asked what the bill does on time and Mr. Virag said the bill requires the agency and the Dept. of Administration agree upon a repayment schedule. If the agency is participating in a federal program that is going to continue year after year they would probably allow for an indefinite loan. REP. BARDANOUE said he felt there was an impact on the general fund because we lose the investment of this money when it is loaned out and a short term investment pool is smaller and there is that much less interest. Mr. Virag said that is true, however not passing this bill will not result in agencies not participating in federal programs.

Vote: Motion passed 14 to 1 with 3 absent and Rep. Bardanouve voting no.

EXECUTIVE ACTION ON HB 477

Microbusiness Development Act

Motion: REP. COBB moved to reconsider committee action on HB 477.


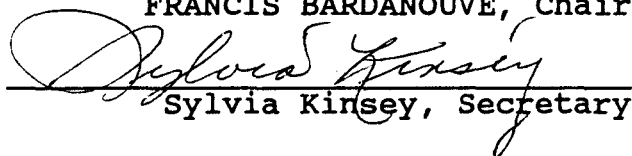
Discussion: REP. COBB said he would like to pass the bill, it just failed, it was not tabled. This was a tie vote and did not need a vote to reconsider. The impact is \$115,000 state equalization aid per year according to the fiscal note.

Motion/Vote: REP. COBB moved HB 477 do pass. Second by Rep. Grinde. Motion passed 13 to 2 with 3 absent and Rep. Bardanouve and Peck voting no.

SPEAKER HARPER said the House floor has been waiting for the committee and asked for a timeframe. REP. PECK said the committee was nearly finished.

ADJOURNMENT

Adjournment: 6:30 p.m.


FRANCIS BARDANOUVE, Chair

Sylvia Kinsey, Secretary

FB/sk

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL

DATE 3-27-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB	✓		
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 3

Mr. Speaker: We, the committee on Appropriations report that House Bill 528 (second reading copy -- yellow) do pass as amended .

Signed: 
Francis Bardanouve, Chairman

And, that such amendments read:

1. Title, line 7.

Following: "ACT"

Strike: "REQUIRING"

Insert: "AUTHORIZING"

2. Title, lines 8 through 22.

Following: "TO"

Strike: "DEVELOP" on line 8 through "DATE." on line 22

Insert: "CREATE A COMMITTEE TO EVALUATE THE PROPOSALS FOR THE SITING OF A WOMEN'S CORRECTIONAL FACILITY; PROVIDING FOR THE EVALUATION OF THE PROPOSALS AND SELECTION OF A FACILITY SITE; APPROPRIATING MONEY FOR THE PURPOSES OF THE SITE SELECTION COMMITTEE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

3. Page 1, line 24 through page 3, line 6.

Strike: the preamble in its entirety

4. Page 3, line 9 through page 17, line 10.

Strike: sections 1 through 14 in their entirety

Insert: "NEW SECTION. Section 1. Site selection -- authorization -- committee. The department of institutions shall select the site of the women's correctional facility in accord with the following provisions:

(1) Sites considered for the location of the facility are limited to the eight communities that responded to the department's request for proposals, which proposals were received by the department on or before January 30, 1991.

(2) Site selection must be governed by criteria identified in the request for proposals issued by the

department on December 14, 1990.

(3) A site selection committee must be appointed to evaluate the requests for proposals. The committee is composed of the following persons:

(a) two persons of the criminal justice and corrections advisory council, appointed by the governor. Neither member may be a resident of a local government that has submitted a proposal;

(b) one representative of the architecture and engineering division of the department of administration appointed by the director of the department of administration;

(c) the corrections division administrator and the warden of the women's correctional center, representing the department of institutions;

(d) two members of the house of representatives, appointed by the speaker of the house. Neither member may be a resident of a local government unit that has submitted a proposal;

(e) two members of the senate, appointed by the president of the senate. Neither member may be a resident of a local government unit that has submitted a proposal;

(f) one representative of an established and recognized organization whose primary mission is specific to women's needs, to be appointed by the governor; and

(g) one representative of the public, to be appointed by the governor.

(4) the committee shall approve and apply a weighted scoring mechanism to evaluate the site selection criteria.

(5) The site selection committee shall meet as often as necessary to consider, evaluate, and make a site recommendation for the facility. The recommendation shall be made to the director of the department of institutions and must be binding unless there is found to be an error in process or fact."

Renumber: subsequent sections

5. Page 17, line 12.
Following: "fund"
Strike: "\$8,000"
Insert: "\$5,000"

6. Page 17, line 14.

Following: "by"

Strike: "5"

Insert: "1"

7. Page 17, lines 16 through 21.

Strike: section 16 in its entirety

Renumber: subsequent sections

8. Page 17, lines 24 and 25.

Following: "Termination."

Strike: "[Sections 1" on line 24 through "100" on line 25.

Insert: "[Section 1] terminates 150"

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 5

Mr. Speaker: We, the committee on Appropriations report that House Bill 5 (first reading copy -- white) do pass as amended .

Signed: 
Francis Bardanouve, Chairman

And, that such amendments read:

1. Page 1, lines 12 and 24.

Page 11, line 19.

Page 12, lines 3 and 4.

Strike: "19"

Insert: "17"

2. Page 3, line 8.

Strike: "650,000"

Insert: "617,500"

Following: line 8

Insert: "State Building Energy Retrofit
Statewide

500,000 Nonstate State
Special Revenue

1,000,000 Federal Special
Revenue

500,000 Auxiliary or
Other"

3. Page 4, line 24.

Strike: "399,500"

Insert: "349,500"

4. Page 5, line 2.

Strike: "300,000"

Insert: "450,000"

5. Page 5, line 3.

Following: "Maintenance"

Insert: "and Storage"

6. Page 5, line 4.

Strike: "715,000"

Insert: "1,167,600"

7. Page 5, line 5.
Strike: line 5 in its entirety
Insert: " 115,925 Federal Special Revenue"

8. Page 5, line 8.
Strike: "149,208"
Insert: "116,708"

9. Page 5, line 13.
Strike: "150,000"
Insert: "37,625"
Following: line 13
Insert: "Montana State Hospital
Infrastructure Study 112,375"

10. Page 5, line 20.
Following: line 19
Insert: "Galen Repair Projects 181,000"

11. Page 5, line 23.
Following: line 22
Insert: "Various Major Maintenance
Projects 209,450 Federal Special Revenue"

12. Page 6, line 18.
Strike: "1,089,550"
Insert: "1,154,550"
Strike: "Auxiliary"
Insert: "Plant"

13. Page 7, line 5.
Strike: "and" through "Building"

14. Page 7, line 6.
Strike: "50,000 Federal Special Revenue"

15. Page 7, line 7.
Strike: "150,000 Donations"

16. Page 7, line 9.
Following: line 8
Insert: "Window Retrofit Museum
Building, Montana Tech 142,000"

17. Page 7, line 12.
Following: line 11
Insert: "Centennial Mall, Montana"

State University 1,600,000 Plant"

18. Page 7, line 16.
Strike: "3,335,250"
Insert: "2,668,200"

19. Page 7, line 18.
Following: line 17
Insert: "Life Science Building,
University of Montana 12,000,000 Federal Special
Revenue"

20. Page 7, line 19.
Strike: "2,322,900"
Insert: "1,858,320"

21. Page 7, line 21.
Following: line 20
Insert: "Multipurpose Building,
Northern Agricultural
Research Center 150,000

(2) For purposes of obtaining cash for the construction litigation appropriation authority in [section 6(1)], the architecture and engineering division of the department of administration is authorized to request a budget amendment for transfer of any excess long-range building project funds from any agency so long as the amendment does not move funds required to complete any authorized agency project."

Renumber: subsequent subsection

22. Page 8, line 5.
Strike: line 5 in its entirety

23. Page 8, line 13.
Following: "appropriation."
Insert: "(1)"

24. Page 8, line 22.
Following: line 21
Insert: "(2) The amount of \$150,000 the appropriation for
"Wildlife Habitat Acquisition, Statewide" may be used to
implement the provisions of [section 2 of Senate Bill No.
252], passed by the 52nd legislature."

25. Page 8, line 25.
Strike: "\$261,000"
Insert: "\$219,000"

26. Page 9, line 5.
Strike: "\$143,500"
Insert: "\$243,500"

27. Page 9, line 11.
Following: line 10

Insert: "(3) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of improving waterfowl habitat:

Waterfowl Habitat Enhancement, Statewide	\$50,000	State Special Revenue"
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28. Page 9, line 22.
Strike: "17,734,460"
Insert: "18,401,510"

29. Page 9, line 24.
Strike: "12,558,395"
Insert: "13,022,975"

30. Page 9.

Following: line 24

Insert: "Construct Women's Correction Center 10,075,600"

31. Page 10, lines 2 through 5.

Strike: lines 2 through 5 in their entirety

32. Page 10, line 7.

Strike: "\$58,881,960"

Insert: "\$68,957,560"

33. Page 10, lines 13 through 25.

Strike: lines 13 through 25 in their entirety

Renumber: subsequent sections

34. Page 11, line 9.

Following: line 8

Insert: "(3) The appropriations for capital projects authorized in sections 6 and 8(1) of House Bill No. 777, Laws of 1989, for the Lake Elmo improvements project are reappropriated as follows: Through June 30, 1991, appropriated funds are reserved for the Lake Elmo improvements project. Any capital projects funds that have not by that date been matched with local funds on a cash basis, through a deposit of cash with the department of fish, wildlife, and parks accounts, are no longer reserved for the project. Any

remaining balance of capital projects funds not designated for Lake Elmo improvements as of July 1, 1991, are available to the department of fish, wildlife, and parks to expend for state parks improvements. Funds for these projects must be matched equally by local funds. The department of administration may expend only that portion of the appropriation that is equally matched with local funds on a cash basis. In-kind services may not be considered for matching purposes."

35. Page 12, lines 11 and 12.

Strike: "through 15"

Insert: "and 13"

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 3

Mr. Speaker: We, the committee on Appropriations report that House Bill 963 (first reading copy -- white) do pass as amended.

Signed: Francis Bardanoue
Francis Bardanoue, Chairman

And, that such amendments read:

1. Title, line 4.

Following: "THE"

Strike: "BOARD" on line 4 through "DEBT;" on line 7

Insert: "DEPARTMENT OF INSTITUTIONS TO ENTER INTO A LOAN

AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT COSTS OF THE FINANCING; AUTHORIZING THE CREATION OF A SPECIAL LIMITED OBLIGATION OF THE DEPARTMENT; AUTHORIZING THE PAYMENT OF THE SPECIAL LIMITED OBLIGATION FROM FACILITY REVENUES; AMENDING SECTION 17-7-502, MCA;"

2. Page 1, lines 11 through 20.

Following: "bonds."

Strike: the remainder of line 11 through line 20 in their entirety

Insert: "(1) The department of institutions may enter into a loan agreement with the Montana health facility authority for the purpose of financing the costs of acquiring, constructing, and equipping facilities for the developmentally disabled at the Montana developmental center in Boulder, including the establishment of reserves and the payment of costs of the financing. The maximum principal amount of the loan may not exceed \$8,665,000, and the loan must be payable over a term of not to exceed 30 years and must bear interest and contain other terms and provisions with respect to prepayment or otherwise as are not inconsistent with this section and as the department approves.

