

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **REP. TOM ZOOK, CHAIRMAN**, on March 12, 1993, at 8:15 A.M.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Ed Grady, Vice Chairman (R)
Rep. Francis Bardanouve (D)
Rep. Ernest Bergsagel (R)
Rep. John Cobb (R)
Rep. Roger Debruycker (R)
Rep. Marj Fisher (R)
Rep. John Johnson (D)
Rep. Royal Johnson (R)
Rep. Mike Kadas (D)
Rep. Betty Lou Kasten (R)
Rep. Red Menahan (D)
Rep. Linda Nelson (D)
Rep. Ray Peck (D)
Rep. Mary Lou Peterson (R)
Rep. Joe Quillici (D)
Rep. Dave Wanzenried (D)
Rep. Bill Wiseman (R)

Members Excused: None

Members Absent: None

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Mary Lou Schmitz, Committee Secretary

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

Committee Business Summary:

Hearing: HB 656; HB 657; HB 659; HB 660; HB 662;
HB 666
Executive Action: HB 656; HB 657; HB 659; HB 662

for the Department of Justice budget. He recognized the bill might have some long-term effects on counties. He referred **Ms. Baker** to the statement in the fiscal note, "There may be some potential for increased liability exposure in the future" and asked her who would be exposed to increased liability. **Ms. Baker** responded both state and local governments may have avoided liability because of attorney general opinions. She described how attorney general interpretations of state and local government personnel issues had prevented possible court action seeking back pay to employees.

REP. WISEMAN asked **Ms. Baker** whether the attorney general needed a mechanism which allowed agencies and local governments to pay for attorney general opinions. He contended fewer requests would be made if the service was not free. **Ms. Baker** agreed that the service was more a matter of convenience than public safety. She reported that the Legal Services Bureau offered legal services to state agencies on a fee basis and suggested statutes could be amended to extend the service to attorney general opinions. She recommended revising statutes so that the attorney general could issue opinions on questions of statewide significance. **Ms. Baker** reported that in the last two years the attorney general had received 103 requests for opinions and had issued 47 formal opinions and 15 informal letters of advice. **REP. WISEMAN** suggested a mechanism for seeking attorney general opinions should be available but declared the service should not be offered at cost. He contended the department should charge enough to cause second thought before requests were made. **Ms. Baker** reported the Legal Services Bureau charged \$53 per hour.

REP. PECK asked **Ms. Baker** how many attorneys were employed in the appellate and legal services. **Ms. Baker** replied approximately 17 attorneys; she explained four attorneys shared two positions. **REP. PECK** asked **Ms. Baker** who could request an opinion from the attorney general. **Ms. Baker** responded the legislature, directors of state agencies or boards, county attorneys, county commissioners, and city attorneys could request opinions. **REP. PECK** asked whether county attorneys would be the most frequent users. **Ms. Baker** agreed that at the local level, most requests came from county attorneys and then city attorneys.

REP. ROYAL JOHNSON asked **Mr. Roberts** if he had comments. **Mr. Roberts** stressed that requests for opinions were screened and the major criterion was whether the issue had statewide significance. He said local conflicts are referred back to county attorneys for opinions. He said county attorneys do not save work by requesting an attorney general opinion because they are required to submit a legal memorandum on the issue. He suggested that requiring county attorneys to submit a full legal memorandum outlining issues would assist the attorney general's office. **REP. JOHNSON** asked **Mr. Roberts** who paid for litigation if an attorney general's opinion was not provided. **Mr. Roberts** said whichever entity was involved would pay. **REP. JOHNSON** asked whether entities would be more willing to agree if they did not

targets, the department had chosen activities with the least impact on public safety. She pointed out the bill had a two-year effective date; thus, there would be a two-year moratorium on issuing attorney general opinions. She reported in the last two fiscal years, a total of 47 formal attorney general opinions had been issued, 19 to state agencies, 27 to local governments, and one to the legislature. She said the department estimated a 0.75 FTE reduction with the bill based on 1500 hours of attorney time spent in each of the last two years on attorney general opinions. She reminded the committee the money had already been eliminated from the department's budget; she asked that funds be reinstated if the committee chose not to pass the bill.

Opponents' Testimony: Bill Verwolf, City Manager, City of Helena, opposed the bill because it eliminated services to local governments. He said attorney general opinions were usually sought when two cities or a city and county disagree. The opinions allowed local governments to obtain a determination without the costs of pursuing litigation through the court system. He contended the bill would have considerable impact including increased district clerk costs and increased time to resolve conflicts.

Joe Roberts, Montana County Attorney Association, elaborated on the impact of the bill. He said the possibility of an increased workload was not the county attorneys' primary objection to the bill. He stated county attorneys viewed attorney general opinions as a forum for public entities to resolve disputes and avoid litigation costs. He explained requests for attorney general opinions generally resulted from questions by weed, sewer, and school districts about recent legislation. He explained these districts would first seek decisions from their county attorneys, but county attorneys might differ in their interpretations of statutes. He contended the virtue of an opinion issued by the attorney general is that it applies to all jurisdictions and has the force and effect of law. He asserted the economy in the bill was minimal compared to potential litigation costs.

Beverly Gibson, Montana Association of Counties, stated that frequently when conflicts between statutes are found, county attorneys are unable to provide rulings because the intent of the legislation is not clear. In those cases, the county attorney seeks an opinion from the attorney general who researches the legislative intent. She contended attorney general opinions were a way of resolving conflicts without litigation. She pointed out that state agencies, as well as local governments, would be affected by the bill.

Informational Testimony: None

Questions From Committee Members and Responses: REP. QUILICI noted that the bill had been a hard decision for the subcommittee, but that public safety was the predominant issue

HEARING ON HB 656

An act eliminating state impact aid to school districts.

Opening Statement by Sponsor: REP. ROYAL JOHNSON, House District 88, Billings, introduced HB 656 by request of the joint subcommittee on education and cultural resources. He described the bill as a housekeeping bill which would save the general fund \$4,600 per year for the coming biennium.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: REP. KASTEN asked REP. ROYAL JOHNSON if he would elaborate a little on the bill. REP. JOHNSON said it was a good little bill and the funds were needed.

REP. PETERSON asked REP. ROYAL JOHNSON which four schools had received impact aid last biennium. REP. ROYAL JOHNSON said he did not know. He said the aid was related to equalizing the impact on school districts of state employees who reside on state property; schools who had received the aid were not entitled to receive it again.

Closing by Sponsor: REP. ROYAL JOHNSON closed.

EXECUTIVE ACTION ON HB 656

Motion: REP. QUILICI MOVED HB 656 DO PASS. Motion carried 16 to 2 with REPS. DeBRUYCKER and MENAHAN voting no.

HEARING ON HB 657

An act eliminating the requirement that the attorney general issue opinions to certain government officials.

Opening Statement by Sponsor: REP. MARJ FISHER, House District 3, Whitefish, introduced HB 657 by request of the joint subcommittee on general government and transportation. She said it eliminated the requirement that the attorney general issue opinions to certain government officials. She said staff in the attorney general's office had testified that eliminating the requirement was one priority in making budget reduction decisions.

Proponents' Testimony: Beth Baker, Department of Justice, explained that when the subcommittee had asked the department to identify programs or activities to eliminate to meet reduction

have access to a free opinion from the attorney general. **Mr. Roberts** contended most requests were legitimate and involved issues which had been considered at the local level but could not be resolved. He reported some issues are not resolved by an attorney general's opinion either and go on to litigation. He said, however, enough litigation was avoided to provide cost savings.

Closing by Sponsor: **REP. FISHER** closed.

EXECUTIVE ACTION ON HB 657

Motion: **REP. WISEMAN** MOVED HB 657 BE TABLED.

Discussion: **REP. WISEMAN** stated he would like to give **Ms. Baker** the opportunity to check with the attorney general.

Vote: HB 657 BE TABLED. Motion carried 17 to 1 with **REP. BARDANOUVE** voting no.

HEARING ON HB 659

An act transferring the Office on Aging from the Governor's Office to the Department of Family Services.

Opening Statement by Sponsor: **REP. MARY LOU PETERSON**, House District 1, Eureka, introduced HB 659 by request of the joint subcommittee on general government and transportation. She explained the transfer was proposed because the director of the Office on Aging was paid entirely from general fund monies in the Governor's Office, but could be paid with other funds if the office was transferred to the Department of Family Services.

Proponents' Testimony: **Charles Rehbein**, Governor's Coordinator on Aging, stated he represented both the Governor's Office and the Department of Family Services (DFS) in support of the transfer. He said the transfer would save 1.0 FTE in general funds from the Governor's Office. He said the bill also eliminates the advisory council from the general fund. Both the Coordinator of Aging and the advisory council would be transferred to DFS and would be paid from federal funds.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: **REP. QUILICI** asked **Mr. Rehbein** whether there was opposition to the transfer from senior citizens. **Mr. Rehbein** reported initial opposition because of the fear the position would be lost as it had been in 1983. He said Governor Schwinden had created the Coordinator of Aging position in his office in order to provide a focal point

for aging issues in state government. He said under the current proposal an Office of Aging would still exist; and to ensure the office would retain its focal point and not become lost in the bureaucracy, it would be attached to the director's office in DFS. He noted the bill maintained the connection between the Office of Aging and the governor's office by specifying that the coordinator would advise the governor on ways to improve programs for senior citizens and by having the governor appoint the advisory council. He said once the concerns of senior citizens had been addressed, they no longer opposed the transfer.

Closing by Sponsor: REP. PETERSON referred the committee to lines 7-8, page 2, which states the coordinator of aging and the advisory council would assist the governor in planning, coordination, and operation of programs for seniors.

EXECUTIVE ACTION ON HB 659

Motion: REP. ROYAL JOHNSON MOVED HB 659 DO PASS. Motion carried unanimously.

HEARING ON HB 660

An act establishing a Montana Community, Conservation, and Volunteer Service Corps to provide a variety of public service opportunities for Montanans.

Opening Statement by Sponsor: REP. MARY LOU PETERSON, House District 1, Eureka, introduced HB 660 by request of the joint subcommittee on general government and transportation. She said the bill was designed to provide coordination for all volunteer services in the state of Montana. She said the bill would take \$500,000 from interest on the unemployment tax to coordinate the program. She reported federal emphasis on volunteer programs was expected, and she contended Montana had great need for volunteer work. She said every community had volunteer activities, such as the weed-pulling program on the Columbian sharp-tailed grouse preserve near Eureka, which needed to be coordinated.

Proponents' Testimony: Jane Hamman, Governor's Budget Office, reported the bill had no direct fiscal impact on any state agencies. She said the bill establishes the coordination, direction, enthusiasm and moving together of a federal-state-private partnership to provide opportunities for service for students, adults, and senior citizens to expand community and conservation service activities. She reported lead agencies had worked with Charles Rehbein, Office of Aging, last month to coordinate federal grant applications for several programs.

Jesse Munro, Deputy Director, Department of Family Services, stated the bill would assist the department in attaining a community-based services program. For example, respite care for

foster parents would be one service which a community-based program could provide.

Charles Rehbein, Governor's Coordinator on Aging, said in the last two years he had been involved in developing the application for the National Community Service Act. He said the bill was a positive move toward coordinating services supported by the Act at the state and local level.

Arnold Olson, Administrator, Parks Division, Department of Fish Wildlife and Parks, presented written testimony in which he reviewed the department's conservation corps activities since 1989. He contended the bill would expand participation in natural resource conservation efforts and would help the ailing State Parks system. He urged passage of the bill. **EXHIBIT 1**

Karen Fagg, Governor's Office, stated Governor Racicot supported HB 660. She described the bill as a positive step which would renew and revive a sense of civic responsibility by encouraging participation by all citizens. She said the bill would allow needed projects and needy sectors of the population to be targeted. She asserted the bill would eliminate duplication, establish priorities, and make more efficient use of funds. She maintained the bill would not lead to an increase in government and would incorporate federal and private money in community and conservation activities.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: **REP. DeBRUYCKER** asked whether the state would be expected to fund programs if the federal government ended its funding. **REP. PETERSON** responded that the Montana community service corps was a state program which did not depend on federal funds. She stated grant opportunities were available for community service projects, but the lack of federal funds did not preclude activities in the program. **REP. DeBRUYCKER** noted the Department of Fish, Wildlife, and Parks had received \$500,000 for the Montana Conservation Corps. He asked whether the state would be asked for \$500,000 if the federal government discontinued the grant program. **REP. PETERSON** responded she would not expect the state to pick up the funding. She said activities in the program may be initiated through the use of federal funds, but continuation of the activity would depend on the program. **Ms. Hamman** explained the Parks Division had a budget appropriation to provide basic administrative support to the Montana Conservation Corps. She said if federal funds were available for a project, then the Corps would do the project; if funds were not available, then the project would not be done.

REP. MENAHAN asked whether a family income limit was set for students participating in the Montana Conservation Corps. **Mr.**

Olson said currently a percentage of workers were required to be from specific categories defined by income or other risk factors. He said the majority of programs had no restrictions. **REP.**

MENAHAN stated he did not want stipulations on programs. He recalled the Neighborhood Youth Program had eliminated families with incomes greater than \$25,000, and he contended it was unfair to students who wanted work experience.

REP. ROYAL JOHNSON asked **Mr. Olson** whether the budget for the program had been developed. **Mr. Olson** said he had the budget in place for next year; he stated with HB 660 he would be able to leverage additional federal money and expand the program. **REP. ROYAL JOHNSON** asked **Mr. Olson** what percentage of costs was used to administer the program. **Mr. Olson** said restrictions in the grant program limited the department to 5% for overhead costs.

REP. KASTEN asked **Ms. Hamman** to explain where money was spent in a volunteer program. **Ms. Hamman** responded the initial \$250,000 per year from HB 2 would be spent to employ 1.0 FTE as a coordinator in the Governor's Office, to set up the office, and to be seed money to leverage federal, state, and private contributions. She said the majority of the on-going work would be coordinated and supervised by a combination of staff in various agencies across the state. She explained the coordinator in the Governor's Office would be responsible for the synergism of everybody's efforts. **REP. KASTEN** asked whether the coordinator was necessary for communities to pursue projects.

REP. HAMMAN responded communities have been doing projects for hundreds of years. She explained the coordinator would be necessary because of federal government mandates in federal grant applications that all volunteer efforts be included in one state plan. **REP. KASTEN** asked how the program would coordinate with **REP. RUSSELL'S** HB 579 and efforts in the Parks Division. She suggested projects were already being administered by people who could take over the program without increasing the administration. **Ms. Hamman** responded that much work was already in progress and would continue. She said, however, a coordinator was needed for the state to take advantage of opportunities for state, federal, and private resources which were available.

REP. DeBRUYCKER asked **REP. PETERSON** whether she could give assurance that the only money which would be used to fund the bill would be federal or private and no state money would be requested in the future. **REP. PETERSON** said she could give him that assurance because the emphasis in the bill was on volunteers. She referred him to pages 8-10 which contained ideas for acquiring federal and private funds for projects. She emphasized the potential for volunteer help and described how Earth Day was commemorated in Eureka through a community effort to clean up the surrounding area. She said some costs were incurred, but the majority of the work was done by volunteers. She declared the bill's intent was to develop a cooperative effort across the state. She stated government cannot do everything, and people must contribute.

REP. GRADY asked whether funding was on-going. Clayton Schenck, Senior Fiscal Analyst, explained that a \$500,000 appropriation of the UI Admin tax in HB 2 would cover 1.5 FTE to administer HB 660 and other administrative costs of the program. He said if the program continued beyond the next biennium, then he would expect continuing administrative costs requiring state funding from either the UI Admin tax or some other source. He noted Ms. Hamman had mentioned that some of the \$500,000 was seed money, but he stated a great deal of the money goes to administrative costs. He referred to Section 8, pages 13-14, which details the funding of the program. Funds from federal grants or private donations would be placed in two accounts, a state special account and a federal account. He said statutory appropriations from these accounts would be made for particular projects. He said the bill gives the coordinator the authority to transfer funds to the agencies which are administering the projects and gives the agencies authority to use these funds for administrative and operating costs.

REP. BARDANOUE asked Mr. Schenck to explain how the statutory appropriations would work. Mr. Schenck said that the bill gives broad authority in terms of how the statutory appropriation would work. He explained that two accounts would be set up for grant money, and funds in the accounts would be statutorily appropriated for coordinators to use in setting up projects. The bill also authorizes the coordinator to transfer funds to agencies for administering projects and authorizes agencies to spend up to 20% for administrative costs. REP. BARDANOUE commented it sounded like a blank check.

REP. NELSON said she would find it useful to have copies of the fiscal note for HB 660. REP. QUILICI agreed the committee could not act without the fiscal note and reported it was in process.

Closing by Sponsor: REP. PETERSON explained that the FTE for the bill had already been appropriated in HB 2. She supported volunteer work as a means of rebuilding a sense of community across the state. She contended the bill would contribute to the neighborly caring which exists in the state.

HEARING ON HB 662

An act increasing the population for counties required to have a full-time county attorney.

Opening Statement by Sponsor: REP. MARY LOU PETERSON, House District 1, Eureka, introduced HB 662 by request of the joint subcommittee on general government and transportation. She explained that during discussions in subcommittee the bill had been requested but issues had since been resolved. She asked the committee to table the bill.

EXECUTIVE ACTION ON HB 662

Motion: REP. DeBRUYCKER MOVED HB 662 BE TABLED. Motion carried unanimously.

HEARING ON HB 666

An act eliminating the statutory appropriation for the petroleum tank release cleanup fund.

