

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By Chair Judy Jacobson, on February 18, 1993, at 12:00 noon.

ROLL CALL

Members Present:

Sen. Judy Jacobson, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Sen. Don Bianchi (D)
Sen. Chris Christiaens (D)
Sen. Gerry Devlin (R)
Sen. Harry Fritz (D)
Sen. Ethel Harding (R)
Sen. Bob Hockett (D)
Sen. Greg Jergeson (D)
Sen. Tom Keating (R)
Sen. J.D. Lynch (D)
Sen. Dennis Nathe (R)
Sen. Chuck Swysgood (R)
Sen. Larry Tveit (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Cecil Weeding (D)

Members Excused: Senator Forrester

Members Absent: None

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Lynn Staley, Committee Secretary

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

Committee Business Summary:

Hearing: SB 335, SB 414
Executive Action: SB 278, SB 327, SB 39, SB 40, SB 335, SB 414

EXECUTIVE ACTION ON SB 278

Discussion: Senator Christiaens said Terry Cohea, LFA would be

distributing extensive amendments to SB 278. (Exhibit 1)

Senator Christiaens Moved the amendment.

Senator Beck questioned the appropriation coming from the Senate rather than the House.

Senator Jacobson said he is talking about subcommittee action.

Senator Keating questioned whether it would be an appropriation in itself, or just a funding change.

Senator Jacobson said it is statutory.

Senator Jergeson said language in the title makes it appear to be an appropriation.

Terry Cohea, LFA, said there are two appropriation amounts in SB 278. One is not an appropriation; it is saying of whatever amount is appropriated in HB 2, it must be spent in this manner. Amendments to SB 278 create a statutory appropriation of up to \$500,000. That is done in amendment 5 and more specifically in amendment 11. She said on page 3, there is a statutory appropriation for funds from the school equalization account and this is adding to what is statutorily appropriated.

Senator Jacobson asked if the statutory appropriation was already there, and if we are just expanding the authority to utilize it.

Ms. Cohea said yes, this would expand what you can spend the statutory appropriation on.

Senator Jergeson said he didn't know why you couldn't strike (b), page 3 to change the title.

Senator Jacobson asked Senator Christiaens if he wanted to take a chance.

Senator Christiaens said yes.

Senator Jergeson said the rules say an appropriation bill may not be introduced in the Senate, but this bill is already introduced in the Senate.

Terry Cohea said there was one Senate Bill in the 1991 regular session that did have an amendment added in the House to the Senate Bill, and did pass and was signed.

Senator Jergeson said it was his suggestion to strike (b) on page 3, strike amendment 2, pass the rest of it, and the House then would add the appropriation.

Senator Christiaens said it makes sense to do it that way, and would be more clear.

Senator Jacobson asked Senator Jergeson if it was his intention to strike the entire statutory appropriation and have it put on in the House.

Ms. Cohea said amendment 5 references the statutory appropriation but if you have the language in amendment 5, you need to have it in amendment 11 because currently expenditures for this purpose are not an allowable expenditure under the school provision account, so you need to amend the section.

Senator Jergeson said Joint Rule 40-20 says all appropriation bills must originate in the House of Representatives.

Senator Jacobson said what we are trying to make it so it is not an appropriation bill.

Senator Keating said in amendment 2 where it says providing appropriation, if you delete that and say, amending section 20-9-343, you would get away from the appropriation language and all you are doing is amending the statutory appropriation clauses.

Motion: Senator Keating moved the amendment to the amendment (Exhibit 1) with No. 2 deleted.

Senator Jacobson said we have changed the title to say we are amending 20-9-343.

Senator Christiaens asked if we would move the bill as amended or move the amendment as amended.

Senator Aklestad said he understands the amendment, and assumes it will be on the right line so amendment No. 2 will coincide with the appropriation terminology in the title. He asked if that would be taken care of.

Senator Jacobson said the amendment we just passed said we are amending the statute and leaving the rest of the language as is.

Senator Aklestad said to coincide with what Senator Jergeson said, that we can't have an appropriation bill, we have to take that language out of the title.

Senator Jacobson said that is what we did.

Senator Aklestad said item no. 2 on page 1, line 10, the word 'appropriation' is on line 8. He asked if that would be done automatically, and Senator Jacobson answered it would be.

Vote: The Motion CARRIED unanimously to amend the amendment.

Motion: Senator Christiaens moved SB 278 AS AMENDED DO PASS.

Vote: The motion CARRIED unanimously that SB 278 DO PASS AS AMENDED.

HEARING ON SB 335Opening Statement by Sponsor:

Senator Tom Towe, Senate District 46, said this bill is one of a series of bills he has introduced, dealing with the curtailing of unnecessary bureaucracy administration and getting at the perception that we can do more in this area, and we must do more. The purpose of the bill and the design of it is that (1) whenever a vacancy exists in administrative personnel positions, that vacancy shall be eliminated from the base unless the governor or the legislative head of any committee designates the position as essential and has communicated that decision to the Budget Office and the Legislative Finance Committee; (2) The governor and the legislative agencies shall develop a plan to reduce office administrative personnel in all agencies pursuant to the following formula, and provide that to the next session of the legislature. (Exhibit 2) Senator Towe said he is asking each agency to reduce their administrative staff by 45 percent. He said OPI has presented some additional amendments which he is in accord with. In effect, they would take out the word processor and accountant, and make sure it is just general fund positions and not federally funded positions.