(2) The loan may be secured by a mortgage on the Montana developmental center facility, including the land on

which it is located. The loan agreement constitutes a special limited obligation of the department, and the principal and interest payments required by that agreement are payable solely from the facility revenues obtained by the department from the ownership and operation of and the provision of services at the Montana developmental center, including payments or reimbursements from private users, insurers, and the federal government. Notwithstanding the provisions of 53-1-413 or any other statutory provision, all facility revenues obtained from services provided by the Montana developmental center must be deposited in a special revenue fund, must be applied to the payment of the principal and interest payments as due under the loan agreement, and constitute a statutory appropriation within the meaning of 17-7-502. Whenever the foregoing facility revenues exceed the amount and terms specified and required to repay the loan and maintain required reserves, the excess must be deposited to the general fund. As long as the loan remains outstanding and the department provides services for the developmentally disabled, the department shall use the Montana developmental center for those purposes or for other purposes as permitted by the loan agreement and state law, except when foreclosure occurs under the agreement or the mortgage. The loan agreement may contain other provisions or agreements that the department determines are necessary and that are not inconsistent with the provisions of [sections 1 through 3].

(3) The obligations of the department under the agreement are special obligations payable solely from the facility revenues and do not constitute a debt of the state or obligate the state to appropriate or apply any funds or revenues of the state, except the facility revenues as provided in this section."

3. Page 2, lines 1 through 4.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 3. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory

appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; [section 1]; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws of 1985.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991.)"

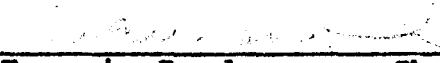
HOUSE STANDING COMMITTEE REPORT

3/27/91
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March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 746 (second reading copy -- yellow) do pass .

Signed: 
Francis Bardanoue, Chairman

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 978 (second reading copy -- yellow) do pass .

Signed: _____
Francis Bardanouve, Chairman

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 927 (second reading copy -- yellow) do pass as amended .

Signed: Bardanoue
Francis Bardanoue, Chairman

And, that such amendments read:

1. Page 6, line 13.

Following: "EXTENDED"

Insert: "according to 53-3-321(3)"

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 5

Mr. Speaker: We, the committee on Appropriations report that House Bill 4 (first reading copy -- white) do pass as amended .

Signed: Francis Bardanouve, Chairman

And, that such amendments read:

1. Title, line 10.
Following: "1993;"

Insert: "PROVIDING DIRECTION CONCERNING CONSIDERATION OF BUDGET AMENDMENT APPROPRIATIONS FOR FISCAL YEAR 1993;"

2. Page 1, line 23.
Following: line 22

Insert: "NEW SECTION. Section 3. Direction concerning certain fiscal year 1993 budget amendments. The legislature intends that any request by the office of budget and program planning presented to the 53rd legislature for a bill to appropriate money to various state agencies that would usually be made by budget amendment include requests for fiscal year 1993 appropriations only."

Renumber: subsequent sections

3. Page 2, line 6.
Following: line 5

Insert: "GOVERNOR'S OFFICE
Mental Disabilities
Board of Visitors 1991 \$2,500 Federal Special"

4. Page 2, line 9.
Following: line 8

Insert: "Grants 1991 10,000 Federal Special
Arts in Education 1991-92 9,995 Federal Special
Arts Apprenticeships 1991-92 21,000 Federal Special

MONTANA STATE LIBRARY
Natural Resource
Information Services 1991 29,908 Federal Special"

5. Page 2, line 18.
Following: line 17

Insert: "DEPARTMENT OF HIGHWAYS

Right-of-Way Acquisition	1991	212,292 787,708	State Special Federal Special"
6. Page 3, line 4. Following: line 3 Insert: "Elementary Traffic Education			
Math/Science	1991	15,453	Federal Special
Education	1991	25,392	Federal Special"
7. Page 3, line 11. Following: line 10 Insert: "Drug Testing Kits			
	1991	75,000	Federal Special"
8. Page 3, line 12. Strike: "2,229,520" Insert: "1,629,560"			
9. Page 3, line 20. Following: line 19 Insert: "Indian Affairs Coordinator Native American Highway Contractors			
Small Business	1991	17,030	Federal Special
Development Center	1991	35,000	State Special"
10. Page 3, line 24. Following: line 23 Insert: "Centralized Services Social Security Contract			
	1991	12,000	Federal Special"
11. Page 4, line 2. Strike: line 2 in its entirety Insert: "Primary Care			
	1991-92	95,694	Federal Special"
12. Page 4, line 3. Following: line 2 Insert: "Trauma Register			
Preventive Health	1991-92	11,126	Federal Special
AIDS In-Home Services	1991-92	30,000	Federal Special
DEPARTMENT OF LABOR AND INDUSTRY Job Service Division Targeted Jobs Tax Credit			
	1991	95,779	Federal Special

Human Rights Division

Fair Housing/ Opening Doors	1991-92	18,750	Federal Special
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The unexpended fiscal year 1991 budget amendment authority for Fair Housing/Opening Doors is reappropriated for fiscal year 1992.

Research, Safety, and Training

Onsite Safety Consultation	1991-92	7,369	Federal Special
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The unexpended fiscal year 1991 budget amendment authority for coal mine safety is reappropriated for fiscal year 1992.

Coal Mine Funds

The unexpended fiscal year 1991 coal mine federal authority is reappropriated for fiscal year 1992.

World of Work	1991	41,637	Federal Special
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DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Family Assistance

Food Stamp Enhancement	1991	248,314	Federal Special
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LIEAP	1991	1,894,033	Federal Special
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Medicaid Services

Indian Health Care	1991	1,942,792	Federal Special
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Institutions	1991	1,848,025	Federal Special
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Institutions 1985-89	1991	570,626	Federal Special
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Developmental Disabilities

Montana Youth Initiative	1991	69,868	Federal Special
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Part H Carryover	1991	71,543	Federal Special
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DEPARTMENT OF FAMILY SERVICES

Community Services

Child Justice Act	1991	37,430	Federal Special
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Independent Living	1991	117,734	Federal Special
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DDPAC Targeted Case

Management	1991	75,000	Federal Special
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Mountain View School

Chapter I Special Education	1991	2,621	Federal Special
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Chapter I Basic Grant	1991	6,434	Federal Special
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Pine Hills School

Chapter II	1991	1,072	Federal Special
Chapter I			
Special Needs	1991	2,709	Federal Special

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Energy Division
All States

Energy Conference	1991-92	70,000	State Special
		151,000	Federal Special"

13. Page 4, line 12.

Following: line 11

Insert: "EPA Pesticide	1991	53,500	Federal Special"
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14. Page 4, line 14.

Strike: "252,258"

Insert: "251,258"

15. Page 4, line 15.

Following: line 14

Insert: "Guaranteed Student Loan	1991	19,254	Federal Special"
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16. Page 4, line 15.

Strike: "9,430"

Insert: "10,430"

17. Page 5, line 5.

Insert: "Western Montana College

Instruction	1991	46,922	Current Unrestricted
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Scholarships and Fellowships	1991	7,444	Current Unrestricted
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Montana Agricultural Experiment Station

Research - Hatch	1991	98,584	Current Unrestricted
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Research - Regional Research	1991	37,525	Current Unrestricted
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Montana Cooperative Extension Service

Public Service	1991	25,500	Current Unrestricted"
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18. Page 5, line 15.

Following: line 14

Insert: "Academic Support Equipment	1991	42,906	Current Unrestricted
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Fire Services Training School

Hazardous Materials Sprinkler Technology	1991-92 1991	28,500 10,050	Federal Special Federal Special"
19. Page 5, line 17. Strike: "123,000" Insert: "71,000"			
20. Page 5, line 21. Following: line 20 Insert: "DEPARTMENT OF LIVESTOCK Inspection and Control Weapons/Brands Records			
	1991	75,600	State Special"
21. Page 5, line 24. Following: line 23 Insert: "Supplies Inventory			
	1991	250,000	Proprietary"
22. Page 6, line 3. Following: line 2 Insert: "Tort Claims Outside Legal Counsel Teachers' Retirement Board Computer Processing			
	1991	1,000,000	Proprietary
	1991	21,404	Proprietary"
23. Page 6, line 5. Strike: "114,330" Insert: "84,330"			
24. Page 6, lines 11 through 13. Strike: lines 11 through 13 in their entirety Insert: "Human Resource Development			
	1991	141,686	Federal Special"
25. Page 6, line 15. Following: "budget" Strike: "amendments" Insert: "amendment"			
26. Page 7, line 3. Following: line 2 Insert: "SWAN RIVER FOREST CAMP Care and Custody Vocational Training Program			
	1991	7,000	Proprietary"

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 999 (second reading copy -- yellow) do pass as amended .

Signed: _____
Francis Bardanoue, Chairman

And, that such amendments read:

1. Page 16, line 19.
Following: "20-7-422"
Insert: "(3)"

2. Page 19, line 20.
Following: line 19
Insert: "(4) Payments for a child with disabilities as negotiated in subsection (3) shall be paid by the superintendent of public instruction from the state special education appropriation."

3. Page 24, line 11.
Following: "district."
Insert: "Section 8. Section 20-9-334 is amended to read:
"20-9-334. Apportionment of county equalization moneys by county superintendent. The county superintendent shall separately apportion the revenues deposited in the basic county tax account and the revenues deposited in the basic special tax for high schools account to the several districts of the county on a monthly basis. The apportionments shall be known as "county equalization moneys". Before the county superintendent makes the monthly apportionments, he shall:
(1) deduct from the revenues available in the basic county tax account the amount required for the month to pay the county's obligation for elementary transportation reimbursements and out-of-state tuition obligations; and
(2) deduct from the revenues available in the basic special tax for high schools account the amount required for the month to pay the county's obligation for high school out-of-county tuition."

Renumber: subsequent sections

4. Page 28, line 1.
Following: "treatment"

Insert: "NEW SECTION. Section 11. Out-of-state tuition. (1) The county superintendent of schools of the county of the district of residence shall make payments from the county basic tax for elementary schools for children who are placed in facilities outside the state of Montana pursuant to 20-5-301(3)(e) but not under the provisions of Title 20, chapter 7, part 4.

(2) The county superintendent of schools of the county of residence shall make payments from the county basic special tax for high schools as provided in 20-9-334 for children who are placed in facilities outside the state of Montana as a result of a court order or placement by a state agency. This provision does not apply to children with disabilities defined under the provisions of Title 20, chapter 7, part 4."

Renumber: subsequent sections

5. Page 28, line 4.
Following: "instruction"
Strike: "\$3,242,000"
Insert: "\$2,471,000"

6. Page 28, line 7.
Following: "facility"
Strike: "or in an out-of-state public or private facility"

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 731 (second reading copy -- yellow) do pass as amended .

Signed: _____
Francis Bardanouve, Chairman

And, that such amendments read:

1. Page 7, line 22.
Following: "means"
Insert: "within a timber sale"

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 1,008 (first reading copy -- white) do pass as amended .

Signed: 
Francis Bardanoue, Chairman

And, that such amendments read:

1. Page 3, line 18.
Strike: "1.66%"
Insert: "1.667%"

2. Page 3, line 25.
Strike: "3.34%"
Insert: "3.333%"

3. Page 5, line 7.
Strike: "3.34%"
Insert: "3.333%"

4. Page 6, line 3.
Strike: "1.66%"
Insert: "1.667%"

6:55

3-27-91


JDB

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 125 (first reading copy -- white) do pass .