Opening Statement by Sponsor: REP. DAVID WANZENRIED, House District 7, Kalispell, introduced HB 666 by request of the joint subcommittee on human services and aging. He explained HB 666 was tied to language in B-23 of the HB 2 Narrative which includes the budget for the Petroleum Tank Release Compensation Board. He explained the Petroleum Tank Release Compensation Board was established by statute and funded through a statutory appropriation; the bill eliminates the statutory appropriation. He reported the budget for the board was \$4.4 million, \$3.5 million of which was used for grants and approximately \$0.9 million for operating costs; the board has 16 FTE. He said the board is funded by fees and fines and a 0.75% gas tax.

REP. WANZENRIED explained the intent of HB 666 was to insert legislative oversight into the program and not to interfere with the functioning or autonomy of the board. He contended the size of the board's budget should make it subject to legislative oversight. He said the funding level for the board would be based on projected receipts and expected demand for the biennium; if enough money was not appropriated, then the board would use the budget amendment process. He stressed making the board an on-budget item to be considered like other programs.

Proponents' Testimony: Jane Hamman, Governor's Budget Office, said similar legislation had been introduced last session and they concurred with the bill.

Opponents' Testimony: Jean Riley, Executive Director, Petroleum Tank Release Compensation Board, distributed written testimony in which she presented background information on the board, a summary of claims paid as of January 31, 1993, the amount of reimbursement requests per calendar year, the percentage of reimbursement for the types of contamination, the tracking summary as required by USEPA, the claim payment summary for claims paid by site, and agendas from three August board meetings. She stated the Environmental Protection Agency (EPA) might re-evaluate its approval of Montana's program if any major legislative changes were made. She also argued that the program needed flexibility in meeting the demands of the program. She stated the board had not had an opportunity to discuss the legislation and determine the potential effects on the fund.

EXHIBIT 1

Ms. Riley also distributed a memorandum from the USEPA which described their guidance on monitoring the financial soundness of approved state assurance funds. **EXHIBIT 2**

Ronna Alexander, Montana Petroleum Marketers, stated she represented the wholesalers and distributors of petroleum products in Montana. She said in addition to bulk operations, they also owned retail locations and were therefore responsible for a large share of the underground storage tanks in Montana. She reported the impetus for the program was an EPA requirement that every storage tank owner have a \$1.0 million insurance policy; she said the insurance was not available by normal means and thus the program was created. She warned the committee that if the EPA withdrew its support from the program, businesses would be forced to close.

Informational Testimony: None

Questions From Committee Members and Responses: **REP. GRADY** asked **REP. WANZENRIED** how the bill would change the program's flexibility in making payments. **REP. WANZENRIED** said the overall spending authorization would be set by the legislation based on projected receipts; within that level of authorization, the board retain the same authority to make payments. He said if demand for payments was greater than the appropriated level, then the board would need to submit a budget amendment. **Raymond Hoffman, Centralized Services Division, Department of Health and Environmental Sciences (DHES)**, stated the department would provide a greater level of financial review of board expenses if the appropriation were no longer statutory. He said as the expenditures approached some predetermined level, a budget amendment would be submitted with the assumption that the approved level was inadequate. He reported that EPA would not change its existing approval so long as the budget amendment process was open to the department; he said EPA's concern would increase as the state tried to place greater limitations on the spending level.

REP. GRADY asked whether eliminating the statutory appropriation made it more acceptable to take money from the fund during tight financial times. **REP. WANZENRIED** stated the legislature could take the money whenever it wanted regardless of whether or not it was a statutory appropriation. **REP. GRADY** suggested taking the funds was easier if they were not statutorily appropriated. He expressed his support for the program and stated he would not want to see the program weakened. **REP. WANZENRIED** maintained the legislation would have no impact on the legislature's ability to take funds; he said enabling legislation would be required to change the use of funds.

REP. JOHN JOHNSON asked **Mr. Hoffman** to clarify whether the EPA would be concerned if the state changed its guarantee of a financial assurance mechanism for the fund. **Mr. Hoffman** reported he had been a member of the Petroleum Tank Release Compensation

Board for two years and had gone through the EPA certification of the fund. He said the EPA would be concerned if the legislature imposed a cap on the fund and such action would put their approval in jeopardy. He contended, however, the board and department would explain the budget amendment process and alleviate EPA's concerns. He noted DHES was neutral on the bill.

REP. JOHN JOHNSON asked **Mr. Hoffman** whether legislative appropriation of funds established a cap. **Mr. Hoffman** agreed a cap would be established and would require close financial monitoring of the program.

REP. NELSON asked **REP. WANZENRIED** whether the main point of the bill was to provide greater legislative scrutiny. **REP. WANZENRIED** responded that with a statutory appropriation, the legislature had no information about the board's functioning. He emphasized that nothing in the bill changed the mission or policies of the program. He said the bill would require the board to bring their budget to the legislature every two years for authorization.

REP. ROYAL JOHNSON suggested the legislature could appropriate whatever money was in the fund and still gain oversight capability.

REP. DeBRUYCKER asked **Ms. Riley** to respond to **REP. WANZENRIED'S** comments. **Ms. Riley** said the main concern of the board was that they could not predict the number of claims which would be received. She reported 30 claims were not considered in the November, 1992, meeting because the board had insufficient staff to process all the claims.

REP. GRADY noted **SEN. GROSFIELD'S** bill to eliminate statutory appropriations had become a study bill and asked **REP. WANZENRIED** whether this appropriation should be included in the study. **REP. WANZENRIED** claimed the reason **SEN. GROSFIELD'S** bill was becoming a study bill was because it had no chance of passing because hundreds of groups would protest the change. He said HB 666 asks the committee to consider a policy issue for this particular program and did not require study. He pointed out the committee would not have any budget information for the program if HB 666 had not been introduced. **REP. GRADY** asked **REP. WANZENRIED** whether the program was in **SEN. GROSFIELD'S** bill. **REP. WANZENRIED** responded that he assumed it was.

REP. WISEMAN asked why the state was paying for storage tank cleanup. **CHAIRMAN ZOOK** explained the EPA had ruled that property owners were responsible for tank leakage cleanup even if they had not owned the property when the tanks were leaking. He said storage tank operators had requested the legislation.

REP. WISEMAN asked whether the state financed the replacement of the storage tanks. **Ms. Riley** responded the funds were only for corrective action costs. She explained that cleanup was very

expensive and without the funds the contamination would probably not be cleaned up. **REP. WISEMAN** declared he was astounded. **CHAIRMAN ZOOK** explained that the fund was an environmental program which paid for cleanup only. He said the fund did not replace or repair storage tanks and no money was given to storage tank owners. He pointed out owners also contributed funds for cleanup costs.

REP. DeBRUYCKER referred to the claim payment summary and asked **Ms. Riley** to describe the eligibility criteria for claims. **Ms. Riley** explained that some claims were ineligible because payment had been made to someone other than the owner and, in one case, payment was not made because the contamination had not been cleaned up.

REP. FISHER asked why the EPA had input into the program if Montana was collecting the gas tax to pay the claims. **Ms. Riley** said the EPA had approved the fund's financial assurance mechanism.

REP. PETERSON reviewed the history of the fund. She said as environmental laws were made, the state recognized every small town gas station would probably be affected. She said the original legislation was an effort to offer some assurance for business people who would otherwise be unable to maintain gas stations in small communities because of the liability risks.

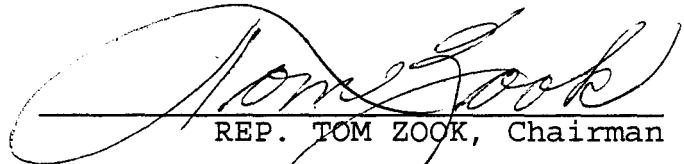
REP. DeBRUYCKER reported some gas station owners just closed up shop and left town because they knew they could not afford to clean up. He asked **Ms. Riley** whether counties were responsible for the cleanup and whether they would be eligible for funds. **Ms. Riley** stated DHES determined whether or not a cleanup was necessary, depending on human health and environmental risks. She said if counties retained ownership of the property, they were eligible for reimbursement. She explained the law covered situations in which owners were unaware of tanks on their property, as well as abandoned tanks.

REP. ROYAL JOHNSON asked **Ms. Riley** whether an owner who bought property with storage tanks, had the tanks removed, and later determined contamination had taken place would be eligible for funds. **Ms. Riley** said the statute required the tank to be in the ground as of April 13, 1989, to be eligible. She said if the tank was removed before that date, staff tried to determine the source of the contamination. **REP. ROYAL JOHNSON** asked whether there were good records of tank removal. **Ms. Riley** said good records were not available. **REP. ROYAL JOHNSON** asked what position the board took in such situations. **Ms. Riley** said DHES statutes were put into effect in 1985 and all tank owners were notified.

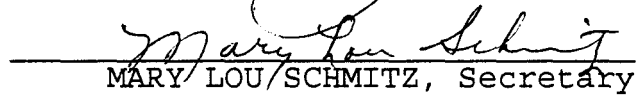
Closing by Sponsor: **REP. WANZENRIED** closed.

ADJOURNMENT

Adjournment: 10:35 a.m.



REP. TOM ZOOK, Chairman



MARY LOU SCHMITZ, Secretary

TZ/MLS

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL

DATE

3/12/93

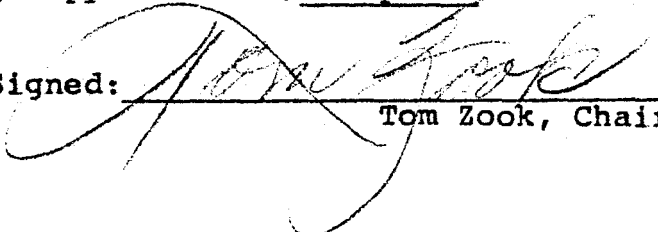
NAME	PRESENT	ABSENT	EXCUSED
REP. ED GRADY, V. CHAIR	✓		
REP. FRANCIS BARDANOUVE	✓		
REP. ERNEST BERGSAGEL	✓		
REP. JOHN COBB	✓		
REP. ROGER DEBRUYKER	✓		
REP. MARJ. FISHER	✓		
REP. JOHN JOHNSON	✓		
REP. ROYAL JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BETTY LOU KASTEN	✓		
REP. WM. "RED" MENEHAN	✓		
REP. LINDA NELSON	✓		
REP. RAY PECK	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. DAVE WANZENREID	✓		
REP. BILL WISEMAN	✓		
REP. TOM ZOOK, CHAIR	✓		

HOUSE STANDING COMMITTEE REPORT

March 12, 1993

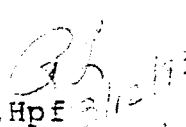
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Mr. Speaker: We, the committee on Appropriations report that
House Bill 656 (first reading copy -- white) do pass.

Signed: 

Tom Zook, Chair

Committee Vote:
Yes __, No __.

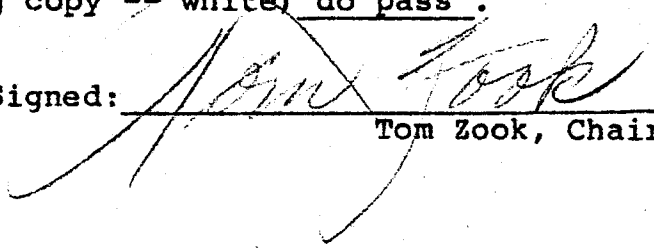
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HOUSE STANDING COMMITTEE REPORT

March 12, 1993

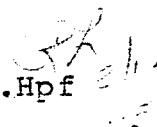
Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that
House Bill 659 (first reading copy -- white) do pass .

Signed: 

Tom Zook, Chair

Committee Vote:
Yes ____, No ____.

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HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 BILL NO. HB 656 NUMBER MOTION: REP. QUILICI moved HB 656 DO PASSMotion carried 16 - 2

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	16	2

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 BILL NO. HB 657 NUMBER MOTION: Rep. Wiseman moved to Table HB 657.Motion carried 17 - 1

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEI	X	
REP. JOHN CORD	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	1

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 BILL NO. HB 659 NUMBER MOTION: Rep. Royal Johnson moved HB 659 DO PASS

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGE	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HB 660
March 12, 1993

Testimony presented by Arnold Olsen, Department of Fish, Wildlife & Parks
Before the House Appropriations Committee

Enf. 1
EXHIBIT 1
DATE 3/12/93
HB 660

In 1989 the legislature passed the Montana Conservation Corps Act which enabled the Department of Fish Wildlife and Parks as the administering agency, to initiate conservation corps activities. Funding for the program coordination was obtained during the 1991 legislative session. This support allowed the formation of a public/private partnership with Montana Conservation Corps, Inc. and led to a federal grant from the National Community Service Act of \$500,000 obtained in 1992.

HB 660 complements the 1989 MCC legislation and the National and Community Services Act of 1990 and continues the Dept. of Fish, Wildlife and Parks as lead agency for natural resource conservation efforts. The bill expands the level of participants and partners, increases the potential for service and youth employment and encourages a broader level of communication between agencies. HB 660 will also position Montana to receive more federal dollars under the new National Youth Service Initiative of the Clinton administration.

HB 660 is another method which can help our ailing State Parks system. Using community service corps such as the Montana Conservation Corps, Inc., we will be able to provide additional park repair, maintenance and enhancement while providing a work site and educational opportunity for our citizens. Conservation Corps programs teach corps members life skills, vocational and educational skills, and a conservation and community service ethic while giving the members a hard earned pay check.

For these reasons, we support HB 660 as introduced and urge its passage.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 BILL NO. HB 662 NUMBER

MOTION: Rep. DeBruycker moved to Table HB 662

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

Testimony HB 666

Petroleum Tank Release Compensation Board
Jean Riley -- Executive Director

EXHIBIT 1
DATE 3/12/93
HB 666

The Petroleum Tank Release Compensation Board (Board) administers the Petroleum Tank Release Cleanup Fund (Fund). The Board has not discussed this legislation as they have not met since the introduction of this legislation and did not know of the possibility of this legislation at their last meeting on February 8. Enclosed in the information today, is a booklet with the background of the Board, a summary of claims paid as of January 31, 1993, the amount of reimbursement requests per calendar year, the percentage of reimbursement for the types of contamination, the tracking summary as required by USEPA, and the claim payment summary for claims paid by site. Also, enclosed are copies of the agenda's from the last three August Board meetings. Handwritten on each agenda is the total amount reimbursed at each meeting. The Board has reimbursed for corrective action costs on just over 300 different release sites. To date the Department of Health and Environmental Sciences Underground Storage tank program has over 1000 release sites reported and most of these sites are potentially eligible for reimbursement from the Fund. The number of release sites is continuing to increase and as you can see on page 6 in the booklet so are the reimbursement requests. Not being able to anticipate the number of releases or number of reimbursement requests the Board has adopted the policy to review the budget requirements of this program at least yearly and if warranted more often. The Board reviews in detail any additional FTE requirements, and requires full justification for any additional staff or funding for administrative purposes.

I contacted USEPA concerning this possible change to the statute. Bill Geise, Chief of Waste Management, Region 8, EPA stated, and I quote "Any major legislative changes from the original legislation will cause EPA to re-evaluate the Fund as a financial assurance mechanism". The Fund is presently an approved financial assurance mechanism for tank owners in Montana. This is one of the purposes of the original legislation. The statute states "The purposes of this part are to:

(a) protect public health and safety and the environment by providing prompt detection and cleanup of petroleum tank releases:

(b) provide adequate financial resources and effective procedures through which tank owners and operator may undertake and be reimbursed for corrective action and payment to third parties for damages caused by releases from petroleum storage tanks; and

(c) assist tank owners and operators in meeting financial assurance requirements under state and federal law governing release from petroleum storage tanks" (75-11-301(5), MCA). EPA monitors the financial soundness of any approved state assurance fund. The Montana Fund was the first fund within EPA Region 8 to receive approval. The Fund must be able to show financial soundness, one of the main concerns is the timing of payments. The Board can not foresee the future and therefore can not predict the number of claims which could be received next month or next year. The program requires flexibility to remain within the EPA guidance for financial soundness of approved state assurance funds. The statutory appropriation allows for this flexibility.

As I stated previously the Board has not discussed this legislation and has not had time to fully determine the potential effects on the Fund.