Proponents' Testimony:

None.

Opponents' Testimony:

Greg Groepper, OPI, said he is offering amendments to SB 335. (Exhibit 3) He said with the amendments, they don't have a problem with the bill.

Tom Schneider, Montana Public Employees Association, stated his opposition to SB 335. What we have is a piecemeal situation where it depends on who leaves as to what jobs are going to be vacant. After the fact, the work will still need to be done. Secondly, the definition of direct service seems to be talking about every clerical position in the state of Montana. All clerical people work with intervention of other personnel.

Terry Minnow, Montana Federation of Teachers and Montana Federation of State Employees, said they also oppose SB 335. The bill, as it is currently written, is a morale buster for state employees. The bill takes the legislature out of the priority setting process and transfers that to the governor and other elected officials. There is also a problem with the percentages on page 3, line 22.

Leroy Schramm, Board of Regents, said they think they are covered as they are not listed in agencies. The chairman of the Board of Regents is listed as a person who designates people as essential. He said they know they are going to have to cut positions, but he

would suggest letting them manage their own operation.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Senator Towe closed on SB 335 saying they are asking agencies to come back with a plan to reduce their administrative staff by about 45 per cent, and then the legislature can see if they like it.

EXECUTIVE ACTION ON SB 327

Motion: Senator Christiaens moved SB 327 DO PASS.

Discussion: Senator Jacobson asked the committee if there was any discussion on the bill that was voted on Tuesday and had a 9/9 tie vote.

Senator Christiaens said this bill allows chemical dependency treatment to people who cannot get in to Galen.

Senator Jacobson asked what it would do to the limited amount of alcohol funds that are available to treat those patients.

Senator Christiaens said they only have so much money and we heard they would negotiate to have the very best contract. Right now there are only 6 beds in the state and there is a long waiting list to get in.

Senator Keating said another consideration is the Department testified that they would only utilize this for special cases as well. They are getting patients they cannot treat in their program that could be treated in one of these other facilities with a co-dependency situation. We are wasting money by keeping them in Galen time and time again when they can get fully treated someplace else.

Senator Lynch said he does not agree. Galen's program is going to be streamlined. The waiting list will be eliminated. Right now we are contracting with federal grants to the programs already involved.

Senator Christiaens said there are different kinds of treatment programs, but there are also 90 day programs now in place at Galen, which adds to the problem.

Senator Swysgood said going back to the contract that was negotiated at a lower price, it will not be very long before we see these people in here because of the limited amount of funds

that are available, asking the institutions subcommittee for the right of rate increases to continue these programs.

Senator Keating said the free standing chemical dependency treatment centers do not ask for provider rate increases.

Vote: The motion FAILED on a roll call vote of 8 yes, 10 no.

EXECUTIVE ACTION ON SB 39

Motion: Senator Keating moved that SB 39 DO PASS. He said this bill would discontinue the acute care unit at Galen.

Discussion: Senator Lynch said the door was being closed to some options because of under-utilization purposely perpetrated by previous administrations, and it is a mistake because the accreditation will be lost.

Vote: The motion CARRIED with a roll call vote of 12 yes, 6 yes.

EXECUTIVE ACTION ON SB 40

Motion: Senator Keating moved SB 40 DO PASS. He said this was closing the nursing home at Galen State Hospital.

Discussion: Senator Lynch said the reason there are 51 patients at that long-term facility is because they were not accepted at any of the state's nursing homes because of the violence involved. Only 10 of these people, according to the department, will be able to go to the home for the aged. He would like to know why these 41 people that weren't wanted all of a sudden will be accepted into private nursing homes.

Senator Jacobson said we are very aware that Galen is closing, and we want a certain amount of sympathy and concern for both the people that are losing their jobs as well as the patients who may have severe trauma of attempting to be moved.

Vote: The motion that SB 40 DO PASS CARRIED on a roll call vote.

EXECUTIVE ACTION ON SB 414

Motion: Senator Keating moved SB 414 BE TABLED.

Discussion: Senator Kennedy asked that the bill be tabled as it has a \$6 million fiscal note, and there is no money available for it.

Vote: The motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 335

Motion: Senator Keating moved SB 335 DO NOT PASS.

Senator Keating said we are denying the restoration of the 5 percent reduction and move to leave vacant certain positions. At the same time, the subcommittee has been passing bills that give new programs requiring more personnel and then deny the personnel for the program. He said this bill does not help a thing. It is a statutory vacancy savings that will do absolutely no good whatsoever. If the committee would want to amend into the bill the elimination or repeal of about 15 or 20 programs, he would go along with it, but unless there are some programs to amend in for a repealer, SB 335 will do no good.