Signed: 

Francis Bardanouve, Chairman

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 77 (third reading copy -- blue) do pass as amended .

Signed: _____
Francis Bardanoue, Chairman

And, that such amendments read:

1. Title, line 11.

Following: "INCREASE;"

Insert: "INCREASING MEMBER CONTRIBUTIONS;"

2. Title, line 12.

Following: "19-6-401,"

Insert: "19-6-402,"

3. Page 3.

Following: line 18.

Insert: " Section 3 Section 19-6-402, MCA, is amended to read:

"19-6-402. Member's contribution. (1) Every member shall be required to contribute into the account a sum equal to ~~7.59%~~ 9% of his monthly salary, which sum shall be deposited to his credit in the account.

(2) Each employer, pursuant to section 414(h) (2) of the federal Internal Revenue Code of 1954, as amended and applicable on July 1, 1985, shall pick up and pay the contributions which would be payable by the member under subsection (1) for service rendered after June 30, 1985.

(3) The member's contributions picked up by the employer must be designated for all purposes of the retirement system as the member's contributions, except for the determination of a tax upon a distribution from the retirement system. These contributions must become part of the member's accumulated contributions but must be accounted for separately from those previously accumulated.

(4) The member's contributions picked up by the employer must be payable from the same source as is used to pay compensation to the member and must be included in the member's wages as defined in 19-1-102 and his compensation as used to define his final salary in 19-6-101. The employer shall deduct from the member's compensation an amount equal to the amount of the member's contributions picked up by the employer and remit the total of the contributions to the board."

Renumber: subsequent sections

4. Page 3, line 22.
Following: "~~26.75%~~"
Strike: "36.69%"
Insert: "36.28%"

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 595 (second reading copy -- yellow) do pass as amended .

Signed: _____
Francis Bardanoue, Chairman

And, that such amendments read:

1. Page 5, line 10.

Strike: "6.9%"

Insert: "7.2%"

2. Page 7, line 6.

Strike: "15.96%"

Insert: "15.66%"

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 299 (second reading copy -- yellow) do pass as amended .

Signed: Francis Bardanoue, Chairman

And, that such amendments read:

1. Title, lines 7 through 9.

Following: "LIMITS" on line 7

Strike: remainder of line 7 through "CARE;" on line 9

2. Page 4, line 24 through page 5 line 1.

Following: "Section 3." on line 24

Strike: remainder of line 24 through "the" on page 5 line 1

Insert: "Permanency planning project. The"

3. Page 5, lines 1 through 3.

Following: "family services" on line 1

Strike: remainder of line 1 through "to" on line 3

Insert: "shall"

4. Page 5, line 6.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

5. Page 5, lines 11 through 13.

Strike: line 11 through 13 in their entirety

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 804 (second reading copy -- yellow) do pass as amended .

Signed: _____
Francis Bardanouve, Chairman

And, that such amendments read:

1. Title, line 6.
Following: "ALLOWANCE FOR"
Strike: "AN"
Insert: "A STATE"

2. Title, line 8.
Following: "PAYABLE TO"
Strike: "AN"
Insert: "A STATE"

3. Page 4, line 15.
Following: "when"
Strike: "an"
Insert: "a state"

6:55

-3-27-91


JDR

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 393 (first reading copy -- white) do pass .

Signed: 
Francis Bardanouve, Chairman

9:53

3-27-91


JDB

HOUSE STANDING COMMITTEE REPORT

March 27, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 477 (first reading copy -- white) do pass .

Signed: 
Francis Bardanouve, Chairman

PROPOSED AMENDMENTS TO HOUSE BILL NO.

(Second Reading Copy -- Yellow)

EXHIBIT 1
DATE 2-27-91
HR 676

1. Title, lines 7 through 9.
Following: ";" on line 7
Strike: "FUNDING" through "MACHINES" on line 9
2. Title, line 11.
Strike: "AMENDING"
3. Title, line 12.
Strike: "SECTION 23-5-610"
Strike: ", MCA;"
4. Page 2, line 20.
Strike: "6"
Insert: "4"
5. Page 5, lines 7 through 13.
Strike: section 4 in its entirety
Re-number: subsequent sections
6. Page 5, line 19 through line 2, page 8.
Strike: sections 6 and 7 in their entirety
Re-number: subsequent sections
7. Page 9, line 25.
Strike: "\$25,000"
Following: "the"
Insert: "state special revenue gambling license fee"
8. Page 9, line 25 and line 1, page 10.
Following: "account" on line 25, page 9
Strike: "provided" through "6j" on line 1, page 10
9. Page 10, line 1.
Following: "institutions"
Insert: ": (1) \$35,000"
10. Page 10, line 2.
Strike: "biennium"
Insert: "fiscal year"
Strike: "1993"
Insert: "1992"

EX. 1
3-27-91
HB 676

11. Page 10, line 4.
Following: "2]"
Insert: "; and
 (2) \$70,000 for the fiscal year ending June 30, 1993,
 to implement and administer the problem and compulsive
 gambling program provided for in [section 2]"

12. Page 10, line 6.
Strike: "6"
Insert: "4"

13. Page 10, line 8.
Strike: "6"
Insert: "4"

14. Page 10, line 11.
Strike: "THROUGH 7, 9"
Insert: ", 6"

15. Page 10, line 13.
Strike: "8"
Insert: "5"

EXHIBIT
DATE
HB

102
Brown

P. BROWN
EXHIBIT 2
DATE 3-27-91
HB 676

MEMORANDUM

DATE: March 25, 1991
TO: REPRESENTATIVE BRENT CROMLEY, Chairman
Subcommittee of the House Human Services
and Aging Committee of HB 676
FROM: CURT CHISHOLM, Director
Department of Institutions
RE: HB 676

This memo is intended to clarify the position of the Department of Institutions relative to the work of your select sub-committee on the implementation of HB 676.

We testified as an opponent to the bill at the time it was first heard before the House Human Service and Aging Committee and have not subsequently changed our position on this matter. However, we did provide testimony on this bill before your sub-committee and thought that the following would be helpful to your efforts if you intend to pass this bill out. The bill clearly directs this Department to develop a gambling treatment program during the upcoming biennium.

Given this eventuality, the following constitutes a list of policy/planning and implementation concerns we will work from to provide treatment and prevention activities according to the provisions of the current bill. These are offered as an initial framework for developing an implementation strategy. As we get to the heart of the attendant issues this framework will, of necessity, be revised. However, this document will provide, from the very onset of this endeavor, all interested parties with an objective and straightforward understanding of the position of the Department. We want the relevant issues to be raised and people to appreciate our position so there are no surprises concerning our initial conceptual framework.

A. DEFINITIONS

The following definition will be used initially to define the disorder of compulsive gambling from which diagnostic definitions will need to be developed for compulsive gamblers, problem gamblers and persons directly affected by a gambling problem and compulsive gambler's behavior (gambling victims).

EXHIBIT 2
DATE 3-27-91
HS 676

These are the three categories of individual we would be expected to treat.

Diagnostic definitions would need to be developed as a method of allowing therapists to diagnose, treat and subsequently receive payment for their services.

Compulsive Gambling is a progressive behavior disorder in which an individual has a psychologically uncontrollable preoccupation and urge to gamble. This results in excessive gambling, the outcome of which is the loss of time and money. The gambling reaches the point at which it compromises, disrupts or destroys the gambler's personal life, family relationships or vocational pursuits. These problems in turn lead to intensification of the gambling behavior. The cardinal features are emotional dependence on gambling, loss of control and interference with normal functioning.

B. CREDENTIALING OF COUNSELORS

The Department does not have the financial or staff resources necessary to develop a system of certification for counselors treating compulsive gamblers. Therefore, the Department will provide endorsements based on the standards set forth by the National Gambling Counselor Certification Board. Compulsive gambling counselor endorsements will be based on the following requirements:

- o Possession of preexisting licensure or certification, i.e. certified chemical dependency counselor, licensed professional counselor, licensed social worker, licensed psychologist or psychiatrist;
- o 60 hours of gambling specific training;
- o 2000 hours of experience as a gambling counselor delivering direct treatment to compulsive gamblers, their families and related activities (the Department will adopt rules to define experiential requirements e.g. experience in facilitating groups will count as a related activity).

The 60 hours of gambling specific training may need to be contracted by the Department for in-state delivery in order to ensure the availability of qualified counselors at an estimated cost of \$17,000 per year.

C. TREATMENT IMPLEMENTATION

National research and literature indicates compulsive gamblers respond to the addiction model of treatment. Group therapy was noted as particularly effective due to the open confrontation by group members. Therefore, treatment services will be offered through existing treatment systems, i.e. approved chemical dependency programs and regional mental health centers. Services provided outside these systems will not be reimbursed by the Department.

EXHIBIT 2
DATE 3-27-91
HB 676

Treatment protocols will emphasize outpatient treatment modalities. The Department anticipates offering minimal inpatient services based on established criteria which emphasizes less restrictive treatment and individuals will receive inpatient treatment only after being referred by an outpatient treatment program.

D. PURCHASE OF SERVICES

Reimbursement will be limited to approved chemical dependency programs and regional mental health centers within the State of Montana as these programs have established sliding fee schedules based on the ability to pay. Monies are intended to subsidize or directly pay for services rendered to indigent or those who have no ability to pay. However, specialized forms and procedures must be developed as compulsive gamblers tend to have work histories but may be \$50,000 to \$100,000 in debt and unable to pay for services.

E. TASKS

The Department will need to accomplish the following tasks prior to implementing this legislation :

- o Education of Department staff re: effective treatment for compulsive gamblers;
- o Development of guidelines for counselors who will treat compulsive gamblers to allow counselors lead time to meet endorsement requirements;
- o Gather a minimum data base;
- o Research effective treatment modalities;
- o Develop a statewide plan for the treatment of compulsive gamblers;
- o Establish priorities for funding;
- o Adopt rules for the treatment of compulsive gambling including program standards and credentialing;
- o Develop procedures for programs to apply for funding to provide treatment services to problem and compulsive gamblers and persons directly effected by the compulsive gambler;
- o Formulate criteria for selecting agencies or organizations to provide treatment services;
- o Select methods for allocating funds and monitoring of expenditures;
- o Establish record requirements;

EXHIBIT 2
DATE 3-27-91
PAGE 676

Page 4

- o Develop criteria for evaluating services provided by agencies and organizations;
- o Utilize the existing Montana Advisory Council on Chemical Dependency instead of appointing a new council and increase the membership from 10 to 12.

F. PREVENTION\EDUCATION

Prevention/education efforts are not mandated by this legislation but are listed as an optional service. However, the Department recognizes the importance of prevention/education. Therefore, planning and research efforts will be initiated the second year. It is important to understand prevention in this field has a relatively short history with little investment having been made in solid research. In this light, initial programming will probably focus on self esteem, decision making and wellness.

The Department is hopeful that all of the tasks and areas addressed can be accomplished within a minimum of one year, prior to offering services. If not, more time will be required before services can be provided.