AGENDA

Petroleum Tank Release Compensation Board

Business Meeting

August 20, 1990

9:00 am

Solid & Hazardous Waste Bureau/Main Conference Room
836 Front Street, Helena, Montana

EXHIBIT 1
DATE 8/12/93
HB 666

A. Public Hearing - Proposed Rule Change

- B.
- 1) Call to Order
 - 2) Minutes
 - 3) Public Address to Board
 - 4) Report of the Executive Director
 - 5) Fiscal Report
 - 6) DHES Staff Update
 - 7) Reports from Other Board Members
 - 8) Report of the Chairman

C. Guarantee Determination:

- 1) Billings--SuperAmerica #4070

Total Paid Out
\$90,611.81

D. Claim Determination:

- 1) White Sul. Spr.--Van Oil Co.--900619-A-3000478
- 2) Butte--Lisac's South Side Chevron--900518-A-4705202
- 3) Whitefish--Roundup Country Store--900419-A-1502459
- 4) Broadus--Farmers Union Oil--900531-A-3800126 & 900626-C-3800126
- 5) Sheridan--Halse Enterprises Bulk Station--900629-B-2801832
- 6) Grey Cliff--Grey Cliff Store--900530-C-4901973
- 7) Billings--Country Corner Conoco--900626-A-5608594 & 900626-B-5608594
- 8) Poplar--Harvey Sandau Shop--900518-B-4311217
- 9) Poplar--Kelsey's Store--900514-A-4311219
- 10) Poplar--Roosevelt County/Abandoned Lot--900626-D-4311220
- 11) Poplar--Anderson Oil Co.--900516-A-4306091
- 12) Helena--Chrysler, Plymouth, Dodge--900530-A-2505376
- 13) Bloomfield--Farmers Union--900529-A-1104222
- 14) Richey--Farmers Union--900515-A-1105898
- 15) Montana City--Montana City Store--900613-A-2201822
- 16) Missoula--Cummins Northwest--900430-A-3201335

E. Discussion Items:

- 1) Halse Enterprises Audit Review

- F.
- 1) Other Business
 - 2) Comments from DHES
 - 3) Comments from Public

G. Adjournment

AGENDA
Petroleum Tank Release Compensation Board

Business Meeting

August 26, 1991
9:00 am
Board Conference Room
1740 North Montana
Helena, Montana



EXHIBIT 1
DATE 9/12/93
HB 666

- A.
- 1) Call to Order
 - 2) Minutes
 - 3) Public Address to Board
 - 4) Report of the Executive Director
 - 5) Fiscal Report
 - 6) DHES Staff Update
 - 7) Reports from Other Board Members
 - 8) Report of the Chairman

B Eligibility Determination

C. Claim Determination

Deferred Claims

New Claims:

- 1) Poplar - Tande Grocery - 901210-A-4311221
- 2) Billings - Short Stop Exxon - 910225-A-5606609
- 3) Great Falls - Mitchell/Mimnaugh aka Tiger Spring Properties - 910418-A-9912295
- 4) Butte - St. James Community Hospital East - 910403-A-4710132
- 5) Great Falls - Bill's Westside SOCO - 910515-A-0706614
- 6) Billings - Don's Car Wash - 910418-B-5605492
- 7) Fort Benton - Farmers Union Oil - 910424-A-0800005
- 8) Fort Benton - Farmers Union Oil - 910507-A-0800005
- 9) Thompson Falls - Town Pump - 910129-A-4508720
- 10) White Sulphur Springs - Van Oil Company - 901218-B-3000478
- 11) Belgrade - Gallatin Farmer's Company - 910508-B-1607865
- 12) Bozeman - JC Billion - 910508-C-1601394
- 13) Sheridan - Halse Enterprises Bulk Plant - 910502-A-2801832
- 14) Broadus - True Value Hardware - 910314-A-3803413
- 15) Miles City - Interstate Sinclair - 910221-A-0900624
- 16) Plentywood - Peavey Company - 910305-B-4611671
- 17) Belgrade - Bair's Truck Stop - 910429-A-1605753
- 18) Great Falls - Otto Shine - 910617-A-0710084
- 19) Bozeman - Tee Pee Gas - 910605-B-1607370
- 20) Great Falls - Otto Shine - 910627-A-0710084
- 21) Deer Lodge - Beck Distributing - 910430-A-3907939
- 22) Belgrade - Bair's Truck Stop - 910605-C-1605753

- D.
- 1) Other Business
 - a) Equipment Returns and Rental
 - 2) Comments from DHES
 - 3) Comments from Public

E. Adjournment

Total Paid Out
\$174,289.37

AGENDA
Petroleum Tank Release Compensation Board

Business Meeting

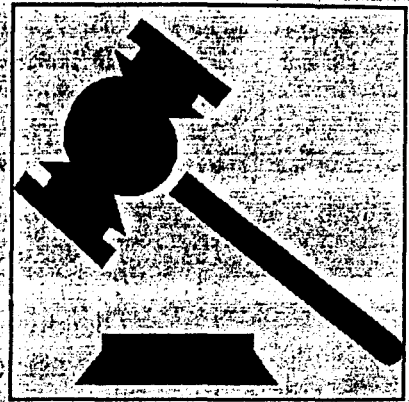
August 17, 1992

9:00 am

Board Conference Room

1740 North Montana

Helena, Montana



A. Business Meeting

- 1) Call to Order
- 2) Minutes
- 3) Public Address to Board
- 4) Report of the Executive Director
- 5) Fiscal Report
- 6) Board Staff Field Report
- 7) DHES Staff Update
- 8) Reports from Other Board Members
- 9) Report of the Chairman

EXHIBIT 1
DATE 3/12/93
HB 666

B. Eligibility Determination

- 1) Big O Tire, Missoula

C. Claim Determination

Total Paid Out
\$509,596.59

Deferred Claims:

- 1) Bozeman - 7th & Main Auto - 911230-E-1602940
- 2) Helena - Town Pump #2 - 911211-A-2508707
- 3) Bozeman - Mount Ellis Academy - 920304-D-1603802
- 4) Philipsburg - Black Pine Mine - 920226-B-2006238
- 5) Billings - Short Stop Exxon - 920123-C-5606609
- 6) Billings - West Parkway Truck Stop - 920212-A-5604951
- 7) Townsend - Town Pump - 910701-A-0408727
- 8) Townsend - Town Pump - 910920-A-0408727
- 9) Circle - Circle Service Center - 920123-B-2903433
- 10) Billings - Co-op Service Center - 920204-B-5606075
- 11) Helena - Jolly O's Gas & Go - 911101-D-2504966
- 12) Billings - SuperAmerica #4070 - 911217-B-5608062
- 13) Billings - SuperAmerica #4070 - 911217-D-5608062
- 14) Billings - Kwik Way #3 - 910821-D-5605748
- 15) Billings - Kwik Way #3 - 910911-A-5605748
- 16) Billings - Kwik Way #3 - 910916-B-5605748
- 17) Billings - Kwik Way #3 - 910918-A-5605748
- 18) Billings - Kwik Way #3 - 910920-B-5605748
- 19) Billings - Kwik Way #3 - 910925-A-5605748

New Claims:

- 1) Great Falls - Former Circle K Store #00328 - 920304-C-0700083
- 2) Bozeman - Department of Transportation - 920506-C-1604052
- 3) Helena - Mini Mart #750 - 920407-A-2505774

- 4) Miles City - Herzog Farm - S911121-A-0905052
- 5) Helena - Mini Mart #751 - 920409-B-2509772
- 6) Helena - Town Pump #2 - 920417-B-2508707
- 7) Hilger - Barrett Farms - S920401-A-1408116
- 8) Norris - McLeod Mercantile - 920327-A-2806273
- 9) Cameron - Sphinx Mountain Ranch - S920218-E-2800940
- 10) Helena - Town Pump #2 - 920508-G-2508707
- 11) Twin Bridges - School Dist. #7, Bus Barn - 920506-A-2807315
- 12) Glendive - Paraffin Service Inc. - 920211-B-1100935
- 13) Townsend - Strong & Bradley - 920226-A-0403468
- 14) Townsend - Strong & Bradley - 920514-B-0403468
- 15) Townsend - Strong & Bradley - 920514-C-0403468
- 16) Belle Creek - Farmers Union Oil - 920331-A-3809877
- 17) White Sulphur Springs - Van Oil - 920511-B-3000478
- 18) Hysham - Community Service - 920310-A-5206317
- 19) Belgrade - Gallatin Farmers Company - 920327-C-1607865
- 20) Belgrade - Gallatin Farmers Company - 920428-D-1607865
- 21) Belgrade - Gallatin Farmers Company - 920526-B-1607865
- 22) Miles City - Cenex General Store - 920506-D-0908212
- 23) Sheridan - Halse Enterprises - 920225-A-2801832
- 24) Broadus - A & H Truck Stop - 920318-E-3811841
- 25) Billings - ANR Freight Terminal - 920313-A-5601730
- 26) Bozeman - Mr. T's Exxon - 920417-A-1608622
- 27) Condon - Holland Lake Lodge - 920513-A-3203720
- 28) Stockett - Kohut Ranch - S920331-C-0708054
- 29) Billings - Exxon R/S #6-3590 - 920302-B-5605072
- 30) Great Falls - Bill's Westside SOCO - 920403-G-0706614
- 31) Great Falls - Bill's Westside SOCO - 920506-H-0706614
- 32) Great Falls - Bill's Westside SOCO - 920604-C-0706614
- 33) Helena - Francis McMillon Residence - S920511-C-2504707
- 34) Billings - Exxon R/S #6-3494 - 920302-C-5605077
- 35) Twin Bridges - Madison County Road Shop - 920428-A-2802588
- 36) Bozeman - Department of Transportation - 920514-F-1604052
- 37) Bozeman - Department of Transportation - 920608-B-1604052
- 38) Ennis - Northway Oil - 920506-B-2802198
- 39) Helmville - Wales Ranch - S920310-C-3910199
- 40) Helmville - Company Ranch - S920310-B-3912489
- 41) Great Falls - Warren Adams Residence - S920403-F-0712286
- 42) Great Falls - Warren Adams Residence - S920506-G-0712286
- 43) Three Forks - Montana Talc Company - 920218-B-9212413
- 44) Great Falls - Stanfield 7th Street Exxon - 920309-A-0700622
- 45) Billings - Former Bair's Truck Stop - 920427-A-5609862
- 46) Butte - Town Pump #1 - 920417-C-4708679
- 47) Butte - Town Pump #1 - 920508-B-4708679
- 48) Butte - Town Pump #1 - 920508-F-4708679
- 49) Billings - Kwiky Touch Free Auto Wash - 920409-C-5605755
- 50) Bozeman - Sherman Smith Ranch - S920526-E-1602981
- 51) Dillon - Clean Critter - 920506-E-0103532
- 52) Great Falls - Former Circle K Store #00328 - 920406-A-0700083
- 53) Great Falls - Former Circle K Store #00328 - 920511-A-0700083
- 54) Great Falls - Former Circle K Store #00328 - 920608-D-0700083

- 55) Billings - Kwik Way #3 - 920402-A-5605748
56) Rockvale - Rockvale Travel Plaza - 920423-B-0507633
57) Billings - Kwik Way #3 - 920402-B-5605748
58) Billings - Kwik Way #3 - 920402-C-5605748
59) Billings - Kwik Way #3 - 920403-A-5605748
60) Billings - Kwik Way #3 - 920403-B-5605748
61) Billings - Kwik Way #3 - 920403-C-5605748
62) Billings - Kwik Way #3 - 920403-D-5605748
63) Hardin - Bair's Truck Stop - 920410-B-0205752
64) Reed Point - Reed Point Conoco - 920427-C-4801521
65) Billings - Cenex Self Serve - 920416-A-5608903
66) Bozeman - Kershner Residence - S920226-D-1611206
67) Belgrade - Bair's Truck Stop - 920403-E-1605753
68) Glendive - Interstate Cenex - 920331-E-1108909
69) Glendive - Interstate Cenex - 920505-B-1108909
70) West Yellowstone - Whitman's Conoco - 920428-C-1600055
71) Winnett - B & D Services - 920428-B-3505551
72) Fort Benton - Farmers Union Oil - 920318-C-0800005
73) Fort Benton - Farmers Union Oil - 920409-A-0800005
74) Fort Benton - Farmers Union Oil - 920508-A-0800005
75) Fort Benton - Farmers Union Oil - 920529-A-0800005
76) Great Falls - Kwik Pic Food Mart - 920417-D-0704944
77) Alzada - Alzada Grocery - 920505-A-0612645
78) Miles City - 7th Street Sinclair - 920312-A-0900628
79) Laurel - Kwik Way #15 - 920413-A-5605083
80) Miles City - Holy Rosary Hospital - S911114-A-0900256
81) Troy - Troy Service Center - 920305-A-2705733
82) Troy - Troy Service Center - 920512-A-2705733
83) Bozeman - JC Billion - 920428-E-1601394
84) Superior - Superior High School - S920508-C-3101517
85) Missoula - Goofy's South - 920331-D-3200404
86) Chinook - City Maintenance Shop - 920410-A-0306220
87) Helena - Prospect Sinclair - 920429-C-2502093
88) Box Elder - Rocky Boy Elementary School - S911104-B-2100034
89) Custer - Mission Creek Land & Cattle - S920429-A-0212436
90) Bozeman - Cenex - 920416-C-1608906
91) Kalispell - Bulk Plant - 911002-C-1502974
92) Kalispell - Bulk Plant - 911002-C-1508359
93) Kalispell - Bulk Plant - 911002-C-1505044
94) Darby - Darby Bulk Plant - 920508-D-4110908
95) Pablo - Joe's Jiffy Stop - 920306-B-2407562
96) Pablo - Tollefson Garage - 920304-B-2400652
97) Butte - Community Mutual Gas - 920511-D-4702577
98) Great Falls - Cenex Convenience Store - 920210-C-0708905
99) Billings - Exxon R/S #6-3507 - 920302-D-5605076
100) Belgrade - Gallatin Farmers Company - 920218-D-1697865

EXHIBIT 1
DATE 3/12/93
HB 166

- D. 1) Other Business
2) Comments from DHES
3) Comments from Public

E. Adjournment

*House Appropriations
Committee*

EXHIBIT 1
DATE 3/12/93
HB 666

**MONTANA
PETROLEUM
TANK
RELEASE
COMPENSATION
BOARD**

The original is stored at the Historical Society at 225 North Roberts Street,
Helena, MT 59620-1201. The phone number is 444-2694.

~~XXXX~~ (last)UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 18 1992

cc: Stelard
J. G. T.
Mc ✓
~~XXXX~~OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSEEXHIBIT
DATE 9/12/92
HB 666MEMORANDUM

SUBJECT: Request for Comments on Draft Guidance Entitled:
Monitoring the Financial Soundness of Approved State
Assurance Funds

FROM: David Ziegler *David W. Ziegler* Director
Office of Underground Storage Tanks

TO: UST Regional Program Managers

Attached for your review and comment by Monday, October 5, 1992 is a draft of the guidance entitled: Monitoring the Financial Soundness of Approved State Assurance Funds. This draft incorporates comments made by OUST staff. After we receive your written comments, we will schedule a conference call to discuss the comments. We will notify you of the date and time of the conference call shortly.

Please keep the following items in mind when you read and comment on the draft guidance:

- o Currently the draft guidance does not clearly specify the scenario in which fund approval would be withdrawn. Please address whether or not we need to include such criteria, and if you believe that it is necessary to specify criteria for withdrawing fund approval, provide us with such criteria.
- o The draft guidance assumes that, once in place, all approved funds will report information to Regions and all approved funds will be monitored. We would like your feedback on other reporting and monitoring approaches that would require less resources for both the States and the Regions to implement.
- o The draft guidance provides Regions with a list of nine measures that may be helpful in determining the financial soundness of approved State assurance funds. Would you prefer a shorter list of measures?

An Executive Summary will be included in the next draft of the guidance. If you have any comments or questions about the draft guidance, please phone Sammy Ng, the project advisor, at (703) 308-8879 or Stephanie Bergman, the staff lead, at (703) 308-8879. Thank you for your cooperation.

Attachment

cc: OUST Management Team
Regional Branch Chiefs

EXHIBIT 2
DATE 3/12/93
HB 666

1

DRAFT

9/17/92 DRAFT

MONITORING THE FINANCIAL SOUNDNESS OF APPROVED STATE ASSURANCE FUNDS

Introduction and Summary

The purpose of this guidance is to provide staff in EPA Regional Underground Storage Tank (UST) programs with criteria and procedures for monitoring the financial soundness of approved State financial assurance funds. Previously-issued guidance has enabled Regional staff to evaluate the appropriateness of State funds submitted to EPA for approval as alternative financial assurance mechanisms. The criteria contained in this guidance should enable Regional staff to assure that these funds will continue to provide reasonable assurance that money will be available for corrective action and third party claims. The guidance provides an array of measures which can be tailored to each State fund. Applying these measures should not burden Regional staff or States, but will provide an oversight mechanism for identifying potential problems in sufficient time to work with States to take appropriate steps to address weaknesses. By providing step-by-step monitoring and remedial measures, the guidance should provide a vehicle for assuring the viability of funds. This guidance should also provide States and the regulated community information on how they should assess their State funds.

Background

In promulgating financial responsibility requirements for owners and operators of underground storage tanks (USTs), EPA attempted to assure adequate and reliable financial assurance for the costs of UST releases while also allowing flexibility to the regulated community. Accordingly, the financial responsibility requirements permitted a wide array of compliance mechanisms, including State assurance funds, if approved by EPA Regional Administrators, insurance, risk retention group coverage, financial tests of self insurance, guarantees, letters of credit, surety bonds, fully-funded trust funds, and state-required mechanisms (40 CFR Part 280.94). However, since the financial responsibility regulations took effect on January 24, 1990, State assurance funds have become the most available and lowest cost financial responsibility compliance mechanism for tank owners and operators. For some segments of the regulated community, State funds constitute the only feasible compliance mechanism currently available.

DRAFT *** DRAFT *** DRAFT

EXHIBIT 2
DATE 3/12/93
HB 666

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To date, 43 States have passed legislation to establish funds to assist tank owners and operators in complying with the financial responsibility requirements. Although all of these funds are designed to assist tank owners in meeting Federal requirements, no two funds are identical. These funds vary in the amounts and types of coverage they provide, in their eligibility requirements, in the amount of funding, funding source, method of payment, and program implementation. Even the responsibility for implementing the fund can vary; the agency administering the fund could be the Department of Environment, Commerce or Insurance. In a few States, all or part of the fund implementation has been contracted out to private third party administrators.

This diversity is expected since States are not required by law or the financial responsibility rule to establish assurance funds. Rather, States that have chosen to establish funds have done so to provide assistance to tank owners and operators in complying with the Federal financial responsibility requirements, cleaning up releases from tanks, and, in some cases, paying for third party damages associated with releases from USTs.

As States have gained experience in the implementation of funds, many have modified their programs, either by statute, regulation, or operating procedures. Some have streamlined claims administration procedures, increased funding, limited activities that the fund will pay for, or established reasonable cost guidelines. In other cases, the experience in implementing funds has caused an unanticipated demand for reimbursement. State financial crises have sometimes impacted funding and administrative resources, and threaten to compromise the ability of those State funds to consistently achieve their dedicated purpose.