Senator Jacobson said because of the percentages, the scale works backwards. The Department of Transportation, out of 2,000 people would eliminate 100, where EQC would be eliminating 6. She said it didn't make a lot of sense.

Senator Swysgood thinks Senator Keating's motion is appropriate.

Senator Aklestad said it gives lots of latitude because the Department can come in and say it is a position that is needed. Budget after budget, we are cutting at the bottom and we don't cut the administration people at the top, and that is what SB 335 deals with. He said he would not try to defend the formula but the bill is trying to hit those areas that are not always hit by the subcommittees which is the top administrative positions. If we could get that job done, he thinks we should do that.

Senator Waterman said we are here to review all the budgets.

Senator Harding said this deals with the fact that we are asking them to justify the position which falls in line with the budget review. She can't see any harm in asking the departments to justify a position.

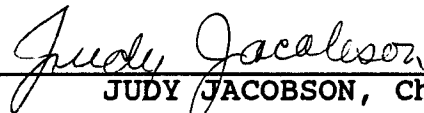
Senator Jacobson said the harm comes from the fact that we are asking the LFA to take out the positions and create a lot of paper work, time and effort; and the department spends a lot of time trying to justify coming back in here, time they could be spending on something else, and we end up putting them all back. It seems to be a lot of time and effort that isn't paying off in the long run. It is not that we don't think they should be looking at every position.

Motion: Senator Aklestad made a substitute motion that SB 335 DO PASS. Senator Aklestad withdrew his motion that SB 335 DO PASS.

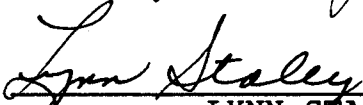
Vote: The Motion that SB 335 DO NOT PASS CARRIED on a roll call vote with 11 voting yes and 7 voting no.

ADJOURNMENT

Adjournment: 1:00 p.m.



JUDY JACOBSON, Chair



LYNN STALEY, Secretary

JJ/LS

ROLL CALL

SENATE COMMITTEE FINANCE AND CLAIMS

DATE 2/18/93

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACOBSON	✓		
SENATOR FRANKLIN	✓		
SENATOR AKLESTAD	✓		
SENATOR BECK	✓		
SENATOR BIANCHI	✓		
SENATOR CHRISTIAENS	✓		
SENATOR DEVLIN	✓		
SENATOR FORRESTER			✓
SENATOR FRITZ	✓		
SENATOR HARDING	✓		
SENATOR HOCKETT	✓		
SENATOR JERGESON	✓		
SENATOR KEATING	✓		
SENATOR LYNCH	✓		
SENATOR NATHE	✓		
SENATOR SWYSGOOD	✓		
SENATOR TVEIT	✓		
SENATOR VAUGHN	✓		
SENATOR WATERMAN	✓		
SENATOR WEEDING	✓		

SENATE STANDING COMMITTEE REPORT

Page 1 of 4
February 19, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration Senate Bill No. 278 (first reading copy -- white), respectfully report that Senate Bill No. 278 be amended as follows and as so amended do pass.

Signed: _____


Senator Judy H. Jacobson, Chair

That such amendments read:

1. Page 1, line 8.

Following: "STATE"

Strike: "GENERAL FUND"

2. Page 1, line 11.

Following: "20-7-435,"

Strike: "AND"

3. Page 1, line 12.

Following: "20-7-436,"

Insert: "AND 20-9-343,"

4. Page 3.

Strike: lines 1 through 5.


Insert: "superintendent of public instruction shall reimburse the district providing the services for the negotiated amount, as established pursuant to 20-7-435(5), that represents the district's costs of providing education and related services. Payments must be made from funds appropriated for this purpose. If the negotiated amount exceeds the daily membership rate under 20-7-435(3) and any per-ANB amount paid on the foundation program schedules as provided in 20-9-318 through 20-9-320, the superintendent of public instruction shall pay the remaining balance from the state equalization aid account. However, the amount spent from the state equalization aid account for this purpose may not exceed \$500,000 during any biennium."

5. Page 7.

Strike: lines 9 through 16 in their entirety

Following: line 19

Insert: "(c) from appropriations provided for this purpose, fund any approved allowable costs under this section, with the exception of services for which reimbursement is made under any provision of state or federal law or an insurance policy;"

 Amd. Coord.
Sec. of Senate

410914SC.San

6. Page 8, line 10.

Following: "with"

Insert: "the superintendent of public instruction shall negotiate with"

7. Page 8, line 13.

Following: "of"

Strike: "shall supervise and implement"

Insert: "for the supervision and implementation of"

8. Page 8, lines 20 through 22.

Following: "~~(3)~~."

Strike: remainder of line 20 through 22 in their entirety.

Insert: "The amount negotiated with the school district must include all education and related services costs that may be negotiated under the provisions of subsection (3) and all education and related services costs necessary to fulfill the requirements of providing the child with an education."

9. Page 10, line 19.

Following: "age"

Strike: "."