CC:bt

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Montana Association of Homes for the Aging
P.O. Box 5774 • Helena, MT 59604 • (406) 443-1185

EXHIBIT 3
DATE 3-27-91
HB 978

**A Profile of Personal Care Facilities in Montana
prepared by the Montana Association of Homes for the Aging
as testimony before the House Human Services Committee**

HB 978

- 25 licensed personal care facilities in Montana provide a total of 577 beds. The smallest has 5 beds; the largest has 82. Privately owned and operated; licensed and surveyed by the State Department of Health and Environmental Sciences.
- Costs range from \$400 to \$1405, with at least one larger facility offering "packages" of specialized, additional services for additional charges.
- Majority of personal care residents are private pay. DHES estimates that only 5 to 10 percent of pc residents are eligible for Supplemental Security Income (SSI). SSI is a federal program that provides monthly payments to aged, blind and disabled individuals. Individuals receiving SSI, and living in personal care facilities in Montana, receive a state supplement of \$94.00 toward the cost of the facility.
- Located in: Billings (2); Bozeman (3); Great Falls (2); Hamilton (1); Hot Springs (1); Kalispell (1); Laurel (2); Lewistown (2); Livingston (2); Malta (1); Miles City (1); Missoula (5); Sidney (1); and Townsend (1).
- Certificate of Need regulates the growth of pc beds in Montana. In 1989 and 1990, CON requests totaled 521 beds and represented new construction, conversion and additions to existing structures in 16 communities — 7 of those communities do not now have pc facilities.
- Interestingly, communities with the most existing pc facilities — Billings and Missoula — seek to add even more. The CON break down: Stevensville; Billings (3); Fort Benton; Helena; Lewistown (3); Chester; Miles City; Missoula (7); Wolf Point; Corvallis; South Park County; Hamilton; Bozeman (2); Conrad; Sidney; and Laurel.

• • •

62% of the personal care facilities in Montana (13) responded to a survey conducted by the Montana Association of Homes for the Aging in late December, 1990. The following information is taken from that survey and reflects only those 13 facilities that responded to the survey:

- 6 homes are best described as serving primarily independent elderly needing very little personal care, but may need medication reminders.
- 8 homes are best described as serving marginally frail elderly needing assistance in at least 2 of the activities of daily living, such as bathing and dressing.
- 1 home is best described as serving the frail elderly needing assistance in most or all of the activities of daily living, including medication reminders.
- The 13 homes responding said that an average of 21% of their residents can be considered totally independent.

Personal Care profile/page 2

- The statewide average size of the 25 licensed Montana homes is 23 beds.
- The average vacancy factor of those responding appears to be very low with some reporting 100% occupancy year around. While most had some type of waiting list, none had a long list.
- Price range of those responding is from the low: \$440 (average low is \$664) to the high: \$1438 (average high is \$984).
- The “oldest” pc home in Montana has been in operation 36 years; the “newest” is 1 year. The average time in business is 12.9 years.
- An average-size single bedroom is 139 sq ft. The state regulation requires each single bedroom to be at least 100 sq ft and each multiple bedroom (no more than 4 individuals) shall offer at least 80 sq ft per individual.
- All of the facilities have at least 1 common room (not counting the dining room), most have 2 and the larger homes have 4 or more. Suprisingly, 3 homes do not have common rooms that are accessible to wheelchair residents; all the others do.
- Death is the most frequent reason for residents leaving a facility; the second most frequent is to return to their own home; third most frequent reason was moving in with family members; fourth was entering nursing homes. The average length of stay in the 13 homes is 2.8 years.
- In 1990, 31 residents in the homes responding to the survey left to enter a nursing home; in 1989 that number ranged from 1 to 21 with an average of 7.75 residents.
- 1 facility claimed 7 residents entered a nursing home in 1990 because they ran out of funds and there was no other housing alternative for them. In the 4 years prior to 1990, the numbers were much smaller but someone made the comment that the numbers for his facility have been “quite substantial” over the years.
- Transportation to doctor's office, physical therapy, barber/beauty shop, downtown, community functions, and recreation is the service most frequently offered by those homes responding to the question. Other services include religious and social activities.
- 5 homes hire an activities director; only 2 of those are on a full-time basis. Several cite “not enough money” as the reason why they don't hire an activities director.
- Several homes bring in home health agencies to provide special services to residents who need special care.
- 10 responding homes employ from 1 to 26 full time employees (average 8.66). Nearly every home reported spending from 50% to 90% of their annual budget in their own community with the remainder spent within Montana.
- \$840,000 was the largest budget of the 7 homes providing that information; \$10,500 was the smallest budget. The average budget for the 7 homes is \$127,214; the total was \$890,000.
- 3 of those responding said Medicaid reimbursement would make “running a personal care facility easier.” (The question did not refer to Medicaid reimbursement.)
- An unusually high percentage of residents are regularly visited by family members, ranging from 100% to a low of 40% — the average is 84%.

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Montana Association of Homes for the Aging
P.O. Box 5774 • Helena, MT 59604 • (406) 443-1185

EXHIBIT 4
DATE 3-27-91
HB 978

A Profile Personal Care in Montana, prepared by the Montana Association of Homes for the Aging, in support of HB 978

- "Long term care" is a generic term; both personal care homes and nursing homes are considered long term care.
- "Intermediate" and "skilled care" refers to nursing home care.
- Nursing homes are for those who need skilled, nursing care on an on-going basis. People who need such care are not eligible to live in a personal care home.
- Personal care homes provide 24-hour supervision, three meals a day, and some assistance with the activities of daily living, such as dressing, bathing, medication reminders. PC homes are less restrictive than nursing homes.
- The cost to live in a personal care home might range from \$400 a month to \$1400 a month — significantly less than the cost to live in a nursing home.
- It is important, both in a financial sense and in a caring sense, to retain the frail elderly in the least restrictive environment, in a personal care home, as long as they do not need skilled nursing care. (Living with others having the same degree of independence and activity also serves as an ongoing challenge to "stay active.")
- 25 licensed personal care homes provide housing for approximately 577 elderly and disabled Montanans. The smallest home has 5 beds; the largest has 82.
- Personal care homes are regulated by the Certificate of Need process. In 1989 and 1990, CON requests totaled 521 beds and represented new construction, conversion and additions to existing structures in 16 communities — 7 of which do not now have personal care homes.
- HB 978 would allow a pilot study of Medicaid reimbursement in personal care homes to see if we could prevent frail elderly individuals from having to enter a nursing home solely because they have depleted their resources and there is no other paid housing alternative.
- The requested appropriation, \$60,000, can be used to leverage federal Medicaid dollars for a total of \$213,523.
- Effective October, 1994, states will have to offer Medicaid reimbursement in personal care homes as an option. HB 978 allows an early preview of what that will mean in terms of eligibility, numbers affected and cost effectiveness of delaying nursing home placement.

199
1046
HB999 Amendment

EXHIBIT 5

DATE 3-21-91

HB 999

Page 16, line 19

Following: "20-7-422"
Insert: "(3)"

Page 19, Line 19

Following: "program."
Insert: (4) Payments for a child with disabilities as negotiated in (3) shall be paid by the superintendent of public instruction from the state special education appropriation.

Page 24, line 11

Following: "district."
Insert: SECTION 8. Section 20-9-334 is amended to read.

20-9-334. Apportionment of county equalization moneys by county superintendent. The county superintendent shall separately apportion the revenues deposited in the basic county tax account and the revenues deposited in the basic special tax for high schools account to the several districts of the county on a monthly basis. The apportionments shall be known as "county equalization moneys". Before the county superintendent makes the monthly apportionments, he shall:
(1) deduct from the revenues available in the basic county tax account the amount required for the month to pay the county's obligation for elementary transportation reimbursements and out-of-state tuition obligations; and
(2) deduct from the revenues available in the basic special tax for high schools account the amount required for the month to pay the county's obligation for high school out-of-county tuition."

Renumber sections.

Page 28, line 1

Following: "treatment."
Insert: "NEW SECTION. SECTION 11. Out-of-state Tuition.
(1) "The county superintendent of schools of the county of the district of residence shall make payments from the county basic tax for elementary schools for children who are placed in facilities outside the state of Montana pursuant to 20-5-301(3)(e) but not under the provisions of Title 20, chapter 7, part 4.

(2) "The county superintendent of schools of the county of the district of residence shall make payments from the county basic special tax for high schools as provided in 20-9-334 for children who are placed in facilities outside the state of Montana as a result of a court order or placement by a state agency. This provision does not apply to children with disabilities defined under the provisions of Title 20, chapter 7, part 4."

Renumber Sections.

Page 28, line 4

Following: "instruction"
Strike: "\$3,242,000"
Insert: "\$2,471,000"

EXHIBIT 5
DATE 3-27-91
HB 999

Page 28, line 7

Following: "facility".
Strike: "or in an out-of-state public or private facility"

Amendments to House Bill No. 905
Second Second Reading Copy

Requested by Representative Bradley
For the Committee on Appropriations

Prepared by Greg Petesch
March 26, 1991

6
EXHIBIT
DATE 3-27-91
HB

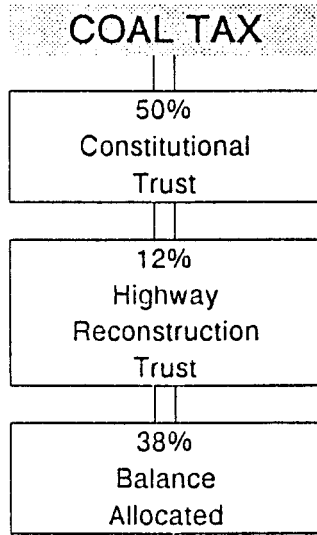
1. Title, line 19.
Strike: "AND A TERMINATION DATE"
2. Page 2, lines 6 and 7.
Following: "fund" on line 6
Strike: "--"
Strike: "bonds" on line 7
3. Page 4, lines 13 and 14.
Strike: "(B)" on line 13 through ";" on line 14
Renumber: subsequent subsection
4. Page 4, line 17.
Following: line 16
Insert: "(3) The state treasurer shall transfer money from the building a new century fund to the department to carry out each grant project in the amount authorized by the legislature, and funding must be approved by a three-fourths vote of each house of the legislature."
5. Page 4, line 18.
Strike: "-- bond issuance"
6. Page 5, line 5.
Following: "projects"
Insert: "to the governor, prioritized pursuant to subsection (2). The governor shall review the projects recommended under this section, the projects recommended by the department of administration under [section 5], and the projects recommended by the department of fish, wildlife, and parks under [section 6] and shall submit a prioritized list of recommended projects"
7. Page 8, lines 4 and 5.
Following: "to" on line 4
Strike: remainder of line 4 through "of" on line 5
Insert: "the governor for recommendation to"
8. Page 9, line 1.
Strike: "each regular session of"
Insert: "the governor for recommendation to"
9. Page 26, lines 21 and 22.
Strike: section 12 in its entirety

10
3 1008

COAL TAX DISTRIBUTION

MCA 15-35-108

EXHIBIT 7
DATE 3-21-91
HB 1008



General Fund	40.50%
Local impact	17.50%
Public schools	30.00%
County land planning	1.00%
Renewable Resource Dev. Bond	1.25%
Library Commission	1.00%
Conservation Districts	0.50%
Water Dev. Debt Service	1.25%
Mt. Growth thru Agriculture	2.00%
Parks Trust, 5%	
1/3 Arts & Cultural	1.65%
* 2/3 Parks Division	3.35%

Cap Parks Division Portion of Trust

* 2/3 Parks Division 3.35%

Sunset June 30, 1993

FY	\$ Available	Interest Lost	Net Increase
1992	\$491,211	\$23,283	\$467,927
1993	<u>\$489,075</u>	<u>\$70,705</u>	<u>\$418,369</u>
TOTALS	\$980,285	\$93,988	\$886,297

(Current annual interest to Parks operations would level off at \$1,323,924 per year.