There are currently no independent State agencies with clear-cut responsibility for oversight of these assurance funds. In general, when creating these funds, the States did not assign responsibility for overseeing the soundness of these funds to State entities similar to those that were created to regulate insurance, sureties and other equivalent mechanisms that owners and operators might use to satisfy financial responsibility requirements. Even if a State agency does have an oversight role, EPA has no control over how well that function is exercised. While many assurance funds have Fund Boards (composed of members of the regulated community, officials from State Departments of Environment or Insurance), these Boards main functions are to approve or disapprove claims for reimbursements, and recommend changes to fee structures.

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EPA's Role

In terms of assuring that a State fund is established on sound financial footing, the financial responsibility regulations establish a well-defined role for EPA. A State must submit its fund to EPA for formal approval if the fund is to qualify as an alternative financial assurance mechanism for use by its UST owners and operators in meeting the Federal financial responsibility requirements in whole or in part (40 CFR Part 280.101). On November 17, 1989, EPA issued a document entitled "Final Guidance for Reviewing State Funds for Financial Responsibility" to help EPA reviewers understand what to look for as they evaluate submissions of State funds as financial assurance compliance mechanisms. EPA's review of State funds as financial assurance mechanisms includes these elements: funding source, amount of fund, coverage provided, fund eligibility, and method of payment to tank owners and operators. In examining these elements of State funds, reviewers were to ascertain that money would be reasonably certain and available to pay for cleanup and third-party damages.

To date, 29 funds have been approved by EPA Regional Administrators to serve as Federal financial responsibility compliance mechanisms. In addition, seven funds have been submitted to EPA Regional Administrators for approval. Owners and operators in these seven States are deemed to be in compliance with the financial responsibility requirements until a final determination is made by EPA.

The 1989 guidance did not establish absolute levels of funding as a prerequisite to approval, but instructed reviewers to consider the amount in the State fund in terms of the overall design of the State's cleanup and enforcement program, as well as the ability of the State to expend monies from the fund. This pragmatic approach recognized that a fund could be approvable if adequate funds would be reasonably available over time, although fluctuating demand could result in a temporary periods when funding might not be keeping pace with expenditures.

Once a fund is approved, neither the guidance nor the financial responsibility regulations impose requirements for continuing oversight of fund soundness, either on the State or EPA. Nor do the approval guidance or the regulations set forth criteria for revoking approval. The regulations contain procedures for addressing the effect of bankruptcy, disability on the part of a guarantor, and other situations where a provider of financial assurance is unable to assure funding for corrective action or third-party damages, but do not specify what should be done when a State fund's ability to provide assurance is questionable. If, as EPA's research indicates, financial

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assurance funds do not receive the same oversight as insurance companies, sureties, risk retention groups, or similar enterprises, EPA needs to scrutinize the ability of a fund to provide financial assurance that is equivalent to other approved mechanisms. This guidance fills the need for explicit procedures for EPA review of the on-going soundness of approved State funds.

Purpose of Guidance

This guidance is intended to provide staff in EPA Regional UST programs with uniform procedures for monitoring the financial soundness of approved State assurance funds. The purpose of the guidance is to ensure that each approved State fund provides reasonable assurance that funds are available to pay for the costs of corrective action and third party damages. In satisfying this purpose, EPA will ensure that approved State assurance funds provide financial assurance that is equivalent to the other compliance mechanisms allowed by the Federal financial responsibility regulations.

This guidance builds on the previously-issued guidance for evaluating the overall viability of State funds. The additional tools contained in this guidance should enable Regional staff to assure that these funds continue to provide reasonable assurance that monies will be available for corrective action and third party claims. The guidance provides flexible measures which should minimize the burden on Regional staff and on States, but will provide a mechanism for identifying potential problems with soundness in ample time to work with States to take appropriate steps. A primary objective of this guidance is to provide a vehicle for improving the solvency of funds rather than necessitating drastic action, such as withdrawing fund approval. In addition, we hope that this guidance serves as a tool to help States identify fund weaknesses and provides them with a framework for improving these deficiencies. This guidance can also serve to bolster a fund board's recommendation for a tax or fee increase.

Definition of Financial Soundness

The definition of financial soundness provided in this guidance is built upon the functional definition of soundness provided in the State fund approval guidance. A State assurance fund is financially sound if it provides reasonable assurance that funds are available to pay for the costs of corrective action and third party damages. "Reasonable assurance" would be evident, for instance, if the fund assets are greater than liabilities or there are sufficient funds to meet current demands, that is, the normal timing of payment of claims is not resulting in delaying cleanups. If funding levels or claim

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processing time is having a negative impact on the cleanup of releases from USTs (i.e., causing undue delays in cleaning up releases therefore harming human health and the environment), then EPA is concerned about the financial soundness of the fund. The reviewer should look for evidence that reasonable assurance is provided, but other parties such as cleanup contractors, fund administrators, other State officials, and tank owners and operators should also have reason to believe that the funds are reasonably available.

In the following section, this guidance will provide Regional reviewers and States with indicators with which to track and evaluate the viability and financial soundness of approved State assurance funds. Finding the appropriate evidence and correctly interpreting it is by no means a precise or mechanical exercise. EPA has researched the approaches to oversight used by well-established financial institutions, such as insurance commissions, State and Federal bank regulators, and the U.S. Department of the Treasury. While the experience of these institutions is too specific to the businesses regulated for direct application to UST fund guidance, their general approach is helpful. They allow regulators considerable discretion in defining and evaluating measures of soundness, and acting on signals provided by these measures. These institutions explain that oversight must be conducted with great care and sensitivity because overzealous intervention could have a profound impact on regulated enterprises or on the public that relies on the enterprise. Similarly, State assurance funds meet a critical need for demonstrating financial assurance as well as providing another source of funds for response to releases.

Measures of Fund Soundness

There are a number of potentially useful indicators of the financial soundness of State assurance funds:

- (a) Fund Balance
- (b) Rate of Collection
- (c) Rate of Disbursement
- (d) Collections Projected for Next Reporting Period
- (e) Disbursements Projected for Next Reporting Period
- (f) Number or Dollar Amount of Pending Claims
- (g) Major or Pending Changes to Fund
- (h) Number of Months of Funding Remaining
- (i) Number of Days Between Claim Submittal, Approval, and Payment

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Most of these measures are self-explanatory, however, because fund design is individualistic and reporting of information can vary, any one of these measures could mean different things. In using a measure, a reviewer needs to clearly define the time period over which the data is collected, whether calendar or working days are intended, whether a term like "payment" means issuance of a reimbursement check or transfer of approval to the accounts payable department. For example, the time frame over which a measure is made is critical for comparison.

Indicator (g), Major or Pending Changes to Fund, merits some elaboration because, unlike the other measures, it is not based on quantitative or financial information. Major or pending changes could be either economic or administrative, positive or negative. Impending negative impacts on a fund could include legislative expansion of fund coverage to include a larger universe of tanks or facilities without additional funding. Regulatory amendments that either lowered or raised the costs of corrective action are respective examples of potentially positive or negative impacts. Direct effects on staffing levels or productivity, such as hiring freezes, would be included here. Finally, the most obvious major change to be considered would be one that will likely have a direct effect on a fund's finances, for example, the reporting of an extraordinarily large release.

Besides the measures listed above, another important factor in assessing the financial soundness of a fund is gauging the degree to which cleanups are being delayed due to fund-related issues. One approach to getting such qualitative information is to monitor the complaints made by the regulated community and/or cleanup contractors to the State or EPA about the cleanup delays that are being caused by slow fund payments. There may also be other ways to obtain this type of information. Obviously, the reasons for delays in fund payments may not always be financial. For instance the delays could be caused by lack of staff to process claims. Reviewers should use complaints as a starting point for further analysis rather than as a final determination of a fund's financial condition.

We do not believe that any one measure will indicate whether or not a fund is financially sound. Obtaining data on all the measures is also not necessary to develop a reliable picture of a fund's soundness. Each Region should select from among the measures those that the Region can obtain with relative ease, that have inherent meaning for the fund under review, and will provide a meaningful indicator over time. Combinations of measures could be used, or certain measures or ratios could be used to trigger analysis of other measures. As discussed earlier, State funds exhibit great diversity in design and

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implementation, and oversight should take into consideration the unique characteristics of each fund. Regions will be accorded broad discretion in selecting and applying measures. However, since this area is a novel one for many Regional staff, EPA has some suggested procedures that could be used.

Procedures

The following procedures present one logical approach to using the measures to establish a monitoring methodology and apply it over time:

(1) Establish baseline measures. Select the most useful set of indicators for the State. Because each State fund will differ even from other funds in the Region, measures should be tailored to each State fund on a state-by-state basis. As noted above, each measure will need to be clearly defined. Although a measure could have different meaning for different States, the purpose is to establish a baseline for each State fund, evaluate soundness at the start, and compare performance based on uniform measures over time. Selecting measures should also consider factors such as ease of reporting by a State, whether the measures are stable or can be expected to fluctuate dramatically, and whether a measure already indicates a problem.

In developing this guidance other approaches were considered and rejected. The Federal Reserve looks at banks as peer groups based on common characteristics such as size and location. In the case of State financial assurance funds, the small number of States with approved funds and the diversity of these funds undercut the ability to create meaningful peer groups.

(2) Estimate baseline soundness. What do the baseline measures tell you about current soundness? At this early stage in measuring soundness, this determination cannot be conclusive. Instead, discretion should be used to decide what indicators will be most helpful. This guidance does not propose absolute measures for determining soundness. The Federal Reserve and other bank and insurance regulators designate absolute levels of capitalization or liquidity as a measure of an institution's soundness. Without greater experience, we cannot accurately determine what would be comparable benchmarks for State funds.

While absolute values are not available, some relationships between indicators should prove helpful. For example, if the current rate of disbursement is several times larger than the rate of contribution, a reviewer should examine other indicators and track these rates over time. If the dollar amount of the pending claims is several times larger than the fund balance,

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then the fund's soundness could be compromised. Again, there may be simple explanations for why these ratios are not threatening the fund's soundness or delaying cleanups. The persistence of these ratios over time, however, will provide a better measure of the problem.

(3) Check for explanations for current status. EPA research into the approaches to oversight taken by other financial institutions shows that indicators are used as screens to identify the need for action, but that early action usually means further exploration of apparent problems. If a measure indicates a potential problem, discussions with State staff would be appropriate. There may be a simple explanation for the ratios. More importantly, these ratios might not be threatening the fund's soundness or delaying cleanups. The persistence of these ratios over time will provide a better measure of the problem.

(4) Monitor trends over time. State funds are like bank accounts that can fluctuate over time without there being a threat to the account's stability. However, increasing disparities between income and disbursements over time could indicate underlying weakness. Similarly, the time interval between submittal of an invoice for a cleanup action and payment could be several months without affecting the willingness of contractors or owners to undertake response to releases. If the interval is increasing over time, delays might begin to impact cleanup and should trigger the need to investigate other measures or factors or inquire into the effect of delay on release response.

We recommend in this guidance that States should report data on each applicable measure to EPA Regions at six month intervals. There is no readily adaptable experience from other oversight programs for setting response times. Banks report financial data quarterly, but that frequency is consistent with other events that occur on a quarterly basis in the financial community. Semi-annual reporting is a compromise between setting an interval that does not allow enough time to encompass important events (e.g., periodic replenishment of funding or average time periods for administration of claims) and too long to catch serious erosion in soundness. This frequency also will afford EPA greater opportunity to provide timely assistance before more serious intervention becomes necessary.

(5) Use discretion. At this stage in the evolution of the UST financial assurance program, there is no perfect guidance for oversight. The measures provided and steps suggested are imprecise instruments for monitoring soundness. At any step, oversight should be tempered with discretion. Explanations should be sought, discussions held, and assistance offered to

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remedy problems. Despite any measure, the important criterion is whether funds are reasonably available for cleanup and third party claims. This determination will continue to require a considerable amount of subjective judgement on the part of EPA Regions.

EPA Response

This section elaborates on the steps described above by focusing specifically on the Regional action required to implement the monitoring process.

After the Region has identified and defined the key performance measures that it will use to monitor the soundness of the State's assurance fund, the State should report those measures to the Region and continue to report the data every six months. (The Region may want to discuss the appropriateness of some of the soundness measures with the State before selecting them.) Once the Region has received the baseline data from the State and the Region has reviewed the data, the Region should ask the State any questions it has regarding the information.

In six months, when the next set of data is sent, the Region should review it and compare it to the prior data that was submitted by the State. The Region should pay particular attention to any trends indicated by the data. If the data show a negative trend, for instance, if the amount of time that the State is taking to reimburse tank owners and operators is increasing, the Region should ask the State to explain why the time has increased. In the processing time example, perhaps the increase in processing time resulted from the State assurance fund losing key staff. The Region can then ask the State about its plans for filling those fund positions. The Region can encourage the State to proceed with plans to fill those positions.

If the downward trend in processing time continues in the next reporting period, the Region may choose to write a letter to the State explaining EPA's concern about the trend and strongly encouraging the State to remedy the staffing problem by some date in the future, perhaps the next reporting period. If the trend fails to improve thereby causing undue delays in cleaning up releases so that human health and the environment is inadequately protected, the Region may want to elevate the issue by the next reporting period.

If the State continuously fails to act on instituting agreed upon remedies, the Region should consider the possibility of withdrawing approval of the fund. EPA headquarters should be involved with this decision....

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When establishing deadlines for remedial action, Regions should acknowledge that some remedies may take varying amounts of time to implement. When evaluating fund weaknesses and

negotiating possible solutions with States, Regions must consider the amount of time necessary to implement the remedies. Possible remedies might include:

- o Raising additional revenues. This would help a fund keep up with claim demand.
- o Modifying the coverage provided by the fund. By reducing the coverage that the fund provides to tank owners the amount of funding required to pay claims in a timely fashion might be reduced. In addition, by reducing the coverage that the fund provides, existing funding could be adequate to process claims in a timely fashion.
- o Streamlining the administrative processes of the fund. This might help speed up the processing of claims.
- o Hiring additional fund staff. This remedy could also help speed up the processing of claims, or have other positive effects depending on the weaknesses identified.
- o Limiting fund eligibility. This could also conserve fund monies; fewer tank owners would be eligible to submit claims to the State fund.

To implement these remedies may require statutory changes which, depending on the length and timing of the legislative sessions in States, may take up to two years to implement. Other possible remedies would require program policy changes that also might require a significant amount of time to implement. Regions need to keep these timing issues in mind when working with the State on remedies.

By relying on trends that the data describe, EPA Regions will alert States as early as possible in the review process of fund deficiencies. If appropriate, this communication will also put stakeholders on notice that there is a problem with a fund and that their involvement may be required to remedy the situation. It is important to stress that EPA does not want to precipitate a crisis; EPA recognizes that solutions to identified weaknesses will be State-specific and may require months or years to implement. By alerting affected/interested parties of EPA's concerns regarding the financial soundness of funds, adequate

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time will be given to discuss the reasons for the fund weaknesses, identify possible remedies to improve the weaknesses, and agree on appropriate and reasonable timeframes for States to implement remedies.

Summary

[To be added later.]

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MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By REP. TOM ZOOK, CHAIRMAN, on March 12, 1993, at 3:45 p.m.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Ed Grady, Vice Chairman (R)
Rep. Francis Bardanouve (D)
Rep. Ernest Bergsagel (R)
Rep. John Cobb (R)
Rep. Roger DeBruycker (R)
Rep. Marj Fisher (R)
Rep. John Johnson (D)
Rep. Royal Johnson (R)
Rep. Mike Kadas (D)
Rep. Betty Lou Kasten (R)
Rep. Red Menahan (D)
Rep. Linda Nelson (D)
Rep. Ray Peck (D)
Rep. Mary Lou Peterson (R)
Rep. Joe Quilici (D)
Rep. Dave Wanzenried (D)
Rep. Bill Wiseman (R)

Members Excused: None

Members Absent: None

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Mary Lou Schmitz, Committee Secretary

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

Committee Business Summary:

Hearing: None
Executive Action: HB 3; HB 4, HB 314; HB 642; HB 65; HB 657; HB 31; HB 115; HB 514; HB 517; HB 609; HB 654; HB 655; HB 492; HB 586; HB 601; HB 483; HB 660

EXECUTIVE ACTION ON HB 3

Discussion: Ms. Cohea distributed a "Summary Explanation of HB 3: Supplemental Appropriations". EXHIBIT 1

Ms. Cohea explained that the amendments under consideration were those not adopted by the subcommittee but requested by the Office of Budget and Program Planning and included Amendment Nos. 9, 13, 15, 16, and 20. With regard to Amendment No. 20, she said the subcommittee had approved \$6,897,753 federal special revenue; the budget office requested \$11,371,474.

REP. COBB asked Dave Lewis, Budget Director, whether Amendment No. 20 was requesting additional general fund dollars. Mr. Lewis said the money was federal matching dollars and not general fund money.

REP. MENAHAN asked whether the amendment was providing the authority to spend federal money. Mr. Lewis confirmed.

Motion/Vote: REP. MENAHAN MOVED TO AMEND HB 3 YOUTH PSYCH BENEFITS: \$11,371,474 federal special revenue as match for the general fund appropriated to department of family services for youth psychiatric benefits. (AMENDMENT No. 20, EXHIBIT 1). Motion carried unanimously.

Discussion: REP. COBB reported Amendment No. 13 used \$500,000 in UI Admin tax for dislocated worker job training for anticipated layoffs in the public and private sectors. He said language was needed to ensure the supplemental would correspond with HB 2 to allow any unused funds at the end of FY 93 to carryover to the 1995 biennium.

Motion/Vote: REP. MENAHAN MOVED TO RESTORE \$500,000 IN HB 3 (AMENDMENT NO. 13, EXHIBIT 1). Motion carried unanimously.