Insert: "; or (v) notwithstanding the provisions of subsections (3)(a)(iii) and (3)(a)(iv), has received a certificate of need from the department of health and environmental sciences pursuant to Title 50, chapter 5, part 3, prior to January 1, 1992."

10. Page 10.

Following: line 22

Insert:

Section 6. Section 20-9-343, MCA, is amended to read:

"20-9-343. (Temporary) Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means the money deposited in the state special revenue fund as required in this section plus any legislative appropriation of money from other sources for:

(a) distribution to the public schools for the payment of guaranteed tax base aid and for equalization of the foundation program;

(b) the Montana educational telecommunications network as provided in 20-32-101; and

(c) filing fees for school district audits as required by 2-7-514(2).

(2) The superintendent of public instruction may spend funds appropriated for state equalization aid, as required by subsections (1)(a) and (1)(b), throughout the biennium.

(3) The following must be paid into the state special revenue fund for state equalization aid to public schools of the state:

(a) money received from the collection of income taxes under chapter 30 of Title 15, as provided by 15-1-501;

(b) except as provided in 15-31-702, money received from the collection of corporation license and income taxes under chapter 31 of Title 15, as provided by 15-1-501;

(c) money allocated to state equalization from the collection of the severance tax on coal;

(d) money received from the treasurer of the United States as the state's shares of oil, gas, and other mineral royalties under the federal Mineral Lands Leasing Act, as amended;

(e) interest and income money described in 20-9-341 and 20-9-342;

(f) money received from the state equalization aid levy under 20-9-360;

(g) income from the lottery, as provided in 23-7-402;

(h) the surplus revenues collected by the counties for foundation program support according to 20-9-331 and 20-9-333;

(i) investment income earned by investing money in the state equalization aid account in the state special revenue fund; and

(j) 15% of the income and earnings of all coal severance tax funds as provided in 17-5-704.

(4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.

(5) Any surplus revenue in the state equalization aid account in the second year of a biennium may be used to reduce any appropriation required for the next succeeding biennium. (Terminates June 30, 1993--sec. 5, Ch. 729, L. 1991.)

20-9-343. (Effective July 1, 1993) Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means the money deposited in the state special revenue fund as required in this section plus any legislative appropriation of money from other sources for:

(a) distribution to the public schools for the purposes of payment of guaranteed tax base aid and equalization of the foundation program;

(b) negotiated payments authorized under 20-7-420(3) up to \$500,000 per biennium; and

(c) for the Montana educational telecommunications network as provided in 20-32-101.

(2) The superintendent of public instruction may spend funds appropriated for state equalization aid as required for the purposes of guaranteed tax base aid, the foundation program, negotiated payments authorized under 20-7-420(3), and the Montana educational telecommunications network, throughout the biennium.

(3) The following must be paid into the state special revenue fund for state equalization aid to public schools of the state:

(a) money received from the collection of income taxes under chapter 30 of Title 15, as provided by 15-1-501;

(b) except as provided in 15-31-702, money received from the collection of corporation license and income taxes under chapter 31 of Title 15, as provided by 15-1-501;

(c) money allocated to state equalization from the collection of the severance tax on coal;

(d) money received from the treasurer of the United States as the state's shares of oil, gas, and other mineral royalties under the federal Mineral Lands Leasing Act, as amended;

(e) interest and income money described in 20-9-341 and 20-9-342;

(f) money received from the state equalization aid levy under 20-9-360;

(g) income from the lottery, as provided in 23-7-402;

(h) the surplus revenues collected by the counties for foundation program support according to 20-9-331 and 20-9-333;

(i) investment income earned by investing money in the state equalization aid account in the state special revenue fund; and

(j) 15% of the income and earnings of all coal severance tax funds as provided in 17-5-704.

(4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.

(5) Any surplus revenue in the state equalization aid account in the second year of a biennium may be used to reduce any appropriation required for the next succeeding biennium."

Renumber: subsequent sections

11. Page 1, line 16.

Page 11, lines 9 and 11.

Strike: "6"

Insert: "7"

-END-

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 18, 1993

MR. PRESIDENT:

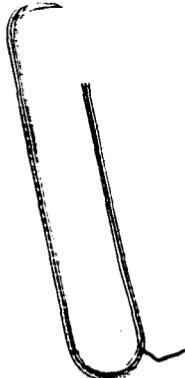
We, your committee on Finance and Claims having had under consideration Senate Bill No. 327 (first reading copy -- white), respectfully report that Senate Bill No. 327 do not pass.

Signed: _____

Judy H. Jacobson
Senator Judy H. Jacobson, Chair

 Amd. Coord.
 Sec. of Senate

401426SC.San



SENATE STANDING COMMITTEE REPORT

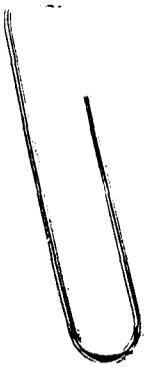
Page 1 of 1
February 18, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration Senate Bill No. 39 (first reading copy -- white), respectfully report that Senate Bill No. 39 do pass.

Signed: _____

Judy H. Jacobson
Senator Judy H. Jacobson, Chair



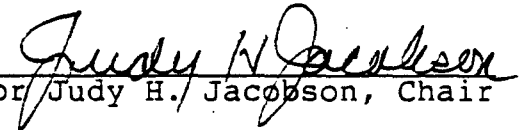
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 18, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration Senate Bill No. 40 (first reading copy -- white), respectfully report that Senate Bill No. 40 do pass.

Signed: _____


Senator Judy H. Jacobson, Chair

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 18, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration Senate Bill No. 335 (first reading copy -- white), respectfully report that Senate Bill No. 335 do not pass.

Signed: _____

Judy H. Jacobson
Senator Judy H. Jacobson, Chair

ROLL CALL VOTE

SENATE COMMITTEE FINANCE AND CLAIMS

BILL NO. SB 327

DATE 2/18/93 TIME _____ A.M. P.M.

NAME	YES	NO
SENATOR JACOBSON		✓
SENATOR JERGESON	✓	
SENATOR AKLESTAD	✓	
SENATOR BECK		✓
SENATOR BIANCHI		
SENATOR CHRISTIAENS	✓	
SENATOR DEVLIN		✓
SENATOR FORRESTER	<i>Excused</i>	
SENATOR FRANKLIN		✓
SENATOR FRITZ		✓
SENATOR HARDING	✓	
SENATOR HOCKETT	✓	
SENATOR KEATING	✓	
SENATOR LYNCH		✓
SENATOR NATHE		✓
SENATOR SWYSGOOD		✓
SENATOR TVEIT		✓
SENATOR VAUGHN		✓
SENATOR WATERMAN	✓	
SENATOR WEEDING	✓	

Lynn Staley
SECRETARY

CHAIR

MOTION: SB 327

Sen. Christiaens moved Do Pass

Eng
Motion failed.

ROLL CALL VOTE

SENATE COMMITTEE FINANCE AND CLAIMS

BILL NO. SB 39

DATE 2/18/93

TIME _____ A.M. P.M.

NAME	YES	NO
SENATOR JACOBSON		✓
SENATOR JERGESON	✓	
SENATOR AKLESTAD	✓	
SENATOR BECK		✓
SENATOR BIANCHI		
SENATOR CHRISTIAENS	✓	
SENATOR DEVLIN	✓	
SENATOR FORRESTER <i>Excused</i>		
SENATOR FRANKLIN	✓	
SENATOR FRITZ	✓	
SENATOR HARDING	✓	
SENATOR HOCKETT	✓	
SENATOR KEATING	✓	
SENATOR LYNCH		✓
SENATOR NATHE		✓
SENATOR SWYSGOOD		✓
SENATOR TVEIT	✓	
SENATOR VAUGHN		✓
SENATOR WATERMAN	✓	
SENATOR WEEDING	✓	

Lynn Staley
SECRETARY

CHAIR

MOTION: SB 39

Sen Keating moved 2nd Pass

500 Motion Carried

ROLL CALL VOTE

SENATE COMMITTEE FINANCE AND CLAIMS

BILL NO. SB 40

DATE 2/18/93

TIME _____

A.M. P.M.

NAME	YES	NO
SENATOR JACOBSON		✓
SENATOR JERGESON		✓
SENATOR AKLESTAD	✓	
SENATOR BECK		✓
SENATOR BIANCHI		
SENATOR CHRISTIAENS	✓	
SENATOR DEVLIN	✓	
SENATOR FORRESTER	<i>Excused</i>	
SENATOR FRANKLIN		
SENATOR FRITZ	✓	
SENATOR HARDING	✓	
SENATOR HOCKETT	✓	
SENATOR KEATING	✓	
SENATOR LYNCH		✓
SENATOR NATHE	✓	
SENATOR SWYSGOOD		✓
SENATOR TVEIT	✓	
SENATOR VAUGHN		✓
SENATOR WATERMAN	✓	
SENATOR WEEDING	✓	

Lynn Staley
SECRETARY

CHAIR

MOTION: SB 40

Sen. Keating moved 2d Pass

Motion carried

ROLL CALL VOTE

SENATE COMMITTEE FINANCE AND CLAIMS

BILL NO. SB 335

DATE 2/18/93 TIME _____ A.M. P.M.

NAME	YES	NO
SENATOR JACOBSON	✓	
SENATOR JERGESON	✓	
SENATOR AKLESTAD		✓
SENATOR BECK		✓
SENATOR BIANCHI		
SENATOR CHRISTIAENS		✓
SENATOR DEVLIN		✓
SENATOR FORRESTER <i>Excused</i>		
SENATOR FRANKLIN	✓	
SENATOR FRITZ	✓	
SENATOR HARDING		✓
SENATOR HOCKETT		✓
SENATOR KEATING	✓	
SENATOR LYNCH	✓	
SENATOR NATHE		✓
SENATOR SWYSGOOD	✓	
SENATOR TVEIT	✓	
SENATOR VAUGHN	✓	
SENATOR WATERMAN	✓	
SENATOR WEEDING	✓	

Lynne Stealey
SECRETARY

CHAIR

MOTION: SB 335 motion by Senator
He has Passed *Heating*

motion carried

Amendments to Senate Bill No. 278
Introduced Copy

Requested by Senator Chris Christiaens
For the Committee on Senate Finance and Claims

Prepared by Teresa Olcott Cohea
February 17, 1993

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 1
DATE 2/18/93
BILL NO. SB 278

1. Page 1, line 8.
Following: "STATE"
Strike: "GENERAL FUND"

2. Page 1, line 10.
Following: "LAW;"
Insert: "PROVIDING A \$500,000 APPROPRIATION FROM THE STATE
EQUALIZATION AID ACCOUNT FOR CERTAIN DISTRICT COSTS;"

3. Page 1, line 11.
Following: "20-7-435,"
Strike: "AND"

4. Page 1, line 12.
Following: "20-7-436,"
Insert: "AND 20-9-343,"

5. Page 3.
Strike: lines 1 through 5.
Insert: "superintendent of public instruction shall reimburse the district providing the services for the negotiated amount, as established pursuant to 20-7-435(5), that represents the district's costs of providing education and related services. Payments must be made from funds appropriated for this purpose. If the negotiated amount exceeds the daily membership rate under 20-7-435(3) and any per-ANB amount paid on the foundation program schedules as provided in 20-9-318 through 20-9-320, the superintendent of public instruction shall pay the remaining balance from the state equalization aid account. However, the amount spent from the state equalization aid account for this purpose may not exceed \$500,000 during any biennium."

6. Page 7.
Strike: lines 9 through 16 in their entirety
Following: line 19
Insert: "(c) from appropriations provided for this purpose, fund any approved allowable costs under this section, with the exception of services for which reimbursement is made under any provision of state or federal law or an insurance policy;"

7. Page 8, line 10.

Following: "with"

Insert: "the superintendent of public instruction shall negotiate with"

8. Page 8, line 13.

Following: "of"

Strike: "shall supervise and implement"

Insert: "for the supervision and implementation of"

9. Page 8, lines 20 through 22.

Following: "(3)."

Strike: remainder of line 20 through 22 in their entirety.

Insert: "The amount negotiated with the school district must include all education and related services costs that may be negotiated under the provisions of subsection (3) and all education and related services costs necessary to fulfill the requirements of providing the child with an education."

10. Page 10, line 19.

Following: "age"

Strike: "."

Insert: "; or (v) notwithstanding the provisions of subsections (3)(a)(iii) and (3)(a)(iv), has received a certificate of need from the department of health and environmental sciences pursuant to Title 50, chapter 5, part 3, prior to January 1, 1992."

11. Page 10.

Following: line 22

Insert:

Section 6. Section 20-9-343, MCA, is amended to read:

"20-9-343. (Temporary) Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means the money deposited in the state special revenue fund as required in this section plus any legislative appropriation of money from other sources for:

(a) distribution to the public schools for the payment of guaranteed tax base aid and for equalization of the foundation program;

(b) the Montana educational telecommunications network as provided in 20-32-101; and

(c) filing fees for school district audits as required by 2-7-514(2).

(2) The superintendent of public instruction may spend funds appropriated for state equalization aid, as required by subsections (1)(a) and (1)(b), throughout the biennium.

(3) The following must be paid into the state special revenue fund for state equalization aid to public schools of the state:

(a) money received from the collection of income taxes under chapter 30 of Title 15, as provided by 15-1-501;

(b) except as provided in 15-31-702, money received from the collection of corporation license and income taxes under chapter 31 of Title 15, as provided by 15-1-501;

(c) money allocated to state equalization from the collection of the severance tax on coal;

(d) money received from the treasurer of the United States as the state's shares of oil, gas, and other mineral royalties under the federal Mineral Lands Leasing Act, as amended;

(e) interest and income money described in 20-9-341 and 20-9-342;

(f) money received from the state equalization aid levy under 20-9-360;

(g) income from the lottery, as provided in 23-7-402;

(h) the surplus revenues collected by the counties for foundation program support according to 20-9-331 and 20-9-333;

(i) investment income earned by investing money in the state equalization aid account in the state special revenue fund; and

(j) 15% of the income and earnings of all coal severance tax funds as provided in 17-5-704.

(4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.

(5) Any surplus revenue in the state equalization aid account in the second year of a biennium may be used to reduce any appropriation required for the next succeeding biennium. (Terminates June 30, 1993--sec. 5, Ch. 729, L. 1991.)

20-9-343. (Effective July 1, 1993) Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means the money deposited in the state special revenue fund as required in this section plus any legislative appropriation of money from other sources for:

(a) distribution to the public schools for the purposes of payment of guaranteed tax base aid and equalization of the foundation program;

(b) negotiated payments authorized under 20-7-420(3) up to \$500,000 per biennium; and

(c) ~~for~~ the Montana educational telecommunications network as provided in 20-32-101.

(2) The superintendent of public instruction may spend funds appropriated for state equalization aid as required for the purposes of guaranteed tax base aid, the foundation program, negotiated payments authorized under 20-7-420(3), and the Montana educational telecommunications network, throughout the biennium.

(3) The following must be paid into the state special revenue fund for state equalization aid to public schools of the state:

(a) money received from the collection of income taxes under chapter 30 of Title 15, as provided by 15-1-501;

(b) except as provided in 15-31-702, money received from the collection of corporation license and income taxes under chapter 31 of Title 15, as provided by 15-1-501;

(c) money allocated to state equalization from the collection of the severance tax on coal;

(d) money received from the treasurer of the United States as the state's shares of oil, gas, and other mineral royalties under the federal Mineral Lands Leasing Act, as amended;

(e) interest and income money described in 20-9-341 and 20-9-342;

(f) money received from the state equalization aid levy under 20-9-360;

(g) income from the lottery, as provided in 23-7-402;

(h) the surplus revenues collected by the counties for foundation program support according to 20-9-331 and 20-9-333;

(i) investment income earned by investing money in the state equalization aid account in the state special revenue fund; and

(j) 15% of the income and earnings of all coal severance tax funds as provided in 17-5-704.

(4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.

(5) Any surplus revenue in the state equalization aid account in the second year of a biennium may be used to reduce any appropriation required for the next succeeding biennium."

Renumber: subsequent sections

12. Page 1, line 16.

Page 11, lines 9 and 11.

Strike: "6"

Insert: "7"

{Office of Legislative Fiscal Analyst

444-2986}

Legislative Request 93L-19
Number of Administrative Positions

\adm_pos
SENATE FINANCE AND CLAIMS
EXHIBIT NO. 2
DATE 2/18/93
BILL NO. 58335

Memo of Procedure:

To determine the number of administrative positions in state government we started with a printout from the PPP system titled "Agency Frequency Listing Program" run date 8/12/92.

This printout is broken down by the programs defined for each agency (except for the university system). It lists all of the class codes and class titles under each program and the number of FTE and positions assigned to each class title. We used FTE in compiling the data since some agencies assign multiple FTE to one position.

We defined administrative FTE using the class code and class title. We reviewed descriptions in the PPP classification manual to determine if they appeared to do administrative work. We also used program descriptions in the LFA budget books to see what work was performed by the programs. Administrative positions were defined using the class codes and class titles as follows:

- admin as part of title such as judicial-admin
- admin aide, admin officer, admin assistant
- clerical as part of title such as legislative-clerical
- secretary admin, secretary legal
- typist
- admin clerk and office clerk (unless agency program's mission has the position working with documents produced by the public such as vehicle registrations and articles of incorporation)
- receptionist (.75 admin; .25 direct)
- word processor
- accounting and personnel positions in programs that are primarily administrative such as centralized services
- higher level supervisors (except in smaller programs where the supervisors appeared to have few positions to supervise)
- positions determined to head a program (usually the top grade)
- career exec assign when appeared to head a program or agency (usually made all of these positions admin for the larger programs assuming they were "higher level supervisors")
- agency head-admin

Direct labor positions were all positions not classified as administrative. Positions made direct included:

- elected officials
- personal staff - professional, paraprofessional, technical

Agency Name	Admin	Direct	Total	% Admin
1101 Legislative Auditor	6.25	61.25	67.5	9.3%
1102 Legislative Fiscal Analyst	3.75	14.25	18	20.8%
1104 Legislative Council	24.95	30.75	55.7	44.8%
1109 Senate	13	17	30	43.3%
1110 House	16	34	50	32.0%
1111 EQC	1.25	5.75	7	17.9%
1112 Consumer Council	2	2.25	4.25	47.1%
2110 Judiciary	10.5	81.5	92	11.4%
3101 Governor's Office	17.25	37.25	54.5	31.7%
3201 Secretary of State	7.75	27.5	35.25	22.0%
3202 Commissioner of Political Practices	1	2.25	3.25	30.8%
3401 State Auditor	28.75	41.25	70	41.1%
3501 OPI	34.23	103.2	137.43	24.9%
4107 Board of Crime Control	6	13	19	31.6%
4108 Highway Traffic Safety	3	5	8	37.5%
4110 Department of Justice	111	516.9	627.9	17.7%
4201 PSC	8.75	38.25	47	18.6%
5101 Board of Public Education	4	0	4	100.0%
5102 CHE	22.35	44.6	66.95	33.4%
5113 School for the Deaf and Blind	9.34	75.84	85.18	11.0%
5514 MT Arts Council	3.97	4	7.97	49.8%
5115 State Library	5.7	23.8	29.5	19.3%
5116 MT Advisory Council VoEd	2.5	0	2.5	100.0%
5117 Historical Society	12.16	37.39	49.55	24.5%
5201 FWP	108.5	444.31	552.86	19.6%
5301 DHES	104.4	310.94	415.36	25.1%
5401 Transportation	285.7	1719.2	2004.99	14.3%
5501 Lands	66.86	295.76	362.62	18.4%
5603 Livestock	28.21	88.5	116.71	24.2%
5706 DNRC	71	181.7	252.7	28.1%
5801 Revenue	151.3	615.25	766.58	19.7%
6101 D of A	78.89	236.25	317.14	24.9%
6103 Mutual Fund	15.4	202.5	217.9	7.1%
6104 PERD	5	15	20	25.0%
6105 TRD	3.5	8	11.5	30.4%
6201 Agriculture	30.58	68.51	99.09	30.9%
6401 Corrections and Human Services	192.3	1865.9	2058.29	9.3%
6501 Commerce	91.53	235.53	327.06	28.0%
6602 Labor and Industry	142.4	497.6	640	22.3%
6701 Military Affairs	26	73.75	99.75	26.1%
6901 SRS	173.2	731.35	904.6	19.2%
6911 Family Services	108.6	472	580.65	18.7%
Total	2039.	9281.1	11320.23	18.0%

System - Agency Frequency Listing by Program - date 01/21/52

Agency Name	Admin	Direct	Total	% Admin
1.000				
6401 Corrections and Human Services	192.31	1865.98	2058.29	9.3%
5401 Transportation	285.74	1719.25	2004.99	14.3%
	478.05	3585.23	4063.28	11.8%
501 to 1,000				
6901 SRS	173.25	731.35	904.6	19.2%
5801 Revenue	151.33	615.25	766.58	19.7%
6602 Labor and Industry	142.4	497.6	640	22.3%
4110 Department of Justice	111	516.9	627.9	17.7%
6911 Family Services	108.65	472	580.65	18.7%
5201 FWP	108.55	444.31	552.86	19.6%
	795.18	3277.41	4072.59	19.5%
101 to 500				
5301 DHES	104.42	310.94	415.36	25.1%
5501 Lands	66.86	295.76	362.62	18.4%
6501 Commerce	91.53	235.53	327.06	28.0%
6101 D of A	78.89	238.25	317.14	24.9%
5706 DNRC	71	181.7	252.7	28.1%
6103 Mutual Fund	15.4	202.5	217.9	7.1%
3501 OPI	34.23	103.2	137.43	24.9%
5603 Livestock	28.21	88.5	116.71	24.2%
	490.54	1656.38	2146.92	22.8%
51 to 100				
6701 Military Affairs	26	73.75	99.75	26.1%
6201 Agriculture	30.58	68.51	99.09	30.9%
2110 Judiciary	10.5	81.5	92	11.4%
5113 School for the Deaf and Blind	9.34	75.84	85.18	11.0%
3401 State Auditor	28.75	41.25	70	41.1%
1101 Legislative Auditor	6.25	61.25	67.5	9.3%
5102 CHE	22.35	44.6	66.95	33.4%
1104 Legislative Council	24.95	30.75	55.7	44.8%
3101 Governor's Office	17.25	37.25	54.5	31.7%
	175.97	514.7	690.67	25.5%
21 to 50				
1110 House	16	34	50	32.0%
5117 Historical Society	12.16	37.39	49.55	24.5%
4201 PSC	8.75	38.25	47	18.6%
3201 Secretary of State	7.75	27.5	35.25	22.0%
1109 Senate	13	17	30	43.3%
5115 State Library	5.7	23.8	29.5	19.3%
	63.36	177.94	241.3	26.3%
0 to 20				
6104 PERD	5	15	20	25.0%
4107 Board of Crime Control	6	13	19	31.6%
1102 Legislative Fiscal Analyst	3.75	14.25	18	20.8%
6105 TRD	3.5	8	11.5	30.4%
4108 Highway Traffic Safety	3	5	8	37.5%
5514 MT Arts Council	3.97	4	7.97	49.8%
1111 EQC	1.25	5.75	7	17.9%
1112 Consumer Council	2	2.25	4.25	47.1%
5101 Board of Public Education	4	0	4	100.0%
3202 Commissioner of Political Practices	1	2.25	3.25	30.8%
5116 MT Advisory Council VoEd	2.5	0	2.5	100.0%
	35.97	69.5	105.47	34.1%
Grand Total	2039.07	9281.16	11320.23	18.0%

5%

10%

10%

12 1/2%

12 1/2%

15%

AMENDMENTS TO SB335
as introduced

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 3

DATE 2/18/93

BILL NO. SB 335

1. Page 1. Line 23.
Following: "receptionist,"
Strike: "word processor, accountant,"
2. Page 2. Line 24.
Following: "in"
Insert: "general fund"
3. Page 3. Line 18.
Following: "reduce"
Insert: "general fund"
4. Page 3. Line 21.
Following: "total"
Insert: "general fund"
Following: "agency"
Insert: "less positions exempted by section (1)(b)(i) and (ii)"

BILLS BEING HEARD TODAY: SB 325, SB 414

F10