Montana State Parks Coal Tax Proposal

What is this proposal?

This proposal is to "cap" the portion of the statutory coal trust currently allocated to State Parks (3.35%) and use the net revenue gained by the strategy to aid in rehabilitation of the park system. The current interest earnings directed to Parks operations would level off at current levels.

Related facts

- This is not a new tax.
- This would not impact any other entity currently receiving coal trust dollars.
- These funds are not presently committed to any other program.
- All other allocated funds in the statutory portion of the coal trust are handled this way.
- The "parks trust" is the only portion of the statutory portion of the coal trust operated as a trust with only interest directed to the program.
- Legislation drafted to implement this concept would require a split of the "parks trust" currently shared with the Montana Arts Council (1/3 Arts Council; 2/3 State Parks). The Arts Council portion (1.65%) would then continue as a trust with no impact to their revenue.

Justification

The State Park System is in a seriously degraded condition. There are inadequate dollars available for operations, maintenance, development, and capital improvements. The State Park Futures Committee, was appointed in 1989 to address the funding problems and solicit public input related to solutions, they concluded that \$6 million per year is needed to restore the park system to a healthy condition over the next several years. This proposal would provide a portion of this need.

This concept is particularly appropriate when historically cultural sites are considered. These resources are irreplaceable. If unprotected or vandalized, as in the current situation, these resources will disappear and part of our history will forever be lost, unavailable, for the enjoyment of our children and grandchildren. The trust concept, as now administered, does not allow the best stewardship of these resources. The future is now!

Net Revenue Generated

Annual amounts based on current statutes, would be approximately one-half million dollars per year. The attached flow chart provides the details of the proposal.

Ex 7
3-27-91
HB 1008

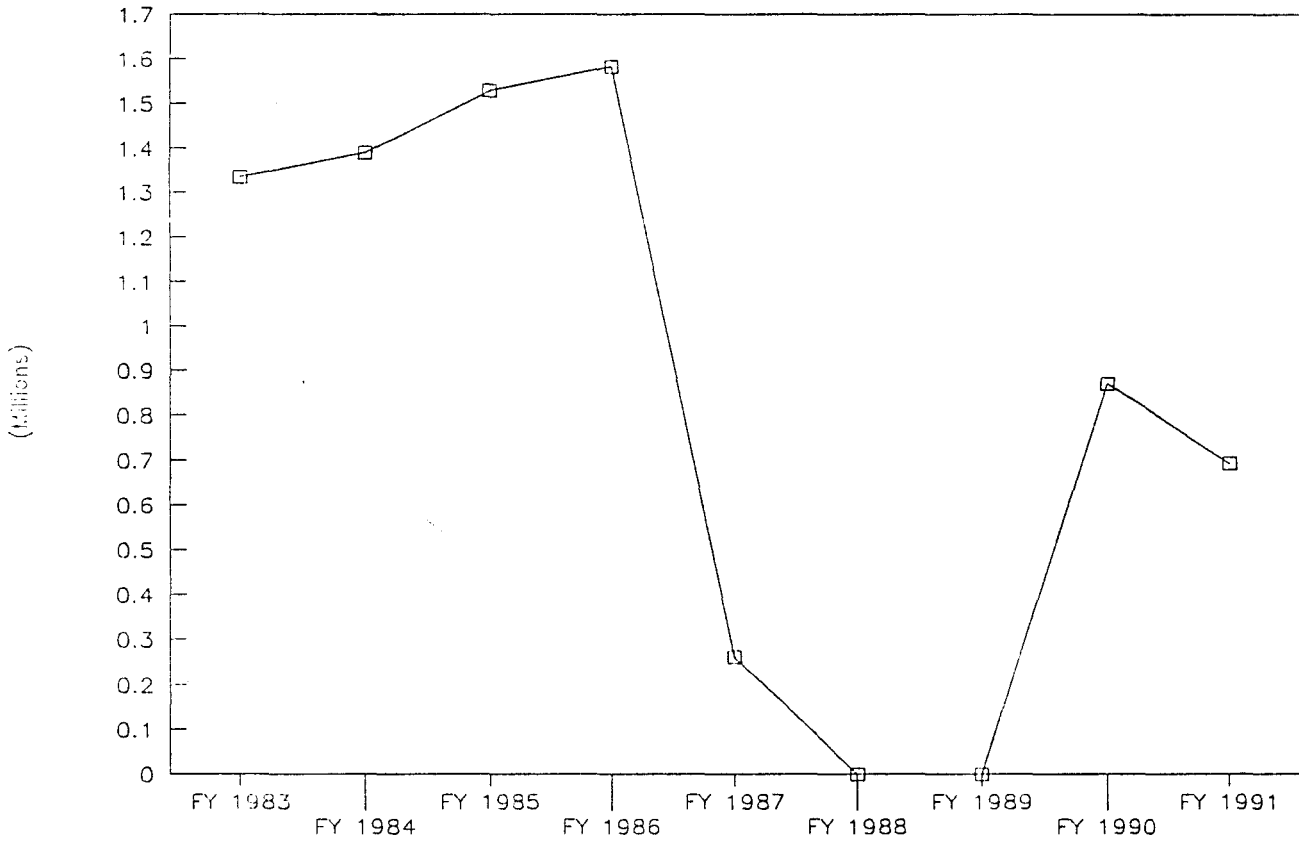
PARK COAL TAX HISTORY - Summary of Dollars to Parks Trust from Total Coal Tax

MCA 15-35-108

March, 1991

C:\123\BUDGET\TWD\REVENUE\COALHIST.WK1

EXHIBIT
DATE
MAR 27 1991



FY 1983	\$1,334,083
FY 1984	\$1,389,279
FY 1985	\$1,529,147
FY 1986	\$1,581,301
FY 1987	\$260,985
FY 1988	\$0
FY 1989	\$0
FY 1990	\$869,969
FY 1991	\$693,000

EX. 7
3-27-91
HB 1002

PARK COAL TAX PROPOSAL

March, 1991

Funds available:

Fiscal Year 1992	\$467,927
Fiscal Year 1993	\$418,369
Total	\$886,296

Examples of threatened historic resources:

Project	Vicinity	\$
Bannack buildings stabilization	Dillon	\$300,000
Cave cleaning and formation protection at Lewis and Clark Caverns	Three Forks	\$125,000
Stabilize Chief Plenty Coups home	Pryor/Billings	\$100,000
Protection of archaeological resources at Ulm Pishkun	Ulm/Great Falls	\$50,000
Stabilization at Fort Owen	Stevensville	\$150,000
Protect triceratops discovery site at Makoshika	Glendive	\$50,000
Restore 65-70 year old bridge over Giant Springs	Great Falls	\$16,500
Building stabilization at Elkhorn, Granite, Headwaters and Parker Homestead	various	\$400,000
Stabilize Gallatin City Hotel at Missouri Headwaters	Three Forks	\$100,000
Minimal stabilization of Kobold Homestead at Rosebud Battlefield	Decker	\$100,000
		\$1,391,500

SQ533

Amendment to HB1008

The purpose of this amendment is to correct the rounding using accepted rounding procedures and to hold the Montana Arts Council harmless in the split of the nonexpendable trust (15-35-108 (e)) and the subsequent distribution of Coal Severance Tax proceeds.

Page 3, line 18: Strike: "1.66%", Insert: "1.667%"

Page 3, line 25: Strike: "3.34%", Insert: "3.333%"

Page 5, line 7: Strike: "3.34%", Insert: "3.333%"

Page 6, line 3: Strike: "1.66%", Insert: "1.667%"

4
AMM. 3-27-91
1008

EXHIBIT 9
DATE 3-27-91
HB 528

AMEND HOUSE BILL 528 SECOND READING COPY

House Appropriations Committee
March 25, 1991

1. Title, line 7.
Following : "ACT".
Strike: "REQUIRING".
Insert: "AUTHORIZING".

2. Title, line 8.
Following: "TO".
Strike: "DEVELOP" on line 8 through "DATE." on line 22.
Insert: "CREATE A COMMITTEE TO EVALUATE THE PROPOSALS FOR THE SITING OF A WOMENS' CORRECTIONAL FACILITY; PROVIDING FOR THE EVALUATION OF THE PROPOSALS AND SELECTION OF A FACILITY SITE; APPROPRIATING MONEY FOR THE PURPOSES OF THE SITE SELECTION COMMITTEE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

3. Page 1, line 24.
Strike: "WHEREAS" on line 24 through "institution." on page 17, line 10.
Insert: "NEW SECTION. Section 1. Site selection authorization. The state of Montana through the department of institutions will select the site of the womens' corrections center in accord with the following provisions. (1) Sites considered for the location of the facility must be limited to the eight communities responding to the department of institution's request for proposals which were received by the department on or before January 30, 1991.

(2) Site selection must be governed by criteria identified in the request for proposals issued by the department on December 14, 1990.

(3) The committee shall approve and apply a weighted scoring mechanism to evaluate the site selection criteria.

(4) A site selection committee must be appointed to evaluate the requests for proposals and be composed of the following persons:
(a) two persons of the criminal justice and corrections advisory council, neither of whom may be a resident of a local government unit submitting a proposal;
(b) one representative of the architecture and engineering division of the department of administration;
(c) the corrections division administrator and the warden of the women's corrections center representing the department of institutions;
(d) two members of the house of representatives, neither of whom may be a resident of a local government unit submitting a proposal;
(e) two members of the senate, neither of whom may be a

4/12

EXHIBIT 10
DATE 3-27-91
HB 528

COMMITTEE MEMBERSHIP

D/I

HB 528

# of Members	Description	# of Members	Description
1	Member from A/E appointed by Director, Dept. of Administration.	1	(No difference)
2	<u>Correctional professionals</u> appointed by Director, D/I	2	<u>Members from Dept. of Institutions</u> , appointed by Director, D/I
2	Members from <u>CJCAC</u> , appointed by <u>Director, D/I</u>	2	Members of <u>CJCAC subcommittee on women offender issues</u> Appointed by <u>Governor</u>
2	Members from House of Representatives appointed by Speaker	2	(No difference)
2	Members from Senate appointed by President of Senate	2	(No difference)
1	Financial Advisor appointed by Director, D/I	0	
1	Citizen at Large, appointed by Governor.	0	
<u>11</u>	<u>Members</u>	<u>9</u>	<u>Members</u>

SUMMARY:

5	Director, D/I	2
1	Director, D/A	1
1	Governor	2
2	President of Senate	2
<u>2</u>	<u>Speaker of House</u>	<u>2</u>
<u>11</u>		<u>9</u>

Committee makes final recommendation subject to approval of director, D/I, who will review recommendation to ensure there were no errors in fact or process. In absence of error, committee recommendation will stand.

Committee will make decision and its decision is final.