Discussion: Ms. Cohea reported the subcommittee had made no recommendation on the motor pool supplemental (Amendment No. 9). CHAIRMAN ZOOK asked Mr. Lewis to explain Amendment No. 9. EXHIBIT 2

Mr. Lewis explained that subcommittee action had not been clear and the amendment was being resubmitted to the whole committee.

REP. PETERSON reported the subcommittee had denied the supplemental and denied more money in appropriations for the motor pool. She said the motor pool perceived the action as too harsh. She said Amendment No. 9 used proprietary funds of \$556,513 to replace 53 vehicles. She noted the motor pool currently cannot fill 15% of agency requests for vehicles.

CHAIRMAN ZOOK asked for a response from the Department of Transportation.

Tom Barnard, Administrator, Highways Division, Department of Transportation, explained the purpose of the supplemental request was to replace 53 vehicles in the motor pool, not to increase the size of the motor pool. He said because of increased use of vehicles in 1992-93, vehicles needed to be replaced earlier. He reported the motor pool had 197 vehicles, 70 which were leased to agencies and 127 which were used for daily use. He said if the 53 vehicles are not replaced, the size of the motor pool will be reduced considerably. He noted the motor pool was currently not meeting demand for vehicles. He suggested two options for state employees, if the motor pool was reduced, both of which were more expensive than maintaining the size of the motor pool. One option would be to have employees drive their own vehicles and reimburse them for mileage. He explained employees could not be required to use their own vehicles, and the cost of reimbursement was 28 cents per mile compared to the motor pool cost of 20.5 cents per mile. He said the second option was to lease from commercial establishments which was again more expensive. He said the department would monitor vehicle use and not retain more vehicles than needed. He reiterated that the supplemental would come from proprietary funds which were available and had been generated from income from increased usage.

REP. QUILICI supported the amendment. He reported he had investigated the use of employees' personal vehicles and found that option much more expensive to the state. He suggested more efficient cars would be purchased, saving the state more money in the long run.

Motion/Vote: REP. PETERSON MOVED AMENDMENT NO. 9 TO HB 3 BE ADOPTED. (EXHIBIT 2) Motion carried 11 to 7 with REPS. GRADY, COBB, DeBRUYCKER, FISHER, KASTEN, PECK, and WISEMAN voting no.

Motion/Vote: REP. COBB MOVED AMENDMENTS NO. 15 AND 16 TO HB 3 BE ADOPTED. Motion carried unanimously.

CHAIRMAN ZOOK asked for further amendments to HB 3. REP. PETERSON presented an amendment to add \$27,000 to the Governor's Office from the general fund for payout of accrued employee leave for employees terminated because of the elimination of the Mental Disabilities Board of Visitors program. EXHIBIT 3

Motion: REP. PETERSON MOVED TO AMEND HB 3. EXHIBIT 3

REP. KADAS asked Mr. Lewis whether the payout needed to come from FY 93 rather than FY 94 because the board was eliminated and employees would be terminated by the end of FY 93. Mr. Lewis agreed.

Vote: TO AMEND HB 3. (EXHIBIT 3) Motion carried unanimously.

Motion: REP. ROYAL JOHNSON MOVED TO STRIKE LINES 11-12, PAGE 4, OF HB 3. EXHIBIT 4

Discussion: REP. KADAS asked how the subcommittee had deleted the funds from FY 93 when they were working with the budget for FY 94-95. Jane Hamman, Budget Office, explained the subcommittee had denied the supplemental to the Commissioner of Higher Education for Student WICHE Assistance and the change had been inadvertently omitted from the list of amendments to HB 3. REP. PETERSON reported the Commissioner of Higher Education had withdrawn the supplemental request.

Vote: TO AMEND HB 3. (EXHIBIT 4) Motion carried unanimously.

Motion/Vote: REP. COBB MOVED HB 3 DO PASS AS AMENDED. EXHIBIT 5 Motion carried 14 to 4 with REPS. COBB, DeBRUYCKER, PECK, and WANZENRIED voting no.

EXECUTIVE ACTION ON HB 4

Motion: REP. ZOOK MOVED TO AMEND HB 4. EXHIBIT 1

Discussion: Ms. Cohea referred to the "Summary Explanation of House Bill 4: Budget Amendments" and stated the amendments had been requested by the Budget Office. EXHIBIT 2

REP. COBB asked Raymond Hoffman, Department of Health and Environmental Sciences, whether the department had other budget amendments. Mr. Hoffman responded he knew of no other amendments at this time; however, because federal funding for health and environmental programs was changing very rapidly, other amendments were possible.

REP. PETERSON asked whether \$100,000 state special funds for mileage for the university system had been stricken. CHAIRMAN GRADY confirmed the \$100,000 had been stricken. REP. KADAS explained the \$100,000 was not needed because funds had been included for the units.

Vote: TO AMEND HB 4. Motion carried unanimously.

Motion: REP. ROYAL JOHNSON MOVED TO AMEND HB 4 AND INSERT: "All remaining fiscal year 1993 budget amendment authority for the Montana University System is authorized to continue to fiscal year 1994." EXHIBIT 3

Discussion: REP. ROYAL JOHNSON explained the university system had \$5 million in revenue from increased enrollment which had not been appropriated; the system needed authority to spend the funds in FY 94.

REP. ZOOK asked whether the intention of the amendment was to keep the university system from spending the money foolishly in 1993. REP. ROYAL JOHNSON said he doubted the university system would spend the money foolishly in either year; he said the

amendment would give the university system the authority to carry over funds to FY 94 and spend them wisely.

Ms. Cohea suggested the language in the amendment could be tightened.

Motion/Vote: REP. ROYAL JOHNSON MOVED TO AMEND HB 4 WITH THE ALTERNATIVE LANGUAGE "Any spending authority for fiscal year 1993 budget amendments for the Montana university system authorized in [this act] that is not used in fiscal year 1993 may be used in fiscal year 1994." Motion carried unanimously.

Ms. Cohea reported REP. NELSON had offered amendments dealing with the Federal Transit Administration for the Department of Transportation which included \$184,000 state special for pass-through and \$138,000 for discretionary grants. She explained the amendment gave the department the authority to spend \$184,000 in pass-through authority for local matches required for grants from the Federal Transit Authority. The grants provide for the purchase of capital equipment for transportation services for the elderly and disabled and for assisting in transportation services in rural areas. She said the second amendment for \$138,000 provided additional pass-through authority for additional grant funds which are anticipated under the economic stimulus package proposed by President Clinton.

Motion/Vote: REP. PETERSON MOVED TO ADOPT THE AMENDMENTS. Motion carried unanimously.

Motion/Vote: REP. GRADY MOVED TO AMEND HB 4 TO INCLUDE \$175,220 FEDERAL SPECIAL FOR THE NATIONAL PRESERVATION GRANTS FOR THE MONTANA HISTORICAL SOCIETY. Motion carried unanimously.

Motion/Vote: REP. ZOOK MOVED HB 4 AS AMENDED. EXHIBIT 4 Motion carried 16 to 2 with REPS. COBB and PECK voting no.

EXECUTIVE ACTION ON HB 314

Motion: REP. WANZENRIED MOVED TO AMEND HB 314. EXHIBIT 1

Discussion: REP. GRADY explained the amendments resulted from his concern about the amount of revenue lost by not collecting park fees. He said initially the loss in revenue would have been \$80,000; with the amendments the loss was reduced to \$30,000.

EXHIBIT 2

REP. FISHER stated that the cost of collecting fees was greater than the fee revenue at some state parks. REP. GRADY said the intent of the bill was to eliminate fees at parks where the cost of collecting was greater than the revenue.

Vote: TO AMEND HB 314. Motion carried unanimously.

Motion/Vote: REP. WANZENRIED MOVED HB 314 DO PASS AS AMENDED.
Motion carried unanimously.

EXECUTIVE ACTION ON HB 642

Motion/Vote: REP. GRADY MOVED TO AMEND HB 642. Motion carried
16 to 2 with REPS. KASTEN and PECK voting no. EXHIBIT 1

Motion/Vote: REP. KADAS MOVED HB 642 DO PASS AS AMENDED. Motion
carried 15 to 3 with REPS. COBB, KASTEN, and PECK voting no.

EXECUTIVE ACTION ON HB 65

Motion: REP. MENAHAN MOVED HB 65 DO PASS.

Discussion: REP. BARDANOUVE reported that the recommendation for
establishing a permanent retirement committee had come from the
interim committee from last session. He stated the permanent
committee was needed to provide more consistency and better
control on benefit increases for public retirement systems.

CHAIRMAN ZOOK stated he understood the \$7,200 in the bill would
be only part of the funds for the committee; other funds would be
contributed by private sources.

Vote: HB 65 DO PASS. Motion carried 13 to 5 with REPS.
DeBRUYCKER, KADAS, KASTEN, PETERSON, and WANZENRIED voting no.

EXECUTIVE ACTION ON HB 657

Motion/Vote: REP. FISHER MOVED TO RECONSIDER HB 657 AND TAKE
FROM THE TABLE. Motion carried 12 to 6 with REPS. GRADY, COBB,
KASTEN, MENAHAN, PECK and QUILICI voting no.

Motion: REP. WISEMAN MOVED TO AMEND HB 657. EXHIBIT 1

Discussion: REP. WISEMAN explained the amendments had been
drafted by the Department of Justice and would allow the attorney
general to charge fees for costs associated with requests for
opinions.

REP. KADAS asserted that the bill would not work if the fees were
deposited in the general fund. He said fees would need to be in
a state special account, and the attorney general would need an
appropriation from the state special. REP. WISEMAN responded the
department anticipated such a small amount of money that it was
not worth setting up a special account. REP. KADAS maintained
the purpose of the bill was to eliminate the opinions and produce
a \$24,000 reduction in the general fund. He said if the
amendment was passed, then the committee would need to
appropriate the \$24,000 in anticipation of the revenue. REP.

BARDANOUVE agreed with REP. KADAS. He said if the department's general fund budget was increased, then HB 2 would need to be amended; however, if a state special account were set up, then an amendment to HB 2 could be avoided.

REP. WISEMAN recalled the Legal Services Bureau was charging agencies fees for legal services and suggested that account could be used. Ms. Cohea confirmed that the bureau had an account but explained that the attorneys who wrote attorney general opinions were general-funded, not just attorneys in the bureau. She explained the attorney general was trying to raise enough general fund money to offset costs; she said REP. KADAS was correct that the department expected to receive a renewed appropriation through HB 2. REP. BARDANOUVE recommended preparing an amendment for HB 2 to be presented on the floor.

Vote: TO AMEND HB 657. Motion carried 10 to 8 with REPS. GRADY, BERGSAGEL, COBB, KASTEN, MENAHAN, PECK, QUILICI, and ZOOK voting no.

Motion/Vote: REP. KADAS MOVED HB 657 DO PASS AS AMENDED. Motion carried 11 to 6 with REPS. GRADY, COBB, KASTEN, MENAHAN, PECK, and QUILICI voting no and REP. BERGSAGEL abstaining.

EXECUTIVE ACTION ON HB 31

Motion: REP. COBB MOVED HB 31 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 115

Motion: REP. COBB MOVED HB 115 BE TABLED. Motion carried 11 to 6 with REPS. COBB, ROYAL JOHNSON, KASTEN, MENAHAN, PETERSON, and QUILICI voting no.

EXECUTIVE ACTION ON HB 514

Motion: REP. BARDANOUVE MOVED HB 514 BE TABLED. Motion carried 17 to 1 with REP. QUILICI voting no.

EXECUTIVE ACTION ON HB 517

Motion: REP. PETERSON MOVED HB 517 DO PASS.

Discussion: CHAIRMAN ZOOK explained the bill saved \$5.6 million in general fund and \$8.8 million in other funds.

REP. BARDANOUVE asked Dave Lewis, Budget Director, to explain how the bill saved money. Mr. Lewis stated he had revised the fiscal note to show no savings with HB 517. He reported the committee's

action to reduce agencies by 5% would be managed by not filling vacancies of retired staff. Since the money was eliminated by the 5% reduction, no savings could be demonstrated with HB 517.

REP. ROYAL JOHNSON asked whether the bill was necessary. Ms. Cohea explained the bill changed retirement benefit statutes for members of the Public Employees' Retirement System (PERS). She said currently PERS members cannot retire at 25 years without a loss of benefits; the bill would provide a window of opportunity for 25-year retirement by PERS members. She said the projected savings from HB 517 was part of the administration's basis for the 5% personal services reduction efficiencies; without the bill, the basis would not be in place.

Vote: HB 517 DO PASS. Motion carried 13 to 4 with REPS. BARDANOUE, ROYAL JOHNSON, KASTEN, and PECK voting no.

EXECUTIVE ACTION ON HB 609

REP. WANZENRIED explained HB 609 transferred the investigative function for liquor investigations and AFDC fraud from the Department of Revenue to the Department of Justice and resulted in a one-time transfer of \$215,000. He reminded the committee that the issue with the bill was the upgrading of positions from Grade 14 to Grade 16 when investigators transferred to the Department of Justice. He explained the purpose of the transfer was to allow for a single investigation of both liquor and gambling. He suggested the bill was the first step in a total transfer of investigative functions to the Department of Justice.

Motion: REP. WANZENRIED MOVED HB 609 DO PASS.

Motion/Vote: REP. WANZENRIED MOVED TO AMEND HB 609 TO INSERT: "The investigative functions that rulemaking may address are limited to the factfinding responsibilities of investigators and the search and seizure functions associated with illegally stored or transported alcoholic beverages or tobacco products." Motion carried unanimously.

Motion: REP. WANZENRIED MOVED HB 609 DO PASS AS AMENDED.

Discussion: REP. MENAHAN asked whether a reduction of staff was possible with the consolidation of functions. Janet Jessup, Administrator, Gambling Control Division, explained that two areas were affected: gambling control and welfare fraud. Only six investigators would be transferred to the gambling division. She said of the five positions added to the gambling division in 1991 only two were investigators. Thus, the gambling division was picking up six investigators and two clerical positions; the welfare fraud division was picking up three investigators and one clerical position.

REP. COBB stated money would need to be transferred in HB 2.

Vote: HB 609 DO PASS AS AMENDED. Motion carried 17 to 1 with REP. ZOOK voting no.

EXECUTIVE ACTION ON HB 654

Motion: REP. DeBRUYCKER MOVED HB 654 DO PASS.

Discussion: REP. QUILICI asked how many employees would be affected by the elimination of the Department of State Lands youth forest camp work program. REP. GRADY responded the bill would result in a reduction of 3.5 FTE; he noted the funds had already been eliminated from HB 2.

Vote: HB 654 DO PASS. Motion carried 13 to 5 with REPS. BARDANOUVE, KADAS, MENAHAN, QUILICI, and WISEMAN voting no.

EXECUTIVE ACTION ON 655

Motion: REP. GRADY MOVED HB 655 BE TABLED.

Discussion: REP. GRADY explained the bill would take \$1 million and direct it to river restoration. He said the department could already do that through long-range planning. He said Trout Unlimited and most wildlife organizations opposed the bill.

Motion/Vote: REP. BARDANOUVE MADE A SUBSTITUTE MOTION THAT HB 655 DO PASS.

Discussion: REP. ROYAL JOHNSON supported REP. BARDANOUVE stating more money needed to be directed toward river restoration. He recalled REP. SIMON had testified that he was trying to generate more movement in this area with the bill.

CHAIRMAN ZOOK asked Mr. Lewis to comment on the fiscal note. Mr. Lewis reported there was an error in the bill which directed that federal funds be placed in a special revenue account. He said if the bill is passed, it would need to be amended.

REP. BARDANOUVE and REP. GRADY withdrew their motions.

EXECUTIVE ACTION ON HB 492

Motion: REP. GRADY MOVED HB 492 BE TABLED.

Discussion: REP. ROYAL JOHNSON said he supported the motion because the Miami program had been approved for funding and Healthy Start (HB 492) had enough money from grants to start a pilot program.

Vote: HB 492 BE TABLED. Motion carried 17 to 1 with REP. WANZENRIED voting no.

EXECUTIVE ACTION ON HB 586

Motion/Vote: REP. WISEMAN MOVED HB 586 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 601

Motion: REP. BERGSAGEL MOVED HB 601 BE TABLED. Motion failed on a tie vote with REPS. COBB, FISHER, KADAS, MENAHAN, PECK, PETERSON, QUILICI, WANZENRIED and WISEMAN voting no.

EXECUTIVE ACTION ON HB 483

Motion: REP. ROYAL JOHNSON MOVED TO RECONSIDER HB 483 AND TAKE FROM THE TABLE. Motion carried 14 to 4 with REPS. DeBRUYCKER, KASTEN, QUILICI, and WANZENRIED voting no.

Motion/Vote: REP. ROYAL JOHNSON MOVED HB 483 DO PASS.

Discussion: REP. GRADY asked Ms. Cohea whether there was any funding associated with the bill. Ms. Cohea responded no fiscal note had been prepared. She recalled REP. TOOLE had distributed a letter from the Forensic Division stating the cost of supplies under the bill was approximately \$3,000. She recalled committee discussion that the forensic lab's budget was \$2 million per year, and discussion from the forensic lab that they would absorb the cost of the bill in their existing budget.

Vote: HB 483 DO PASS. Motion carried 13 to 5 with REPS. BERGSAGEL, DeBRUYCKER, KADAS, KASTEN, and QUILICI voting no.

EXECUTIVE ACTION ON HB 660

Motion: REP. PETERSON MOVED HB 660 DO PASS.

Discussion: CHAIRMAN ZOOK asked Ms. Cohea to address the fiscal note. Ms. Cohea reported the committee had appropriated \$500,000 in HB 2 from the UI Admin tax for the biennium. She said the bill would require about \$110,000 per year in administrative costs for the program.

REP. PETERSON suggested there was some anxiety about the administrative costs. She said some of the costs, other than the 1.5 FTE, would be due to telephone calls to coordinate efforts. She said the fiscal note outlined some of the activities by departments which would be included in the program. Ms. Cohea detailed the administrative costs considered by the subcommittee: personal services - 48,000 per year; advisory council - \$20,000 per year; operating expenses - \$34,000 per year; equipment purchases - \$8,300 for first year of the biennium.

REP. FISHER said she only found 1.0 FTE listed on the fiscal note.

REP. DeBRUYCKER referred to the fifth assumption of the fiscal note which listed the local match percentage required by the federal program. He noted the local match percentage increased with successive years and expressed his fear the federal contribution would eventually end.

REP. JOHN JOHNSON reported Glendive had set up a community program and students were working on projects for the city and county. He contended the match for federal monies would come from the community, not the state.

REP. KADAS asked whether the \$500,000 from the UI Admin tax would be used as a federal match. **Mr. Lewis** explained the fiscal note described the volunteer projects already in existence in various departments. He said the objective is to coordinate all the programs from the Governor's Office. He said the \$500,000 is to provide a match to expand the number of young people who could participate in volunteer projects. **REP. KADAS** asked **Mr. Lewis** whether the bill did not include spending authority for federal funds because the appropriated matching funds would go to the local community and the local community would apply for federal money. **Mr. Lewis** responded that the federal money would be received in the Governor's Office and then made available to agencies and local groups. He suggested the \$500,000 could be used to help with any required local match as well as expanding the number of people participating. **REP. KADAS** asked whether spending authority for \$2 million was needed in HB 2. **Mr. Lewis** responded all the money needed for the program had already been appropriated in HB 2.

REP. PETERSON distributed an article describing a similar program by the Arizona National Guard. **EXHIBIT 1** She stated Montana was already involved in community volunteer projects and HB 660 allowed expansion of that involvement.

REP. COBB expressed his concern that administrative costs for the bill were excessive. He suggested letting communities proceed with activities on their own.

REP. BARDANOUVE declared the concept was fine but the bill involved too much bureaucracy.

REP. KADAS said he shared the concern about how the program had been organized and suggested it would benefit from more work. **Mr. Lewis** responded that a task force had been working on the bill for two months and had worked out agreements among all the parties.

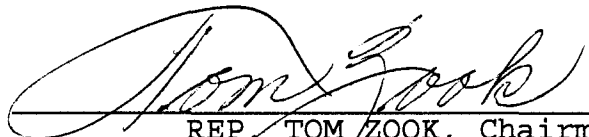
REP. PETERSON suggested the committee's confusion stemmed from having existing programs presented with the proposed program. She suggested the bill be passed for the day. **REP. QUILICI**

supported the program and expressed his concern that it might become lost.

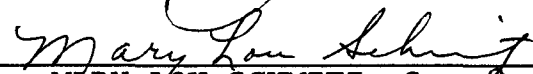
Motion/Vote: REP. GRADY MOVED HB 660 BE PASSED FOR THE DAY.
CHAIRMAN ZOOK accepted the motion as the consensus of the committee.

ADJOURNMENT

Adjournment: 5:45 p.m.



REP. TOM ZOOK, Chairman



MARY LOU SCHMITZ, Secretary

TZ/MLS

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL

DATE 3/12/93 P.m.

NAME	PRESENT	ABSENT	EXCUSED
REP. ED GRADY, V. CHAIR	✓		
REP. FRANCIS BARDANOUVE	✓		
REP. ERNEST BERGSAGEL	✓		
REP. JOHN COBB	✓		
REP. ROGER DEBRUYKER	✓		
REP. MARJ. FISHER	✓		
REP. JOHN JOHNSON	✓		
REP. ROYAL JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BETTY LOU KASTEN	✓		
REP. WM. "RED" MENEHAN	✓		
REP. LINDA NELSON	✓		
REP. RAY PECK	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. DAVE WANZENREID	✓		
REP. BILL WISEMAN	✓		
REP. TOM ZOOK, CHAIR	✓		

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 4

Mr. Speaker: We, the committee on Appropriations report that House Bill 3 (first reading copy -- white) do pass as amended .

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, line 7.

Following: " ; "

Insert: "APPROPRIATING MONEY TO THE DEPARTMENT OF FAMILY SERVICES
FOR FISCAL YEAR 1994; "

2. Page 1, line 11.

Strike: "The"

Insert: "Except as provided in [section 4], the"

3. Page 1, line 19.

Following: "Appropriations."

Insert: "(1)"

4. Page 1.

Strike: lines 22 and 23 in their entirety.

Insert: "GOVERNOR'S OFFICE

Termination Pay-personal staff 1993

\$71,046 General Fund

11,180

Federal Special

Mental Disabilities Board of Visitors

1993 27,000

General Fund"

5. Page 2, following line 1.

Insert: "State Payroll-data processing 1993 45,620
General Fund

Judgments-personal services 1993 61,250

General Fund

Termination Pay-personal staff 1993 34,672

General Fund

Personal Services Shortfall 1993 40,712

General Fund"

Committee Vote:

Yes 14, No 4.

581450SC.Hpf

6. Page 2, line 5.

Strike: "280,000"

Insert: "380,000"

7. Page 2, line 6.

Strike: "383,000"

Insert: "539,000"

8. Page 2, following line 11.

Insert: "DEPARTMENT OF ADMINISTRATION

Risk Mgt/Tort Defense-legal costs 1993
450,000 Proprietary"

9. Page 2, line 13.

Strike: "18,741,000"

Insert: "15,000,000"

10. Page 2, line 16.

Strike: "14,352"

Insert: "4,000"

11. Page 2, line 22.

Following: line 21

Insert:

"Dislocated Worker Program
Special"

1993 500,000 State

12. Page 2, line 25.

Strike: "77,279"

Insert: "365,779"

13. Page 3.

Strike: lines 4 and 5 in their entirety.

14. Page 3, following line 9.

Insert: "Extend Legal Services Contract 1993
General Fund"

50,000

15. Page 3, following line 14.

Insert: "Nursing Home Reimbursement
General Fund

1993

981,257

2,829,589

Federal

Funds

Federal Match-DFS youth psych benefits 1993

11,371,474 Federal Funds"

16. Page 3, line 22.

Strike: "1,218,171"

Insert: "2,218,171"

March 15, 1993
Page 3 of 4

17. Page 3, line 23.
Strike: "1,437,411"
Insert: "2,027,411"

18. Page 3, line 24.
Strike: "379,252"
Insert: "2,590,252"

19. Page 3.
Strike: line 26 in its entirety.
Insert: "Enforcement Division-FLSA 1993 46,480 State
Special"

20. Page 4, line 2.
Strike: "1,303,097"
Insert: "1,370,537"

21. Page 4, line 7.
Strike: "1,031,695"
Insert: "1,948,152"

22. Page 4, line 8.
Strike: "2,538,543"
Insert: "3,042,106"

23. Page 4, line 10.
Strike: "40,813"
Insert: "35,164"

24. Page 4, following line 10.
Insert: " 1993 State Special"

25. Page 4.
Strike: lines 11 and 12 in their entirety

26. Page 4, line 15.
Strike: "52,400"
Insert: "26,200"

27. Page 4, following line 15.
Insert: "OFFICE OF PUBLIC INSTRUCTION

Legal Fees	1993 7,500
General Fund	
Yellowstone Treatment Center	1993 258,626

General Fund	BUTTE VOCATIONAL-TECHNICAL CENTER		
	Severence Pay	1993 22,637	General
Fund	MISSOULA VOCATIONAL-TECHNICAL CENTER		

Severence Pay	1993 44,644	General
Fund"		

28. Page 4.

Following: line 23

Insert: "(2) The appropriation in subsection (1) for the payout of accrued employee leave for the board of visitors is contingent upon the elimination of the mental disabilities board of visitors program."

29. Page 4, following line 23.

Insert: "NEW SECTION. Section 4. Appropriation for department of family services for fiscal year 1994. At the end of fiscal year 1993, any unexpended funds in the appropriations made to the department of family services for inpatient youth psychiatric services and residential youth psychiatric services are reappropriated for fiscal year 1994."
Renumber: subsequent section

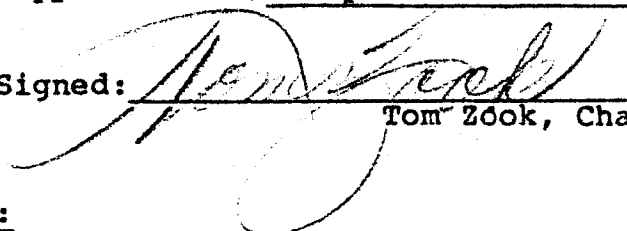
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HOUSE STANDING COMMITTEE REPORT

March 15, 1993

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: 

Tom Zook, Chair

And, that such amendments read:

1. Title, lines 9 and 10.

Strike: "PROVIDING" on line 9 through "1995;" on line 10.

2. Page 3, line 5 through page 5, line 5.

Strike: section 4 in its entirety

Renumber: subsequent sections

3. Page 2, line 6.

Following: line 5

Insert: "DEPARTMENT OF TRANSPORTATION

Federal Transit Administration (pass-through)

184,323 State Special

Federal Transit Administration Discretionary Grant

138,189 State Special

322,422 Federal

Special"

4. Page 2, line 9.

Following: line 8

Insert: "D.A.R.E. 1993 3,800 State Special"

5. Page 2, line 10.

Following: "enforcement"

Strike: "and"

Insert: ", "

6. Page 2, line 11.

Following: "education"

Insert: ", and missing children"

7. Page 2, line 15.

Following: line 14

Insert: "All remaining fiscal year 1993 federal special budget amendment authority for the literacy resource center and for the LSCA VI literacy program is authorized to continue to fiscal year 1994."

Committee Vote:

Yes 16, No 2.

581530SC.Hpf

March 15, 1993

Page 2 of 5

8. Page 2, line 17.

Following: line 16

Insert: "Video Telecom Upgrade 1993 235,109 Proprietary"

9. Page 2, line 23.

Following: line 22

Insert: "DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION"

Water Resources Division 1993 580,000 State Special

The unexpended fiscal year 1993 budget amendment authority for Broadwater power project escrow funds is authorized to continue for fiscal year 1994 in order to complete work related to construction defects.

Water Resources Division 1993 2,000,000 State Special

The unexpended fiscal year 1993 budget amendment authority for arbitration or settlement funds is authorized to continue for fiscal year 1994 to support activities pertinent to remedying construction defects of the Broadwater power project.

Energy Division 1993 9,000 State Special"

10. Page 3, line 3.

Following: line 2

Insert: "MSP-Adult Basic Ed 1993 3,396 Federal Special

MSP-Chapter I 1993 4,365 Federal Special"

11. Page 3, line 3.

Following: line 2

Insert: "MONTANA ARTS COUNCIL

NEA Local/Tech Assist to RAI 1993 45,449 Federal Special

All remaining fiscal year 1993 federal special budget amendment authority for NEA local technical assistance is authorized to continue for fiscal year 1994.

NEA/Tribal College AIE 1993 9,710 Federal Special"

12. Page 3, line 3.

Following: line 2

Insert: "MONTANA HISTORICAL SOCIETY

Spanish Creek Project 1993 75,000 State Special

All remaining fiscal year 1993 state special budget amendment authority for the Spanish Creek project is authorized

581530SC.Hpf

to continue for fiscal year 1994.

National Preservation Grants	1993 175,220	Federal Special
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All remaining fiscal year 1993 federal special budget amendment authority for national preservation grants is authorized to continue for fiscal year 1994.

Photo Archives	1993 4,000	Proprietary
IMS Conservation	1993 25,000	Federal Special

All remaining fiscal year 1993 federal special budget amendment authority for IMS conservation is authorized to continue for fiscal year 1994."

13. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF LABOR AND INDUSTRY"

All remaining fiscal year 1993 federal special budget amendment authority for the Native American vets outreach program is authorized to continue for fiscal year 1994.

Fair Housing-HUD	1993	138,150	Federal Special
Mine Safety	1993	50,538	Federal Special

All remaining fiscal year 1993 federal special budget amendment authority for mine safety is authorized to continue for fiscal year 1994."

14. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

Stormwater	1993	116,892
Federal Special"		

15. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

DDPAC Grant	1993	116,892	Federal
Special"			

16. Page 3, line 5.

Following: line 4

Insert: "MONTANA UNIVERSITY SYSTEM

Agricultural Experiment Station	1993	127,000	Federal
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Special

Agricultural Experiment Station 1993 11,873 State
Special

University of Montana:

Instruction (01)	1993	696,836	State
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Special

Research (02)	1993	5,530	State Special
Support (44)	1993	1,736,888	State Special
O&M of Plant (07)	1993	71,336	State Special
Scholarships & Fellowships (08)	1993	3,640	State Special

Montana State University:

Instruction (01)	1993	996,510	State
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Special

Support (44)	1993	641,000	State Special
O&M of Plant (07)	1993	500,000	State Special

Montana College of Mineral Science & Technology:

Instruction (01)	1993	151,893	State
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Special

Support (44)	1993	39,000	State Special
O&M of Plant (07)	1993	15,000	State Special

Eastern Montana College:

Instruction (01)	1993	68,903	State
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Special

Western Montana College:

Instruction (01)	1993	22,748	State
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Special

Northern Montana College:

Instruction (01)	1993	6,214	State
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Special

Support (44)	1993	14,490	State Special
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Billings Vocational-Technical Center:

Instruction (01)	1993	53,000	State
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Special

Support (44)	1993	47,000	State Special
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Great Falls Vocational-Technical Center:

Instruction (01)	1993	33,700	State
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Special

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Missoula Vocational-Technical Center:

Instruction (01)	1993	33,122	State
Special			
Support (44)	1993	9,500	State Special
O&M of Plant (07)	1993	10,000	State Special

Any spending authority for fiscal year 1993 budget amendments for the Montana university system authorized in [this act] that is not used in fiscal year 1993 may be used in fiscal year 1994."

17. Page 3, line 5 through page 5, and line 5.
Strike: section 4 in its entirety
Renumber: subsequent section

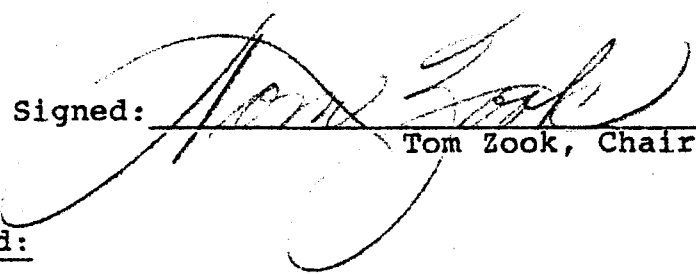
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HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 314 (second reading copy -- yellow) do pass as amended .

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 2, line 22.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections
2. Page 3, line 2.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections
3. Page 3, line 8.
Strike: subsection (11) in its entirety
Renumber: subsequent subsections
4. Page 3, line 10.
Strike: "AND"
5. Page 3, line 11.
Following: "park"
Insert: " , "
6. Page 3.
Following: line 11
Insert: "(12) Council Grove state park;
(13) Beaverhead Rock state park;
(14) Natural Bridge state park; and
(15) Madison Buffalo Jump state park"
7. Page 3, line 21.
Following: "necessary"
Insert: "access to"

Committee Vote:
Yes 17, No +.

581518SC.Hpf

March 15, 1993
Page 2 of 2

8. Page 4, line 22.

Following: "[section 2]"

Insert: ", except that the department may charge camping fees at
Thompson Falls state park and Headwaters state park"

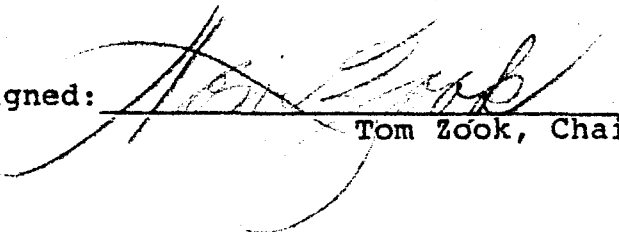
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HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 642 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, lines 6 and 7.

Following: "PARKS"

Strike: "FOR USE BY THE MONTANA CONSERVATION CORPS"

2. Title, line 8.

Following: "AN"

Strike: "IMMEDIATE"

3. Title, line 9.

Strike: "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 2, line 16.

Following: "program;"

Strike: "and"

5. Page 2, following line 16.

Insert: "(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use, subject to [section 2]; and"

Renumber: subsequent subsection

6. Page 2, following line 19.

Insert: "(i) 75% to be used directly by the department of commerce;"

Renumber: subsequent sections

7. Page 2, line 21.

Strike: "(1) (c) (ii)"

Insert: "(1) (d) (iii)"

Committee Vote:

Yes 5, No 3.

581545SC.Hpf

March 15, 1993

Page 2 of 2

8. Page 2, line 24.

Following: " ; "

Insert: "and"

9. Page 3, line 6.

Following: "city-county"

Strike: " ; "

Insert: " . "

10. Page 3.

Strike: lines 7 through 13 in their entirety

11. Page 4, line 8.

Following: "(c)"

Strike: "(iii)"

12. Page 4, lines 8 through 13.

Following: "parks" on line 8

Strike: remainder of line 8 through line 13 in their entirety

Insert: "that have both resident and nonresident tourist usage."

The department shall by July 1 of each year report to the tourism advisory council on the identity and status of all contracts or activities funded pursuant to this section."

13. Page 4, line 19.

Strike: "equal"

14. Page 4, line 25 through page 5, line 1.

Following: "date" on page 4, line 25

Strike: "-- retroactive applicability"

15. Page 5, lines 1 through line 3.

Strike: "on" on line 1 through "1993" on line 3

Insert: "July 1, 1993"

-END-

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that
House Bill 65 (second reading copy -- yellow) do pass.

Signed: 

Tom Zook, Chair

Committee Vote:
Yes 13, No 5.

581510SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that
House Bill 654 (first reading copy -- white) do pass.

Signed: 

Tom Zook, Chair

Committee Vote:
Yes 13, No 5.

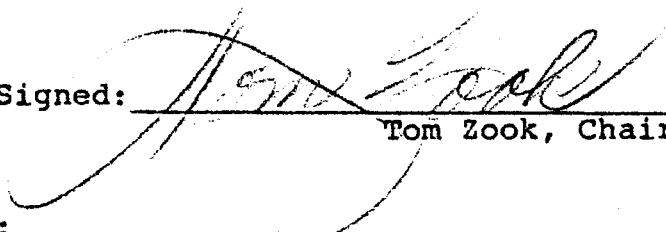
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HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 657 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, lines 6 and 7.

Following: "ACT"

Strike: "ELIMINATING THE REQUIREMENT THAT"

Insert: "ALLOWING"

2. Title 1, line 7.

Following: "GENERAL"

Insert: "TO CHARGE A FEE TO"

3. Title, lines 9 and 10.

Following: "DATE" on line 9

Strike: remainder of line 9 through "DATE" on line 10

4. Page 2, line 21.

Following: "(6)"

Insert: "to give an opinion in writing to the legislature or either house of the legislature, to any state officer, board, or commission, to any county attorney, to the city attorney of any city or town, and to the board of county commissioners of any county of the state when required upon any question of law relating to their respective offices. The attorney general shall give an opinion within 3 months following the date it is requested unless the attorney general certifies in writing to the requesting party that the question is of sufficient complexity to require additional time. If an opinion issued by the attorney general conflicts with an opinion issued by a city attorney, a county attorney, or an attorney employed or retained by any state officer, board, commission, or department, the attorney general's opinion is controlling unless overruled"

Committee Vote:

Yes 44, No 6.

581535SC.Hpf

March 15, 1993
Page 2 of 2

by a state district court or the supreme court. The attorney general may assess a reasonable fee to the requesting party to defray the costs associated with responding to the request. The fees collected must be deposited in the general fund."

5. Page 3, line 12.

Following: "~~(7)~~"

Insert: "(7)"

6. Page 3, line 14.

Following: "~~(8)~~"

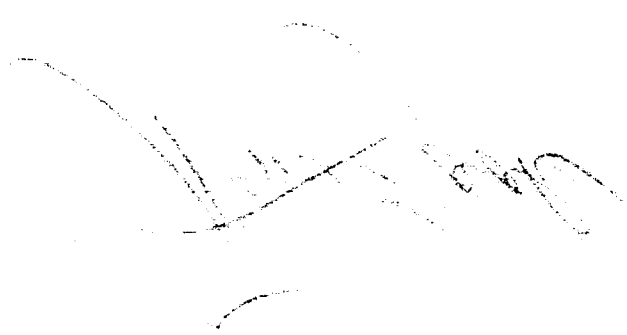
Strike: "(7)"

Insert: "(8)"

7. Page 3, lines 17 and 18.

Strike: section 3 in its entirety

-END-

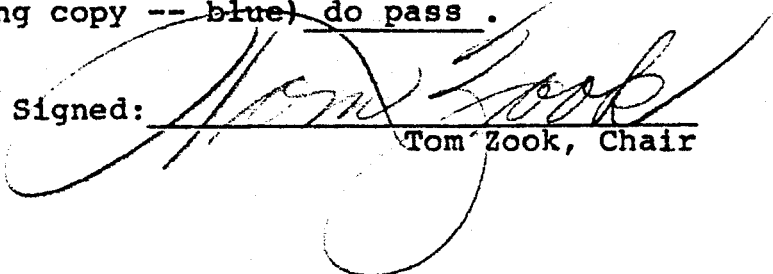
A large, stylized handwritten signature or scribble, possibly reading "W. J. ...", is written across the lower right portion of the page.

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that
House Bill 517 (third reading copy -- blue) do pass .

Signed: 

Tom Zook, Chair

17
Committee Vote:
Yes 13, No 4.

581511SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 609 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 1, line 24.

Following: "bill."

Insert: "The investigative functions that rulemaking may address are limited to the factfinding responsibilities of investigators and the search and seizure functions associated with illegally stored or transported alcoholic beverages or tobacco products."

2. Page 10, lines 18 and 19.

Following: "department"

Strike: "and the department of justice"

3. Page 33, lines 5 and 6.

Following: "implement"

Strike: "[this act]"

Insert: "[sections 17 through 24]"

-END-



Committee Vote:

Yes 17, No 1.

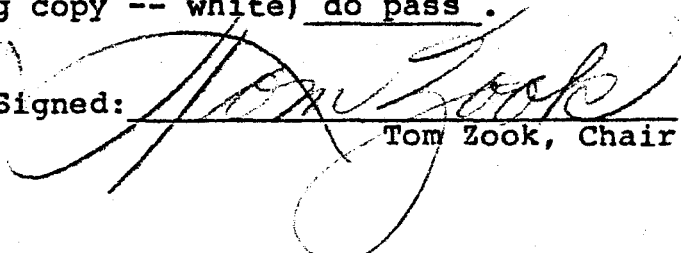
581550SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that
House Bill 483 (first reading copy -- white) do pass.

Signed: 

Tom Zook, Chair

Committee Vote:
Yes ~~14~~, No ~~5~~.

581508SC.Hpf

SUMMARY EXPLANATION OF HOUSE BILL 3

SUPPLEMENTAL APPROPRIATIONS

Prepared for the House Appropriations Committee
By the Office of Budget and Program Planning

EXHIBIT 1
DATE 3 / 12 / 93 P.M.
HB 3

General Government and Transportation - Section A

Montana Supreme Court [amendment no. 1]: Strike lines 22 and 23 in their entirety.

Governor's Office [amendment no. 2]

Termination Pay for Personal Staff: \$71,046 general fund, \$11,180 federal special revenue for termination payouts for 11 personal staff in the Governor's Office who were not retained by Governor Racicot. Termination pay is required by statute when an employee leaves state employment, and is not a budgeted expense. Similar requests occurred in FY89 in agencies where there was a change in the elected official.

State Auditor [beginning p. 1, line 24]

Warrant Writing System: \$155,000 general fund for the costs of mailing state warrants, comprised of the \$57,000 appropriation transfer from FY93 to FY92 and the \$98,000 FY93 shortfall. The agency is experiencing an approximate 6% growth in the volume of warrants above the anticipated level.

State Payroll Data Processing [amendment no. 3]: \$45,620 general fund for payments to the Information Services Division (ISD) for expenses of over \$25,000 per month to run the state bi-weekly payroll on the state mainframe computer.

Judgments-Personal Services [amendment no. 4]: \$61,250 general fund to cover costs incurred and payments made by the agency for judgments and settlements in four lawsuits filed by employees for violations of the federal Fair Labor Standards Act (FLSA). Two of the payments were required judgments and the other two were out-of-court settlements.

Termination Pay for Personal Staff [amendment no. 5]: \$34,672 general fund for the termination costs for eight personal staff who were not retained by State Auditor O'Keefe during the recent change of administration. Termination pay is required by statute when an employee leaves state employment, and is not a budgeted expense.

Personal Services Shortfall [amendment no. 6]: \$40,712 general fund to cover a shortfall in the appropriations for personal services. This supplemental would enable the agency to fund payroll expenses for the existing staff as of January, 1993. The agency laid off seven employees in January who were on probationary status in order to reduce the estimated shortfall by about \$65,000.

Department of Justice [p. 2, line 2]

County Attorney Payroll: \$35,000 general fund for 50% of county attorney salaries and benefits which are determined by county commissioners and supported by state statute, but paid by the department. This program required an appropriation transfer of \$95,000 from FY93 to meet FY92 obligations.

Summary of House Bill 3

EXHIBIT 1
DATE 3/12/93 P.M.
HB 3

Transportation of Prisoners: \$150,000 general fund to reimburse county travel expenses for transfer of prisoners and extraditions from other states as required by statute. The amount of the supplemental request is based upon both FY93 underfunding and the transfer of \$65,000 from FY93 to FY92 to meet obligations.

Highway Patrol-Retirements [amendment no. 7]: \$380,000 state special revenue as a result of legislation passed during the 1991 regular session (HB77) which increased the employer's share of the contributions to this retirement system by 9.53%. HB77 funded only a portion of the required contribution. The \$380,000 includes \$35,000 for the FY93 appropriation transfer to FY92.

Highway Patrol-Prisoners [amendment no. 8]: \$539,000 state special revenue for prisoner per diem payments to local detention centers for prisoners arrested by the Highway Patrol. Legislation passed during the 1989 regular session removed the \$20 per day fixed rate for incarceration and allows counties to identify and bill the direct and indirect costs of the incarceration as determined by each county. An appropriation transfer of \$114,000 was made from FY93 to FY92 to provide necessary funding for FY92 expenses.

Department of Transportation [p. 2, line 8/amendment no. 9]: Strike lines 7 and 8 in their entirety.

Department of Revenue [p. 2, line 9]

Property Assessment: \$910,000 general fund for costs of statewide reappraisal which required a \$910,000 appropriation transfer from FY93 to FY92.

Income Tax Division: \$19,217 general fund for the staff overtime required to complete the 1991 individual income tax tape and provide a copy to the Legislative Fiscal Analyst, as requested by the Revenue Oversight Committee.

Department of Administration [amendment no. 10]

Risk Management and Tort Defense: \$450,000 proprietary for legal defense costs resulting from lawsuits brought against the State of Montana. A precise projection of increased costs is not possible since case development is relatively unpredictable. However, the state currently is defending more highly complex cases than in recent years and, therefore, the department requires additional spending authority.

State Compensation Mutual Insurance Fund [p. 2, line 13/amendment no. 11]

Compensation and Medical Benefits: \$15,000,000 proprietary fund for projected benefit payments based on most recent data.

Department of Military Affairs [beginning p. 2, line 14]

Disaster and Emergency Services: \$8,000 general fund for outside legal counsel required to defend a termination action. Federal regulations preclude the use of federal funds for legal defense expenses.

EXHIBIT 1
DATE 3/12/97 P.
HB 3

Air National Guard [amendment no. 12]: \$4,000 general fund for defense costs of three separate legal actions, two of which are being handled by Department of Justice Agency Legal Services. Although the Air Guard program is funded 75% with federal revenue, no federal funds may be used to pay legal expenses. The agency reduced its original request from \$14,352 to \$4,000 by absorbing that amount of legal expenses within its current operating budget, thereby also creating a loss of federal matching funds.

Veterans' Affairs Division: \$1,800 general fund for office space in Butte at \$200 per month due to closure of a previously rent-free office on October 1, 1992.

Human Services - Section B

Department of Health and Environmental Sciences [p. 2, line 18]

Water Quality Bureau: \$145,962 general fund for dramatic increases in subdivision activity which result in application fees deposited to the general fund, with the appropriation contingent upon deposit of dollar-for-dollar fee revenue to the general fund.

Department of Labor and Industry [beginning p. 2, line 20]

Employment Relations Division: \$125,000 proprietary revenue for benefit payments from the subsequent injury fund and the uninsured employer fund, for which the department is requesting statutory appropriation authority beginning in FY94.

Dislocated Worker Program [amendment no. 13]: \$500,000 state special revenue for dislocated worker job training due to concern for anticipated layoffs in the public and private sectors. This supplemental will correspond with HB2 to allow any unused funds at the end of FY93 to be available to be used in the 1995 biennium.

Department of Social and Rehabilitation Services [beginning p. 2, line 22]

TEAMS Data Processing: \$175,000 general fund and \$325,000 matching federal special revenue for fully operational computer processing costs.

Support Services Division: \$77,279 general fund, \$26,971 state special revenue and \$92,750 federal special revenue for department postage due primarily to expanding federal notification requirements processed through TEAMS.

MEDS Contract: \$65,000 general fund and \$65,000 federal special revenue to provide the independent disability determination reviews for medically needy persons applying for Medicaid and for state medical clients who may be eligible for Medicaid, thereby reducing general fund expenses.

Nurse Aide Registry [amendment no. 14]: Strike lines 4 and 5 in their entirety.

AFDC Benefits: \$1,069,723 general fund, \$29,897 state special revenue and \$1,064,177 federal special revenue due to a projected caseload of 11,474 per month compared with the 10,904 average caseload budgeted.

Summary of House Bill 3

EXHIBIT 1
DATE 3/12/93 p.m.
HB 3

General Assistance Benefits: \$368,072 general fund due to a projected caseload of 1,080 per month compared with the 979 average caseload budgeted.

Medicaid Primary Care: \$8,415,196 general fund, \$1,638,000 state special revenue and \$18,900,058 federal special revenue due to a budgeted inflation factor of 10% from the FY91 base to FY92 compared with an actual increase of 15%, plus a budgeted factor of 5% from FY92 to FY93 compared with a currently-projected rate of 17%, offset by \$4.4 million in savings from the PASSPORT Program and other adjustments.

FY92 Medicaid Primary Care Accrual [amendment no. 15]: \$1,008,795 general fund and \$2,604,779 federal special revenue due to an unforeseen increase in medical primary care costs attributable to FY92 services provided.

Day Care Benefits [amendment no. 16]: \$84,585 general fund and \$145,543 federal special revenue due to a 10% increase in days of care provided for AFDC children, resulting from about a 60% increase in JOBS and AFDC transitional-related service, partially offset by a limit on slots for AFDC training-self-initiated day care implemented in FY93.

Vocational Rehabilitation: \$71,219 general fund and \$(71,219) federal special revenue due to a new federal matching rate of 78.8% replacing the prior 80% rate effective October 1, 1992, and due to federal elimination of two-tier calculation for Section 110 expenditures.

Extend Legal Services Contract [amendment no. 17]: \$50,000 general fund to provide legal assistance to Medicaid recipients to qualify them for Supplemental Security Income benefits.

Support Services Division [amendment no. 18]: \$213,200 general fund to correct the Medicaid funding mix for FY93.

Nursing Home Reimbursement [amendment no. 19]: \$981,257 general fund and \$2,829,589 federal special revenue to fund a provider rate increase. This amount was determined as a settlement to a Boren Amendment lawsuit filed by the Nursing Home Association against the state.

Youth Psych Benefits [amendment no. 20]: \$11,371,474 federal special revenue as match for the general fund appropriated to Department of Family Services for youth psychiatric benefits.

Special Session II Reductions [amendment no. 21]: \$75,300 general fund to partially restore reductions to pay for reclassifying positions, which was in progress when it was reduced by the second special session.

Department of Family Services [beginning p. 3, line 19]

Pine Hills School: \$189,244 general fund comprised of school trust interest and income shortfall of \$17,751 in FY92 and \$36,217 in FY93, plus fewer federal boarders for revenue shortfall of \$47,276 in FY92 and no federal boarders for shortfall of \$88,000 in FY93.

Mountain View School: \$15,000 general fund due to no federal boarders in FY93.

EXHIBIT 1
DATE 3/12/93
HB 3

Foster Care [amendment no. 22]: \$2,218,171 general fund due to increasing foster care caseloads over those estimated during the 1991 regular session and over those projected five months ago.

In-Patient Youth Psychiatric: [amendment no. 23]: \$2,027,411 general fund for Medicaid match [see \$11.4 million federal special revenue supplemental in SRS Youth Psych Benefits amendment 20 above] for costs comprised of \$282,901 for FY92 shortfall and \$1,744,510 for the projected FY93 shortfall due to the unanticipated increase in utilization of the Medicaid program.

Residential Youth Psychiatric [amendment no. 24]: \$2,590,252 general fund due to the projected opening of Shodair and the unanticipated increase in utilization of services.

Natural Resources and Commerce - Section C

Department of Fish, Wildlife and Parks [p. 3, line 25/amendment no. 25]

Enforcement Division: \$46,480 state special revenue including \$44,480 for warden sergeants overtime liability from January 1, 1991 to December 11, 1992, because the warden sergeants were incorrectly classified as exempt from the overtime provisions of the Fair Labor Standards Act. The department will be able to use prior year unspent authority to cover a portion of the total liability, but must request a supplemental for the balance. Differential pay for sergeant wardens to work the remaining holidays in FY93 is \$2,000.

Department of State Lands [p. 4, line 1/amendment no. 26]

Forestry Division - Firefighting: \$1,370,537 general fund for \$248,558 appropriation transfer from FY93 to FY92; the cost of fires during the summer and fall of 1992; the cost of federal assistance on state fires; and the estimated cost of 1993 spring fires; less the \$1 million appropriated for fire suppression during the July special session.

Department of Livestock [p. 4, line 3]

Meat and Poultry Inspection: \$105,512 general fund and \$105,512 federal special revenue comprised of \$131,024 to replace FY93 authority transferred to FY92, as reviewed and supported by the Legislative Finance Committee and approved by the Governor; and \$80,000 to continue the 2.00 FTE authorized in the FY92 supplemental. The 2.00 FTE are included in HB2 for the 1995 biennium.

Corrections and Cultural Education - Section D

Department of Corrections and Human Services [beginning p.4, line 6]

Corrections [amendment no. 27]: \$1,948,152 general fund including \$1,152,300 for medical costs which exceeded projections, \$190,000 for higher drug costs, \$281,400 for food and other variable costs at Montana State Prison due to higher than budgeted population, \$201,657 for additional costs arising from the disturbance, and \$122,795 appropriation transfer from FY93 to FY92.

EXHIBIT 1
DATE 3/12/93 3 P.M.
HB. 3

Workers' Compensation Rates [amendment no. 28]: \$3,042,106 general fund for the rate increase received by the department following the July special session, which could not be absorbed due to vacancy savings, earlier budget reductions and court-mandated services requirements.

K-12 Education and Higher Education - Section E

Office of Public Instruction

Legal Fees [amendment no. 29]: \$7,500 general fund for 75 % of the litigation defense resulting from the Saco and Whitewater school districts in Phillips county filing a declaratory judgment against the OPI that seeks to prohibit local government severance tax (LGST) revenue from being included in the calculations for distribution of the 55 mill county equalization and the six mill university levy. The Board of Regents is paying for 25 % of the defense. Statewide, \$18 million of county equalization and \$12 million of university revenue is at stake.

In-State Residential Treatment [amendment no. 30]: \$258,626 general fund because the education program at the Yellowstone Treatment Center, Yellowstone Education Center (YEC) has been serving an average of 72 Montana students during the 1993 school year, compared with the YEC projection of 40 students when the appropriations were established for children's psychiatric hospitals and residential treatment centers by the 1991 Legislature.

Butte Vo-Tech Center [amendment no. 31]

Severance pay: \$22,637 general fund to cover payouts for employees who are severing their employment during FY93.

Missoula Vo-Tech Center [amendment no. 32]

Severance pay: \$44,644 general fund to cover payouts for employees who are severing their employment during FY93.

Board of Public Education [p. 4, line 9/amendments no. 33 and 34]

Administration - Lawsuits: \$35,164 general fund (reduced from \$40,813 general fund) and \$5,649 state special revenue comprised of \$7,702 for the FY93 transfer to FY92, \$10,311 for the Associated Press lawsuit and \$22,800 for the school funding lawsuit, MREA underfunded lawsuit and hearing examiners.

Montana School for the Deaf and the Blind [p. 4, line 13]

Workers' Comp Rate Increase: \$13,043 general fund for a maintenance and kitchen staff rate increase from 7.9 % to 16.96 % in FY93.

Sign Language Interpreters [amendment no. 35]: \$26,200 general fund which represents 1/2 of the agency's request based on more deaf students taking classes in the Great Falls public schools requiring an increase from 7.00 FTE interpreters to 9.50 FTE interpreters.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 3 NUMBER

MOTION: Rep. Menahan moved to adopt Amendment #20, Exhibit 1

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 P.M. BILL NO. HB 3 NUMBER MOTION: Rep. Monahan moved to restore \$500,000 in HB 3
Amendment #13, Exhibit 1Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

AMEND HOUSE BILL 3

Prepared for House Appropriations Committee
March 12, 1993

EXHIBIT 2
DATE 3/12/93 P.
HB 3

1. Page 2, line 7.
Following: line 6
Insert: "DEPARTMENT OF TRANSPORTATION
Motor Pool 1993 556,513 Proprietary"

Explanation:

Amendment No. 9 deleted this executive budget recommendation for \$556,513 of proprietary revenue to replace 53 vehicles which have or soon will exceed the vehicle's economic life. Purchase of these vehicles would enable the department to maintain the current fleet level of 197 units, which is already insufficient to meet the travel needs of state agencies. The department is currently unable to meet 14% of agency requests for day rentals and approximately 30 requests for long term leases. Without further replacements, the motor pool fleet will consist of only 53 units by the end of 1995. Motor pool vehicles should not be operated beyond the department's standards because: 1) it is uneconomical; and 2) the state bears a significant liability by putting state employees in potentially unsafe vehicles.

For many agencies, in-state travel is required to conduct critical field work and is not a discretionary expense. Audits, health care facility inspections, fire and building code inspections, highway construction, and workplace safety inspections are only a few examples of the kinds of work for which travel is absolutely necessary to get the job done.

Reductions in agency budgets will increase rather than decrease the demand for motor pool units because:

- Motor pool rates are less expensive than the mileage allowance which must be paid by law to employees using their own vehicles (moreover, the state may not require employees to use their own vehicles in the conduct of state business).
- Motor pool rates are far less expensive than the private rental market.
- FTE reductions will result in a decrease in staff located in field offices, requiring more travel of staff located in central offices.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HR 3 NUMBER MOTION: Rep. Peterson moved to adopt amendment #9, Exhibit 2Motion carried 11 - 7

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGE	X	
REP. JOHN COBB		X
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR	X	
	11	7

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 p.m. BILL NO. HR 3 NUMBER

MOTION: Rep. Cobb moved to adopt amendments 15 and 16, Exhibit 1

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANTZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

AMEND HOUSE BILL 3, AS INTRODUCED

House Appropriations Committee

March 12, 1993

Prepared by the Office of Budget and Program Planning

EXHIBIT 3
DATE 3/12/93 pm
HB 3

1. Page 1, line 24.
Following: line 23
Insert:

"GOVERNOR'S OFFICE

Mental Disabilities Board of Visitors	1993	27,000	General Fund
---------------------------------------	------	--------	--------------

This appropriation is for payout of accrued employee leave and is contingent upon elimination of the Mental Disabilities Board of Visitors program."

Explanation: The Mental Disabilities Board of Visitors program was eliminated by the House Appropriations Committee in House Bill 2. This action creates an unbudgeted liability for accrued employee leave, which includes vacation leave and one-quarter of eligible sick leave.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 3 NUMBER MOTION: Rep. Peterson moved to adopt amendment, Exhibit 3Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

AMEND HOUSE BILL 3, AS INTRODUCED

House Appropriations Committee

March 12, 1993

Prepared by the Office of Budget and Program Planning

EXHIBIT 4
DATE 3/12/93
HB 3

1. Page 4, lines 11 and 12.
Following: line 10
Strike: lines 11 and 12 in their entirety.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HR 3 NUMBER

MOTION: Rep. Royal Johnson moved to strike lines 11 and 12
of page 4, Exhibit 4, in their entirety.

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

Amend HB3, as introduced

EXHIBIT 5
DATE 3/12/93
HB 3

10. Page 2, line 12.
Following: line 11
Insert:
"DEPARTMENT OF ADMINISTRATION
Risk Management & Tort Defense 1993 450,000 Proprietary"
11. Page 2, line 13.
Strike: "18,741,000"
Insert: "15,000,000"
12. Page 2, line 16.
Strike: "14,352"
Insert: " 4,000"
13. Page 2, line 22. *Red out*
Following: line 21 *Q1*
Insert:
"Dislocated Worker Program 1993 500,000 State Special"
14. Page 3, lines 4 and 5.
Following: line 3
Strike: lines 4 and 5 in their entirety.
15. Page 3, line 13. *u*
Following: "Care" *u*
Insert: "Accrual" *Q1*
16. Page 3, line 15. *Q1*
Following: "Care"
Insert: "Benefits"
17. Page 3, line 19.
Following: line 18
Insert:
"Extend Legal Services Contract 1993 50,000 General Fund"
18. Page 3, line 19.
Following: line 18
Insert:
"Support Services Division 1993 213,200 General Fund"
19. Page 3, line 19.
Following: line 18
Insert:
"Nursing Home Reimbursement 1993 981,257 General Fund
2,829,589 Federal Special"

Amend HB3, as introduced

*After
Red " "*

*5
3/12/93
HB
3*

20. Page 3, line 19.
Following: line 18
Insert:
"Youth Psych Benefits 1993 11,371,474 Federal Special"
21. Page 3, line 19.
Following: line 18
Insert:
"Special Session II Reductions 1993 75,300 General Fund"
22. Page 3, line 22.
Strike: "1,218,171"
Insert: "2,218,171"
23. Page 3, line 23.
Strike: "1,437,411"
Insert: "2,027,411"
24. Page 3, line 24.
Strike: " 379,252"
Insert: "2,590,252"
25. Page 3, line 26.
Following: "Division-"
Strike: "retirements 64,000"
Insert: "overtime 46,480"
26. Page 4, line 2.
Strike: "1,303,097"
Insert: "1,370,537"
27. Page 4, line 7.
Strike: "1,031,695"
Insert: "1,948,152"
28. Page 4, line 8.
Strike: "2,538,543"
Insert: "3,042,106"
29. Page 4, line 9.
Following: line 8
Insert: "OFFICE OF PUBLIC INSTRUCTION
Legal Fees 1993 7,500 General Fund"

Amend HB3, as introduced

EXHIBIT 5
DATE 3/12/93
HB 3

30. Page 4, line 9.
Following: line 8
Insert:
In-State Residential Treatment 1993 258,626 General Fund"
31. Page 4, line 9.
Following: line 8
Insert: "BUTTE VOCATIONAL-TECHNICAL CENTER
Severance Pay 1993 22,637 General Fund"
32. Page 4, line 9.
Following: line 8
Insert: "MISSOULA VOCATIONAL-TECHNICAL CENTER
Severance Pay 1993 44,644 General Fund"
33. Page 4, line 10.
Strike: "40,813"
Insert: "35,164" (General Fund)
34. Page 4, line 11.
Following: line 10
Insert: "5,649 State Special"
35. Page 4, line 15.
Strike: "52,400"
Insert: "26,200"

HOUSE OF REPRESENTATIVES

ADDITIONAL

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB3 NUMBER MOTION: Rep. Cobb moved HB 3 DO PASS AS AMENDED, EXHIBIT 5

Motion carried 14 - 4.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB		X
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WENZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	14	4

AMEND HOUSE BILL 4, AS INTRODUCED

House Appropriations Committee

March 4, 1993

Prepared by the Office of Budget and Program Planning

EXHIBIT 1
DATE 3 / 12 / 93
HB 4

1. Page 1, lines 9 and 10.
Strike: "PROVIDING" on line 9 through "1995;" on line 10
2. Page 3, line 5 through page 5, line 5.
Strike: section 4 in its entirety
Re-number: subsequent section
3. Page 2, line 9.
Following: line 8
Insert: "D.A.R.E. 1993 3,800 State Special"
4. Page 2, line 10.
Following: "enforcement"
Strike: "and"
Insert: ", "
5. Page 2, line 11.
Following: "education"
Insert: ", and missing children"
6. Page 2, line 15.
Following: line 14.
Insert: "All remaining fiscal year 1993 federal special budget amendment authority for Literacy Resource Center and for LSCA VI Literacy Program is authorized to continue to fiscal year 1994."
7. Page 2, line 17.
Following: line 16.
Insert: "Video Telecomm Upgrade 1993 235,109 Proprietary"
8. Page 2, line 23.
Following: line 22.
Insert: "DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Water Resources Division 1993 580,000 State Special"

Amend House Bill 4, as introduced

EXHIBIT 1
DATE 3/12/93
HB 4

The unexpended fiscal year 1993 budget amendment authority for Broadwater Power Project escrow funds are reappropriated for fiscal year 1994 in order to complete work related to construction defects.

Water Resources Division	1993	2,000,000	State Special
--------------------------	------	-----------	---------------

The unexpended fiscal year 1993 budget amendment authority for arbitration or settlement funds are reappropriated for fiscal year 1994 to support activities pertinent to remedying construction defects of the Broadwater Power Project.

Energy Division	1993	9,000	State Special"
-----------------	------	-------	----------------

9. Page 3, line 3.
Following: line 2.

Insert: "MSP - Adult Basic Ed	1993	3,396	Federal Special
-------------------------------	------	-------	-----------------

MSP - Chapter I	1993	4,365	Federal Special"
-----------------	------	-------	------------------

10. Page 3, line 3.
Following: line 2

Insert: "MONTANA ARTS COUNCIL

NEA Local/Tech Assist to RAI	1993	45,449	Federal Special
------------------------------	------	--------	-----------------

All remaining fiscal year 1993 federal special budget amendment authority for NEA local technical assistance is authorized to continue to fiscal year 1994.

NEA/Tribal College AIE	1993	9,710	Federal Special"
------------------------	------	-------	------------------

11. Page 3, line 3.
Following: line 2

Insert: "MONTANA HISTORICAL SOCIETY

Spanish Creek Project	1993	75,000	State Special
-----------------------	------	--------	---------------

All remaining fiscal year 1993 state special budget amendment authority for spanish creek project is authorized to continue to fiscal year 1994.

Photo Archives	1993	4,000	Proprietary
----------------	------	-------	-------------

IMS Conservation	1993	25,000	Federal Special
------------------	------	--------	-----------------

Amend House Bill 4, as introduced

EXHIBIT 1
DATE 3/12/93
HB 4

All remaining fiscal year 1993 federal special budget amendment authority for IMS conservation is authorized to continue to fiscal year 1994."

12. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF LABOR AND INDUSTRY

All remaining fiscal year 1993 federal special budget amendment authority for the Native American Vets Outreach Program is authorized to continue to fiscal year 1994.

Fair Housing - HUD	1993	138,150	Federal Special
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Mine Safety	1993	50,538	Federal Special
-------------	------	--------	-----------------

All remaining fiscal year 1993 federal special budget amendment authority for mine safety is authorized to continue to fiscal year 1994."

13. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

Stormwater	1993	32,673	Federal Special"
------------	------	--------	------------------

14. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

DDPAC Grant	1993	116,892	Federal Special"
-------------	------	---------	------------------

15. Page 3, line 5.

Following: line 4

Insert: "MONTANA UNIVERSITY SYSTEM

Agricultural Experiment Station	1993	127,000	Federal Special
---------------------------------	------	---------	-----------------

Agricultural Experiment Station	1993	11,873	State Special
---------------------------------	------	--------	---------------

University Millage	1993	100,000	State Special
--------------------	------	---------	---------------

University of Montana:

Instruction (01)	1993	696,836	State Special
------------------	------	---------	---------------

Amend House Bill 4, as introduced

EXHIBIT 1
DATE 3/12/93
HB 4

Research	(02)	1993	5,530	State Special
Support	(44)	1993	1,736,888	State Special
O & M of Plant	(07)	1993	71,336	State Special
Scholarships & Fellowships	(08)	1993	3,640	State Special
Montana State University:				
Instruction	(01)	1993	996,510	State Special
Support	(44)	1993	641,000	State Special
O & M of Plant	(07)	1993	500,000	State Special
Montana College of Mineral Science & Technology:				
Instruction	(01)	1993	151,893	State Special
Support	(44)	1993	39,000	State Special
O & M of Plant	(07)	1993	15,000	State Special
Eastern Montana College:				
Instruction	(01)	1993	68,903	State Special
Western Montana College:				
Instruction	(01)	1993	22,748	State Special
Northern Montana College:				
Instruction	(01)	1993	6,214	State Special
Support	(44)	1993	14,490	State Special
Billing Vocational Technical Center:				
Instruction	(01)	1993	53,000	State Special
Support	(44)	1993	47,000	State Special
Great Falls Vocational Technical Center:				
Instruction	(01)	1993	33,700	State Special

EXHIBIT 1
DATE 3/12/93
HB 4

Amend House Bill 4, as introduced

Missoula Vocational Technical Center:

Instruction	(01)	1993	33,122	State Special
Support	(44)	1993	9,500	State Special
O & M of Plant	(07)	1993	10,000	State Special"

HOUSE OF REPRESENTATIVES

ADDITIONAL

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. 4 NUMBER MOTION: Rep. Zook moved to adopt amendments, EXHIBIT 1.Motion carried unanimously

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

SUMMARY EXPLANATION OF HOUSE BILL 4

BUDGET AMENDMENTS

Prepared for the House Appropriations Committee
By the Office of Budget and Program Planning

EXHIBIT 2
DATE 3/12/93
HB 4

Department of Justice (beginning p. 2, line 2)

Highway Patrol - \$175,000 federal special revenue in FY93 for the Motor Carrier Safety Assistance Program (MCSAP). The fiscal 1992 grant was carried forward to fiscal 1993 and the fiscal 1993 grant amount was increased over the appropriated level.

Highway Patrol - \$5,000 federal special revenue in FY93 for a grant from the Highway Traffic Safety Division to replace approximately seven worn and defective radar units.

Law Enforcement Services - \$19,682 federal special revenue in FY93 for augmenting the Board of Crime Control grant for the special drug investigation team in Missoula. The actual grant award is higher than the estimated amount used to determine the authorized appropriation.

Department of Revenue (beginning p. 2, line 6)

Director's Office - \$9,108 federal special revenue in FY94 to complete a "sting" operation project to reduce the incidence of under-age purchases of alcohol under a \$34,000 grant from the National Highway Traffic Safety Administration. The department is currently appropriated for \$24,892 in FY93.

Crime Control Division (beginning p. 2, line 8)

D.A.R.E. - (amendment No. 3) \$3,800 state special revenue in FY93 to provide sufficient appropriation authority for approximately \$20,000 in estimated Drug Abuse Resistance and Education tax check off revenue. The amount authorized for FY93 is \$16,200 but contributions to date exceed that amount.

Victim assistance, drug enforcement, drug education and missing children is authorized to continue from FY93 into FY94 because these federal grant funds span three state fiscal years.

State Library (beginning p. 2, line 12)

Literacy Resource Center - \$14,915 federal special revenue in FY94 to spend the balance of funds available for expansion of the Literacy Resource Center.

LSCA VI Literacy Program - \$17,360 federal special revenue in FY94 to expend the estimated balance in federal Library Services and Construction Act (LSCA) Title VI Library Literacy funds.

HB4 Summary for HAC

EXHIBIT 2
DATE 3/12/93
HB ✓

Department of Administration (beginning p. 2, line 15)

General Services - Central Mail - \$220,000 proprietary authority in FY93 for postage costs due to an increased number of agencies using central mail services as a cost saving measure.

Video Telecomm Upgrade - (amendment No. 7) \$235,109 proprietary authority in FY93 for equipment to upgrade the state telecommunications system in order to improve the capacity of the system for video transmission. Supported video sites include Helena, