

## **MINUTES**

### **MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FINANCE & CLAIMS**

**Call to Order:** By Senator Jacobson, on March 27, 1991, at 8:00 a.m., Room 108.

#### **ROLL CALL**

**Members Present:**

Judy Jacobson, Chairman (D)  
Greg Jergeson, Vice Chairman (D)  
Gary Aklestad (R)  
Thomas Beck (R)  
Esther Bengtson (D)  
Don Bianchi (D)  
Gerry Devlin (R)  
Harry Fritz (D)  
H.W. Hammond (R)  
Ethel Harding (R)  
Bob Hockett (D)  
Dennis Nathe (R)  
Larry Tveit (R)  
Eleanor Vaughn (D)  
Mignon Waterman (D)  
Eve Franklin (D)

**Members Excused:** Senators Keating, Stimatz, Weeding

**Staff Present:** Clayton Schenck (LFA).

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

**Announcements/Discussion:** Senator Jacobson said we will take executive action on House Bills 272 and 913.

#### **EXECUTIVE ACTION ON HOUSE BILL 272**

##### **Discussion:**

Senator Jacobson said she had concerns about HB 272 and the LFA has discussed them with the Department of Institutions.

Clayton Schenck said he discussed with the Department of Institutions if there was any possibility that one of the pre-release centers could get set up and the judge could send them without state authority and that the state would end up paying money to one of these without their approval. He was notified there really was not a chance of that happening the way the bill is written. HB 272 says one of these facilities has to have a contract with the Department of Institutions so they would have to authorize it and that before they could receive prisoners and receive funding from the state, the Department of Institutions would have to have a specific appropriation to do that. It would have to come through the legislative process. The Department of Institutions stated if they are given the task of setting up these rules, they would set them up similar to a request for a proposal with the pre-release centers. They did not feel there was a problem with widening the net in terms of the number of people that were sent to these under state funding.

Senator Beck questioned if the number of boards that deal with community corrections could be combined. Senator Jacobson said it was her understanding that beds could be used in an existing pre-release center and in that case the existing board would be used.

Senator Beck mentioned that the intent of this is to allow the courts to directly sentence people in the community facilities rather than go through the prison system, but he questions they have the authority to do that at the present time.

Senator Jacobson mentioned another question she had was a judge sentencing someone they would normally put on probation into one of these community centers just because they know it is available, but she indicated there is language in the bill dealing with that.

Motion:

Senator Bengtson moved that HOUSE BILL 272 BE CONCURRED IN.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

Motion that HB 272 BE CONCURRED IN carried unanimously.  
Senator Pinsoneault will carry this bill in the Senate.

EXECUTIVE ACTION ON HOUSE BILL 913

Discussion:

Senator Nathe said he had discussed the idea of putting a sunset clause on HB 913 with the Office of Superintendent of

Public Instruction and they agreed that would work best and this situation could be reviewed in two years.

Senator Jacobson stated she went to the Office of Public Instruction and asked them if they would be agreeable to putting a sunset clause on this bill. She felt this would alleviate some of the concerns about changing direction here and would assure that this would be reviewed again in two years to see what is happening.

Amendments, Discussion, and Votes:

Senator Nathe moved that HB 913 be amended to put a sunset clause on it so that it terminates in two years, June 30, 1993.

Senator Nathe said regarding the other bills mentioned by Mr. Groepper, the telecommunications bill is going to assess \$1.00 per student or per ANB \$150,000. They plan to take that out of the foundation schedules. There are other bills that sought to take \$1.00 or a couple cents out of those scheduled amounts that we have always appropriated back to the local school districts to fund the schedules. He added the legislature is moving into a new area in that the schedules have always been funded at whatever percent increase we have decided to give them. Now the legislature is starting to take some of that back and hopefully we would add to it with general fund. He concluded it is something that has to be reviewed in two years to see the direction we are going. He added OPI needs HB 913 in case the other three bills mentioned by Mr. Groepper pass because they have no way of handling the problem.

Senator Devlin questioned if we could put a similar amendment on each of the three bills as it comes to us. Senator Nathe said he felt we should put a sunset on the other bills as well. He added a bill dealing with transportation should have had a sunset attached to it also, but it was now too late to deal with that bill. Senator Jacobson said by putting a sunset clause on HB 913, we will have to review the whole area anyway whether the clause is put on the other bills or not because in order to make those bills continue to work well, HB 913 is needed.

Senator Waterman said she understood what we are trying to do by sunsetting HB 913, but added if we sunset the transportation bill, we are talking about a change in the way transportation funds are disbursed, the whole mechanism, and she said she was supporting the mechanism because it gets a handle on transportation costs. She concluded we might want to sunset the appropriation portion of the bill but not the whole transportation change. She added that districts are shifting the costs between the elementary and high school district, depending on which is more advantageous. Therefore, the structural change made in the bill this session will be beneficial in getting a handle on what the transportation costs are and how the state should pay for them in the future.

Senator Devlin said by sunseting, nothing will necessarily change because it will be revisited before it runs out. Senator Hammond added sunseting would give us an opportunity to look at how it works.

Motion to amend HB 913 carried unanimously. The sunseting amendment will be added as well as the amendment (Exhibit 1 to minutes of March 25, 1991) which carried unanimously.

Motion:


Senator Nathe moved that HOUSE BILL 913 AS AMENDED BE CONCURRED IN.


Recommendation and Vote:

Motion that HB 913 AS AMENDED BE CONCURRED IN carried unanimously. Senator Nathe will carry HB 913 on the Senate floor.

ADJOURNMENT

Adjournment At: 8:30 a.m.

  
JUDY JACOBSON, Chairman

  
LYNN STALEY, Secretary

JJ/ls

ROLL CALL

FINANCE & CLAIMS COMMITTEE

DATE 3/27/91

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACOBSON CHAIRMAN	P		
SENATOR JERGESON, VICE CHAIRMAN	P		
SENATOR AKLESTAD	P		
SENATOR BECK	P		
SENATOR BENGTSON	P		
SENATOR BIANCHI	P		
SENATOR DEVLIN	P		
SENATOR FRITZ	P		
SENATOR HAMMOND	P		
SENATOR HARDING	P		
SENATOR HOCKETT	P		
SENATOR KEATING		A	
SENATOR <sup>Franklin</sup> MANNING	P		
SENATOR NATHE	P		
SENATOR STIMATZ		A	

Each day attach to minutes.

FINANCE & CLAIMS COMMITTEE, CONTINUED

LEGISLATIVE SESSION

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 27, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 913 (third reading copy -- blue), respectfully report that House Bill No. 913 be amended and as so amended be concurred in:

1. Title, line 8.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "20-9-343"

Insert: "AND 20-9-361"

2. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 3.

Following: line 13

Insert: "NEW SECTION. Section 2. Section 20-9-361, MCA, is amended to read:

"20-9-361. State and county equalization revenue -- statutory appropriation. Revenue received in support of state and county equalization under the provisions of 20-9-331, 20-9-333, and 20-9-343(1)(a) is statutorily appropriated, as provided in 17-7-502, to:

(1) the superintendent of public instruction to be used for county equalization and state equalization aid for the public schools, as provided by law, and must be accounted for in accordance with generally accepted accounting principles; and

(2) counties as provided in 20-9-360(2)."

Renumber: subsequent section

4. Page 3.

Following: line 15

Insert: "NEW SECTION. Section 4. Termination. [This act] terminates June 30, 1993."

Signed: \_\_\_\_\_

Judy H. Jacobson, Chairman

LP 3/27/91  
Amd. Coord.

SR 3/27 11:15  
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 27, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 272 (reference reading as amended copy -- salmon), respectfully report that House Bill No. 272 be concurred in.

Signed: \_\_\_\_\_

Judy H. Jacobson, Chairman

LB 3/27/91  
Amd. Coord.

SB 2/27 11:15  
Sec. of Senate



Amendments to House Bill No. 913  
Third Reading Copy (Blue)

Requested by Rep. Johnson  
For the Senate Finance and Claims Committee

Prepared by Eddye McClure  
March 21, 1991

1. Title, line 8.  
Following: "AMENDING"  
Strike: "SECTION"  
Insert: "SECTIONS"  
Following: "20-9-343"  
Insert: "AND 20-9-361"

2. Page 3.  
Following: line 13  
Insert: "NEW SECTION. Section 2. Section 20-9-361, MCA, is  
amended to read:

"20-9-361. State and county equalization revenue --  
statutory appropriation. Revenue received in support of state and  
county equalization under the provisions of 20-9-331, 20-9-333,  
and 20-9-343(1)(a) is statutorily appropriated, as provided in  
17-7-502, to:

(1) the superintendent of public instruction to be used for  
county equalization and state equalization aid for the public  
schools, as provided by law, and must be accounted for in  
accordance with generally accepted accounting principles; and

(2) counties as provided in 20-9-360(2)."

Renumber: subsequent section