EX. 10
3-27-91
HB 528

CRIMINAL JUSTICE AND CORRECTIONS ADVISORY COUNCIL

MEMBERSHIP

* Senator Tom Beck, Chairman	Mike Lavin
* Margaret L. Borg	Ted O. Lympus
Representative Vivian Brooke	Walter J. Moore
Chris Christiaens	Hon. Thomas A. Olson
* Colleen Conroy	Mike Schafer
Hon. Donald D. Dupuis	Debbie Swanson
* Sheryl Hoffarth	* Senator Pat Regan
Representative Betty Lou Kasten	Representative Bob Thoft

EX-OFFICIO MEMBERS

Daniel D. Russell	Henry E. Burgess
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DEPARTMENT OF INSTITUTIONS

Curt Chisholm, Director	Dan Russell, Administrator Corrections Division
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STAFF

Susan Byorth, Project Director

Ted Clack, Department of Institutions Research Analyst Manager

Rich Petaja, Department of Institutions Research Specialist

* Indicates Women's Corrections Subcommittee

13

11

DATE 3-21-91
1528

REQUEST FOR PROPOSALS

FOR

COMMUNITY SITE SELECTION FOR A
WOMEN'S CORRECTIONAL FACILITY

Prepared by the
Department of Institutions

December 14, 1990

REQUEST FOR PROPOSALS

FOR

COMMUNITY SITE SELECTION FOR A
WOMEN'S CORRECTIONAL FACILITY

General requirements for the proposals concerning
a site selection for a women's correctional facility.

A. Project Description

The Department of Institutions, hereinafter called the Department, has proposed that a 200-bed minimum, medium, and maximum security prison for women be built. The Department requests proposals from communities wishing to finance, locate and construct a new women's prison to be built to Department specifications for lease by the State of Montana. The Montana Legislature will be asked to approve that process. The host community and prison site will be chosen by a site selection committee using specific, scored site criteria developed by the Department.

B. Proposal

The Respondent shall present a proposal which outlines the community's ability to best provide the site and services required for the placement of the proposed 200-bed, minimum, medium, and maximum security women's correctional facility. The proposal must include:

1. Demonstration of the extent to which a sponsoring community complies with the Department's program and construction site criteria;
2. Demonstration of the sponsoring community's ability to obtain financing, the conditions under which that financing will be obtained and the extent of community contributions to the project (e.g. land, land access, SID, etc.);
3. Demonstration that the sponsoring community has successfully completed a major construction project and can complete the proposed prison project for occupancy by the Department of Institutions, no later than July 1, 1993.

C. Program Site Criteria

The proposal must contain:

1. Demonstration from the governing authorities and local residents that the proposal has been endorsed and will be pursued by those authorities. A public hearing must be held to determine the level of support by the community prior to final selection.

2. A 24-hour emergency medical service vehicle must be available with a 10-minute or less response time upon notification of an emergency. The Respondent will demonstrate the proximity and availability of a 24-hour emergency medical service vehicle to the proposed site upon notification of an emergency.
3. A 24-hour active fire protection service must be available with a 15-minute or less response time upon notification of an emergency. The Respondent will demonstrate the proximity and availability of a 24-hour active fire protection service to the proposed site upon notification of an emergency.
4. Public water supply and sewage disposal facilities must be available on site. The Respondent will demonstrate the availability of these services on the proposed site.
5. An interstate or highway exit must be available within 10 road miles of the site. The Respondent will demonstrate the proximity of an interstate or major highway exit to the proposed site.
6. The site shall be reasonably close to a certified local law enforcement agency capable of emergency response. The Respondent will demonstrate the proximity of a certified local law enforcement agency to the proposed site, and the level of capability of emergency response.
7. The Respondent will demonstrate the compatibility of the proposed site with local zoning ordinances.
8. The site must be reasonably close to certified and/or licensed sources of the following services:
 - a. Medical Services The site shall be within fifteen road miles of a referral hospital with 24-hour emergency room service and an attending physician. The Respondent will demonstrate the proximity and current availability of a full range of medical care for the routine and emergency medical care of the inmates on a 24-hour basis including, but not limited to, a referral hospital, a 24-hour emergency room service and an attending physician, and medical specialties needed by female inmates (i.e. obstetrical and gynecology, family practice, internal medicine, etc.). The Respondent will also demonstrate the willingness of medical providers to deliver these services to inmates of the proposed prison.
 - b. Chemical Dependency The Respondent will demonstrate the proximity, availability, current levels of service, and willingness to contract with the state to deliver chemical dependency services.
 - c. Mental Health Services The Respondent will demonstrate the proximity, availability, current levels of service, and

willingness to contract with the state to deliver mental health services. These services must include all levels of mental health services including, but not limited to, psychiatric care, clinical services, inpatient and outpatient treatment, and programs appropriate to women's needs.

- d. Vocational education center and programmatic equivalent and Unit of Higher Education (public or private) The Respondent will demonstrate the proximity, availability, and types of training available in post-secondary institutions such as units of Higher Education (public or private) and vocational education centers, or the programmatic equivalents. The Respondent will demonstrate the extent to which the available programs present basic skill development opportunities and should demonstrate a willingness to allow selected inmates to attend the programs; a willingness to meet inmates' special needs; and, the willingness to allow their staff to contract with the prison to provide these services on site to educate those unable to leave the facility. The institutions should show a willingness to place interns in appropriate fields of study in programs at the prison.
 - e. Child care and foster care The Respondent must demonstrate the quantity and availability of licensed foster care and all levels of child care including, but not limited to, registered day care, licensed group care and out-of-home care. A Respondent may do this by contacting the Department of Family Services Regional Administrator for their region.
 - f. Organizational support The Respondent will demonstrate the existence of established organizations which relate to women's needs, i.e. battered spouse, parenting, self-esteem, employment, displaced homemaker programs, etc. The Respondent will also demonstrate the existence of established organizations which relate to Native American issues.
10. The site community must be served by interstate transportation services (examples are air, bus, or train services). The Respondent will demonstrate the proximity and availability of these services.
 11. The site must be located in a community reasonably close to counties contributing the majority of female offenders. The Respondent will demonstrate their proximity to these counties. Proximity to the committing counties is particularly important in terms of transportation of inmates to and from the counties and for the benefit of inmate visitors and legal counsel.

D. Construction Site Criteria

The proposal must contain:

1. Demonstration that the site has direct access to paved public streets, reliable utilities such as water, sewer system, natural gas, electricity, and telephone services. These services must be readily available and capable of supporting the additional load. The proposed site must be 15-20 acres. The water system must be able to provide a minimum of 1500 GPM with 20 PSI residual pressure and meet EPA primary drinking water regulations;
2. Documentation that the property does not lie within a 100 year flood plain identified in FEMA Flood Hazard Boundary Maps, Soil Conservation Service Flood Hazard Studies, or Corps of Engineers Flood Information Reports;
3. Documentation that the water table will allow the facility a basement structure; and must include subsurface soils and water table analyses based on actual site investigation or general description based on soils in the immediate area. (Final selection will require an actual soil investigation.); and,
4. Climatic information including but not limited to average monthly temperature, average monthly precipitation, monthly solar days, and monthly average wind speed and direction.

E. Special Instruction to Respondents

1. Authorization

This request for proposal (RFP) is issued in accordance with 18-4-304, Montana Code Annotated and 2.5.602, Administrative Rules of Montana. The RFP process is a procurement option allowing the award to be based upon stated criteria or evaluation factors.

2. Financial Information

The communities must demonstrate that adequate financial resources are available to design and construct a 200-bed minimum, medium and maximum security facility at an estimated cost of \$11,967,000. The state will lease the facility over a period of 20 years, with an option of clear ownership of any real property at the end of the period. Financial options include Industrial Revenue Bonds, Certificate of Participation or other acceptable financial mechanisms. This estimated cost does not include the land acquisition of 15 to 20 acres. The Department will require new construction of a free-standing facility, to American Correctional Association standards, in a modular, campus design similar to that of the Minnesota Correctional Facility at Shakopee. The facility will be built in or near an established municipality able to provide the necessary services as stated in the site criteria.

3. RFP Information

- a. Proposals must be signed, sealed, and delivered to the:

DEPARTMENT OF INSTITUTIONS
1539 11TH AVENUE
HELENA, MT 59620

no later than 5:00 p.m. January 30, 1990. The proposal should contain an original document and four copies. The proposals will remain sealed and unopened until the closing date and time.

- b. Proposals must provide all data required herein. Failure to submit all such data will be deemed sufficient cause for rejection of a proposal.
- c. If it becomes necessary to revise any part of the RFP, revisions will be provided to all Respondents who receive the initial RFP at least one week (seven calendar days) before the close of the response period.
- d. The Respondent must assume sole responsibility for the complete efforts as required by this RFP and will be considered the sole point of contact with regard to contractual matters.
- e. The Department of Institutions assumes no responsibility or liability for costs incurred by communities prior to issuance of a Contract.
- f. The Respondent shall be responsible for any and all injury or damage as a result of the research and preparation of the proposal.
- g. A contract may be awarded in response to a proposal considered to be in the best interest of the Department contingent upon project approval by the Legislature.
- h. A list of construction management firms and architects known to have experience in design and construction of correctional facilities is attached in the event that a community wishes to contact one in the preparation of the proposal.

4. Approach to the selection criteria.

- a. A Respondent must specifically identify the method and manner in which the community proposes to provide the required services.

b. A Respondent must submit a written narrative and may submit any other printed material to demonstrate the community's ability to satisfy the selection criteria.

c. In addition, the Respondent must outline a schedule of events or milestones and indicate the time requirements and key personnel associated with each one.

5. Oral Presentation

Respondents may be requested to orally present their proposal to the Department of Institutions who will schedule the time and location of any requested presentations.

6. Evaluation Process

Proposals will be evaluated by a selection committee composed of individuals designated by the Department of Institutions and a representative from the Department of Administration's Architecture and Engineering Division. Proposals will be judged on the extent to which they meet the needs of women offenders. The committee will use a scoring method based on the extent to which the program and construction criteria are met. Additional consideration will be made regarding an available financial package, community contributions, and the community's ability to complete a major construction project. The committee will make a recommendation to the Director of the Department of Institutions, who will make the final decision.

7. Basis of Awards

The Contract will be awarded to the Respondent whose proposal best serves the interests of the program as defined by the Department in the site and selection criteria and the needs of the Department.

F. Department Responsibility

The Department will comply with all reasonable requests from respondents for additional information that may be required in order to respond to this request. Such request may be addressed in writing or requested verbally through Department contacts listed in this section.

Department of Institutions contact is Dan Russell, Administrator, (406) 444-3902, or Ted Clack, (406) 444-4907, Corrections Division, Capitol Station, Helena, Montana.

New Amendment

Amendments to House Bill No. 528
Second Reading Copy

Roll call vote
#3

Requested by Representative Menahan
For the Committee on Appropriations

Prepared by Connie Erickson
March 26, 1991

EXHIBIT 12
DATE 3/27/91
HR. 528

1. Page 3, line 18.
Page 13, line 11.
Strike: "10"
Insert: "9"

2. Page 6, line 10 through page 7, line 8.
Strike: section 4 in its entirety
Renumber: subsequent sections

3. Page 8, line 4.
Strike: "and"

4. Page 8, line 7.
Following: "senate"
Insert: "; (f) one financial advisor, appointed by the board of
investments; and
(g) one representative of the board of pardons,
appointed by the board of pardons"

5. Page 8, lines 9 and 13.
Page 13, line 9.
Page 14, line 5.
Page 16, line 25.
Strike: "8"
Insert: "7"

6. Page 8, line 16.
Page 12, line 2.
Strike: "6"
Insert: "5"

7. Page 8, line 23.
Strike: "8(3)"
Insert: "7(3)"

8. Page 8, line 24.
Strike: "procedure"
Insert: "process"

9. Page 8, line 25.
Following: "criteria"
Insert: "-- scoring procedure"

10. Page 8, line 25 through page 9, line 23.
Following: "(1)"
Strike: page 8, line 25 through page 9, line 23 in their entirety
Insert: "The site selection committee shall review the proposals submitted by the competing communities, using the criteria provided in subsection (4). The proposals must be evaluated using a scoring procedure that assigns a rank of scores to each community's ability to comply with the criteria. Criteria are assigned relative weights in importance to the operation of a women's prison.

(2)(a) Each proposal must be given one of five possible favorability scores, ranging from highly favorable to highly unfavorable, for its compliance with each criterion. That score must be multiplied by the weight assigned to each criterion and the results totaled.

(b) The weights assigned the criteria are as follows:

(i) 10 points: least displacement of workers;

(ii) 10 points: avoiding duplication of services;

(iii) 10 points: local support, medical services, and fire protection;

(iv) 9 points: ambulance services, law enforcement resources, compliance with zoning ordinances, and interstate transportation;

(v) 8 points: availability of public water and sewer, human services, and education and vocational resources;

(vi) 7 points: proximity to counties of commitment; and

(vii) 6 points: availability of a major or interstate highway.

(3) The committee shall assign additional points according to the characteristics of the proposed construction site and the financial proposal of each community. The scale of points will be developed by the architecture and engineering division of the department of administration and the board of investments."

Renumber: subsequent subsection

11. Page 9, line 24 through page 11, line 5.
Following: "are" on line 24
Strike: page 9, line 24 through page 11, line 5 in their entirety
Insert: ": (a) demonstration of public and community support;
(b) availability of emergency medical services and vehicles with onsite response time of 10 minutes or less;
(c) availability of public water supply and sewage disposal facilities onsite;

- (d) availability of 24-hour active fire protection services with onsite response time of 15 minutes or less;
- (e) availability of an interstate or a major highway exit within 10 road miles of the site;
- (f) reasonable proximity to a certified local law enforcement agency with emergency response capability;
- (g) compatibility of the proposed site with local zoning ordinances;
- (h) availability of community volunteer organizations;
- (i) availability of interstate transportation services;
- (j) reasonable proximity to counties contributing a majority of the inmates;
- (k) availability of approximately 15 to 20 acres for the proposed site; and
 - (l) reasonable proximity to certified or licensed:
 - (i) medical services;
 - (ii) chemical dependency services or programs;
 - (iii) mental health services;
 - (iv) vocational education and higher education programs; and
 - (v) child care and foster care."

12. Page 11, line 18.
Strike: "[section 4],"
Following: second "section"
Strike: "6(3)"
Insert: "5(4)"
Following: "]"
Strike: ","
Strike: "8(2)"
Insert: "7(2)"

13. Page 11, line 24.
Strike: "7"
Insert: "6"

14. Page 14, line 1.
Page 17, line 25.
Strike: "9"
Insert: "8"

15. Page 15, line 6.
Strike: "9"
Insert: "8"

16. Page 17, line 14.
Strike: "5"
Insert: "4"

Am
HB
16

AMENDMENT TO HB 5
(GREY BILL)

PREPARED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

1. Page 10 Following: Line 6

Insert: "\$150,000 of the funds provided for in the Wildlife Habitat Acquisition line item is appropriated to implement the provisions of section 2 of SB 252 that was passed by the 52nd Legislature."

Renumber subsequent sections.

EXHIBIT 13
DATE 3-21-94
HB 5

Amendments to House Bill No. 963
First Reading Copy

For the Committee on House Appropriations

Prepared by Legislative Fiscal Analyst
March 27, 1991

*Correct as corrected
(See next page also)*

EXHIBIT 14
DATE 3-27-91
HB 963

1. Title, line 4.

Following: "THE"

Strike: "BOARD" on line 4 through "DEBT" on line 7

Insert: "DEPARTMENT OF INSTITUTIONS TO ENTER INTO A LOAN AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT COSTS OF THE FINANCING; AUTHORIZING THE CREATION OF A SPECIAL LIMITED OBLIGATION OF THE DEPARTMENT; AUTHORIZING THE PAYMENT OF THE SPECIAL LIMITED OBLIGATION FROM FACILITY REVENUES;"

2. Page 1, line 11.

Following: "The"

Strike: lines 12 through 20 in their entirety

Insert: "(a) The department of institutions may enter into a loan agreement with the Montana health facility authority for the purpose of financing the costs of acquiring, constructing and equipping facilities for the developmentally disabled at the Montana developmental center in Boulder, including the establishment of reserves and the payment of costs of the financing. The maximum principal amount of the loan shall not exceed \$8,665,000 and the loan shall be payable over a term of not to exceed 30 years and shall bear interest and contain such other terms and provisions with respect to prepayment or otherwise as are not inconsistent herewith and the department shall approve.

(b) The loan may be secured by a mortgage on the Montana developmental center facility, including the land on which it is located. The loan agreement shall constitute a special limited obligation of the department and the principal and interest payments required by that agreement shall be payable solely from the facility revenues obtained by the department from the ownership and operation of and the provision of services at the Montana developmental center, including payments or reimbursements from private users, insurers and the federal government. Notwithstanding the provisions of 53-1-413, MCA, or any other statutory provision, all such facility revenues obtained from services provided by Montana developmental center shall be deposited in a special revenue fund and shall be applied to the payment of the principal and interest payments as due under the loan agreement and will constitute a statutory appropriation within the meaning of 17-7-502. Whenever the foregoing facility revenues exceed the amount and terms

specified and required to repay the loan and maintain required reserves, therefore the excess shall be deposited to the general fund. So long as the loan remains outstanding and the department provides services for the developmentally disabled, the department shall use the Montana developmental center for those purposes or for other purposes as permitted by the loan agreement and state law, except when foreclosure occurs under said agreement or the mortgage. The loan agreement may contain other provisions or agreements that the department determines are necessary which are not inconsistent with the provisions of this act.

(c) The obligations of the department under the agreement shall be special obligations payable solely from the facility revenues and shall not constitute a debt of the state or obligate the state to appropriate or apply any funds or revenues of the state, except the facility revenues as herein provided."

3. Page 2, line 1.

Beginning with: "NEW"

Strike: lines 1 through 4 in their entirety

Insert: "NEW SECTION. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; [section 1(b)]; 19-8-504; 19-9-702; 19-9-1007; ~~19-9-1007~~; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws of 1985.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of

✓ Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991.)"

EXHIBIT 15
DATE 3-27-91
HB 963

Amendments to House Bill 963
First Reading Copy

Requested By HOUSE APPROPRIATION COMMITTEE

1. Title, line 4

Following: "THE"

Strike: "BOARD" on line 4 through "DEBT" on line 7

Insert: DEPARTMENT OF INSTITUTIONS TO ENTER INTO A LOAN AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT COSTS OF THE FINANCING; AUTHORIZING THE CREATION OF A SPECIAL LIMITED OBLIGATION OF THE DEPARTMENT; AUTHORIZING THE PAYMENT OF THE SPECIAL LIMITED OBLIGATION FROM FACILITY REVENUES;

2. Page 1, line 11.

Following: "The"

Strike: lines 12 through 20 in their entirety.

Insert: (a) The department of institutions may enter into a loan agreement with the Montana health facility authority for the purpose of financing the costs of acquiring, constructing and equipping facilities for the developmentally disabled at the Montana developmental center in Boulder, including the establishment of reserves and the payment of costs of the financing. The maximum principal amount of the loan shall not exceed \$ 8,665,000 and the loan shall be payable over a term of not to exceed 30 years and shall bear interest and contain such other terms and provisions with respect to prepayment or otherwise as are not inconsistent herewith and the department shall approve.

(b) The loan may be secured by a mortgage on the Montana developmental center facility, including the land on which it is located. The loan agreement shall constitute a special limited obligation of the department and the principal and interest payments required by that agreement shall be payable solely from the facility revenues obtained by the department from the ownership and operation of and the provision of services at the Montana developmental center, including payments or reimbursements from private users, insurers and the federal government. Notwithstanding the provisions of 53-1-413 MCA or any other statutory provision, all such facility revenues obtained from services provided by Montana developmental center shall be deposited in a special revenue fund and shall be applied to the payment of the principal and interest payments as due under the loan agreement and will constitute a statutory

appropriation within the meaning of 17-7-502. Whenever the foregoing facility revenues exceed the amount and terms specified and required to repay the loan and maintain required reserves, therefore the excess shall be deposited to the general fund. So long as the loan remains outstanding and the department provides services for the developmentally disabled the department shall use the Montana developmental center for those purposes or for other purposes as permitted by the loan agreement and state law, except when foreclosure occurs under said agreement or the mortgage. The loan agreement may contain other provisions or agreements that the department determines are necessary which are not inconsistent with the provisions of this act.

(c) The obligations of the department under the agreement shall be special obligations payable solely from the facility revenues and shall not constitute a debt of the state or obligate the state to appropriate or apply any funds or revenues of the state, except the facility revenues as herein provided.

3. Page 2, line 1.

Beginning with: "NEW"

Strike: lines 1 through 4 in their entirety.

Insert: **NEW SECTION** Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

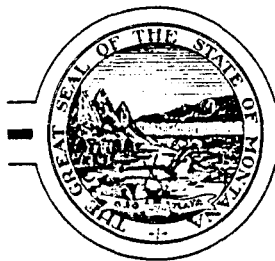
(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; [section 1(b)]; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws of 1985.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of ;39-71-2504 terminates June 30, 1991.)"

DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES



STAN STEPHENS
GOVERNOR

JULIA E. ROBINSON
DIRECTOR

STATE OF MONTANA

EXHIBIT 16
DATE 3-27-91
HB 927

P.O. BOX 4210
HELENA, MONTANA 59604-4210
(406) 444-5622
FAX (406) 444-1970

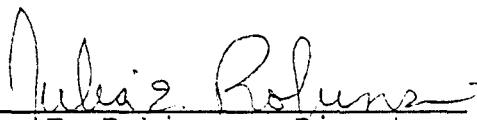
Amendment to House Bill 927
(RE: General Relief)
Third Reading Copy, Corrected Second Printing
Includes amendments of 2-25-91

1. Page 6, line 13.
Following: "extended"
Insert: "according to 53-3-321(3)"

-End-

Rationale: The proposed amendment provides that a recipient who is reassessed and found still to have serious barriers to employment may have benefits extended for up to 3 additional months according to the provisions of 53-3-321(3). This will allow for 3 additional months of benefits for persons in drug or alcohol treatment programs. Thus, a total of 9 months of benefits per 12 month period may be granted.

Submitted by:


Julia E. Robinson, Director
Department of Social and
Rehabilitation Services

Amendments to House Bill No. 731
Second Reading Copy

3-27-91

HB 731

Requested by House Natural Resource Committee

Prepared by Paul Sihler
March 25, 1991

1. Title, line 14.
Following: "STANDARDS;"
Strike: "AND"

2. Title, line 15.
Following: "ACCOUNT"
Insert: "; AND PROVIDING AN APPROPRIATION"

3. Page 16.
Following: line 8
Insert:

"NEW SECTION. Section 8. Appropriation. There is appropriated to the department of state lands from the forest stewardship special revenue account provided for in [section 6] \$60,000 for fiscal year 1992 and \$60,000 for fiscal year 1993 for the purpose of implementing [sections 1 through 7]. If the amounts are not available in the forest stewardship special revenue account, the money is appropriated from the general fund.

Amendments to House Bill No. 731
First Reading Copy

Requested by Rep. Ream
For the Committee on Appropriations
March 22, 1991

Prepared by Paul Sihler

1. Page 4, line 3.
Strike: "UNDER" through "PROCEDURES"
Insert: "for the standards"
2. Page 4, line 4.
Strike: "(2)"
3. Page 9, lines 18 and 19.
Strike: "--" on line 18 through "(2)," on line 19
Insert: "."
4. Page 11, line 2.
Following: "~~protected.~~"
Insert: "(1)"
5. Page 11, line 18 through page 12, line 13.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection
6. Page 16, line 5.
Strike: "GOVERNING"
Insert: "providing"
7. Page 16, line 6.
Strike: "THE"
Following: "PRACTICES"
Insert: "for the standards"

6
Amendments to House Bill No. 77
Third Reading Copy

Requested by Representative Quilici
For House Appropriations Committee

March 27, 1991

EXHIBIT 19
DATE 3-27-91
HB 77

1. Title, page 1, line 11

Following: "INCREASE;"

Insert: "INCREASING MEMBER CONTRIBUTIONS;"

2. Title, page 1, line 12

Following: "19-6-401,"

Insert: "19-6-402,"

3. Page 3.

Following: line 18

Insert: "Section 3. Section 19-6-402, MCA, is amended to read:

"19-6-402. Member's contribution. (1) Every member shall be required to contribute into the account a sum equal to ~~7.59%~~ 9% of his monthly salary, which sum shall be deposited to his credit in the account.

(2) Each employer, pursuant to section 414(h)(2) of the federal Internal Revenue Code of 1954, as amended and applicable on July 1, 1985, shall pick up and pay the contributions which would be payable by the member under subsection (1) for service rendered after June 30, 1985.

(3) The member's contributions picked up by the employer must be designated for all purposes of the retirement system as the member's contributions, except for the determination of a tax upon a distribution from the retirement system. These contributions must become part of the member's accumulated contributions but must be accounted for separately from those previously accumulated.

(4) The member's contributions picked up by the employer must be payable from the same source as is used to pay compensation to the member and must be included in the member's wages as defined in 19-1-102 and his compensation as used to define his final salary in 19-6-101. The employer shall deduct from the member's compensation an amount equal to the amount of the member's contributions picked up by the employer and remit the total of the contributions to the board."

4. Page 3, line 22

Following: "26.75%"

Strike: "37.69%"

Insert: "36.28"

Renumber: subsequent sections

+

AMENDMENT

HOUSE BILL 595

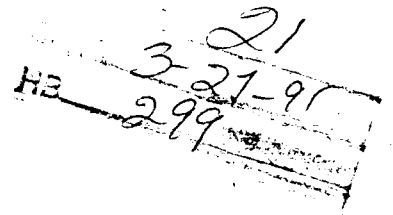
EXHIBIT 20
DATE 3-27-91
HB 595

1. p. 5, line 10
Strike: 6.9%
Insert: 7.2%

2. p. 7, line 6
Strike: 15.96%
Insert: 15.66%

Personal

Amendments to House Bill No. 299
Second Reading Copy



Requested by Representative Cody
For the Committee on House Appropriations

Prepared by Legislative Fiscal Analyst
March 26, 1991

1. Title, lines 7 through 9.
Following: "LIMITS;" on line 7
Strike: remainder of line 7 through "CARE;" on line 9
2. Page 4, line 24 through page 5, line 1.
Following: "Section 3." on line 24
Strike: remainder of line 24 through "the" on page 5, line 1
Insert: "Permanency planning project. The"
3. Page 5, lines 1 through 3.
Following: "family services" on line 1
Strike: remainder of line 1 through "to" on line 3
Insert: "shall"
4. Page 5, line 6.
Strike: "(a)"
Insert: "(1)"
Renumber: subsequent subsection
5. Page 5, lines 11 through 13.
Strike: lines 11 through 13 in their entirety

J

Amendments to House Bill No. 366
Third Reading Copy

Requested by Representative Russell
For the Committee on Appropriations

Prepared by Sandy Whitney
March 27, 1991

EXHIBIT 22
DATE 3-27-91
HB 366

- 1. Page 1, line 21.
Following: "appropriated"
Insert: "\$175,272"
Following: "general fund"
Insert: "and \$175,272 from federal funds"
- 2. Page 1, line 22.
Strike: "\$701,088"
- 3. Page 1, line 23.
Strike: "13.4"
Insert: "6.7"
- 4. Page 2, line 5.
Strike: "\$892,558"
Insert: "\$223,140 from the general fund and \$223,139 from federal funds"
446,272
- 5. Page 2, line 6.
Strike: "15.9"
Insert: "7.95"

→ Jerry Conest 7.

Ex. 23

3-27-91

HB5

AMENDMENT TO HB 5
(GREY BILL)

PREPARED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

1. Page 10 Following: Line 6

Insert: "\$150,000 of the funds provided for in the Wildlife Habitat Acquisition line item is appropriated to implement the provisions of section 2 of SB 252 that was passed by the 52nd Legislature."

Renumber subsequent sections.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

10:43

DATE 3-27

BILL NO. 528

NUMBER 1

MOTION: Roll call on H.R. 1208

J 1208

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY		✓	
REP. JOHN COBB		✓	
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	13	5	

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

11:09

DATE

3-27

BILL NO.

538

NUMBER

2

MOTION:

By order of the House

1st

Pass Amendments Ex. 12

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY		✓	
REP. JOHN COBB		✓	
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON		✓	
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY		✓	
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD			✓
REP. BOB THOFT	✓		
REP. TOM ZOOK			✓
REP. FRANCIS BARDANOUE, CHAIRMAN		✓	
TOTAL	9	7	2

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME 11:21

DATE _____

BILL NO. 528

NUMBER 3

MOTION: _____

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY			✓
REP. JOHN COBB		✓	
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON		✓	
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD			✓
REP. BOB THOFT	✓		
REP. TOM ZOOK			✓
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	11	4	3

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

11:32

DATE _____

BILL NO.

746

NUMBER

4

MOTION: _____

table

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY		✓	
REP. JOHN COBB	✓		
REP. DOROTHY CODY			✓
REP. MARY ELLEN CONNELLY		✓	
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON		✓	
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY		✓	
REP. WM. "RED" MENAHAN		✓	
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI			✓
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK			✓
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓	✓	
TOTAL	7	8	3

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

11:38

DATE _____

BILL NO.

978

NUMBER

6

MOTION: _____

Do Pass

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB	✓		
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT		✓	
REP. TOM ZOOK			✓
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	11	6	1

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

12:01

DATE _____

BILL NO. 4

NUMBER 7

MOTION: _____

Reconsider HB 4

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB		✓	
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY		✓	
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS			<i>Pass</i>
REP. BERV KIMBERLEY		✓	
REP. WM. "RED" MENAHAN		✓	
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI			<i>Pass</i>
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
TOTAL	10	6	

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

4:18 *€*

DATE 3-27-91

BILL NO. 374

NUMBER 8

MOTION:

Table

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB		✓	
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON		✓	
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT		✓	
REP. TOM ZOOK		✓	
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
TOTAL	10	8	

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

4:20 PM

DATE 3-27-91

BILL NO. 795

NUMBER 9

MOTION: _____

table

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY		✓	
REP. JOHN COBB	✓		
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY		✓	
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON		✓	
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY		✓	
REP. WM. "RED" MENAHAN		✓	
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI		✓	
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
TOTAL	9	9	

ted

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

4:21

DATE 3-27-91 BILL NO. 795 NUMBER 10

MOTION: _____

Do Pass

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB		✓	
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON		✓	
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT		✓	
REP. TOM ZOOK		✓	
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
TOTAL	9	9	

*Base was yes
- 9-9*

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

4:52 €

DATE

3-27-91

BILL NO.

905

NUMBER

12

MOTION:

Amend to Condy

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB		✓	
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY		✓	
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD		✓	
REP. BOB THOFT		✓	
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	11	7	

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE 731 TIME 5:02
 DATE 3-27-91 BILL NO. ~~905~~ NUMBER 13

MOTION:

Table
Read around

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN	✓		
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB			
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN	✓		
TOTAL	18	0	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

7 3 1 TIME

5105

DATE _____

BILL NO. _____

NUMBER 14

MOTION: _____

Table

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY		✓	
REP. JOHN COBB	✓		
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY		✓	
REP. ED GRADY		✓	
REP. LARRY GRINDE	✓		
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN		✓	✓
REP. JERRY NISBET		✓	
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD	✓		
REP. BOB THOFT	✓		
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	8	10	

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

5:18

DATE _____

BILL NO. 125

NUMBER 15

MOTION: _____

AG

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB		✓	
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY			✓
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD			✓
REP. BOB THOFT			✓
REP. TOM ZOOK		✓	
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	<u>9</u>	<u>6</u>	<u>3</u>

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

5:25

DATE _____

BILL NO.

77

NUMBER

16

MOTION:

Roll Considered

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB	✓		
REP. DOROTHY CODY	✓		
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY			✓
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	✓		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD			✓
REP. BOB THOFT			✓
REP. TOM ZOOK		✓	
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	10	5	2

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

ROLL CALL VOTE

TIME

5:38 *€*

DATE _____

BILL NO. 595

NUMBER 18

MOTION: _____

1690

NAME	AYE	NO	ABSENT
REP. RAY PECK, VICE-CHAIRMAN		✓	
REP. DOROTHY BRADLEY	✓		
REP. JOHN COBB	✓		
REP. DOROTHY CODY		✓	
REP. MARY ELLEN CONNELLY	✓		
REP. ED GRADY	✓		
REP. LARRY GRINDE		✓	
REP. JOHN JOHNSON	✓		
REP. MIKE KADAS		✓	
REP. BERV KIMBERLEY	✓		
REP. WM. "RED" MENAHAN	<i>absent</i>		
REP. JERRY NISBET	✓		
REP. MARY LOU PETERSON		✓	
REP. JOE QUILICI	✓		
REP. CHUCK SWYSGOOD			✓
REP. BOB THOFT			✓
REP. TOM ZOOK	✓		
REP. FRANCIS BARDANOUVE, CHAIRMAN		✓	
TOTAL	<i>9</i>	<i>6</i>	

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Appropriation COMMITTEE _____ BILL NO. _____
 DATE 3/27/91 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
ROGER BERGMAYER Msgr	D.S.L.	731		
Bill WARE	MONT Assn. Chiefs of Police	595		✓
DAVE BROWN	HO #172	HB 676	X	
Kim Wilsey	MPPA	585		✓
JEAN S. JOHNSON	MT Assoc of Homes for the Aging	978		✓
John Tucker	DNR	905 795		
Anna M. Hull	DNR	905		
Janet Ellis	MT Audubon	1008	✓	
MARK LERUM	H.P.P.A. Helena Police Protective Assoc.	545		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.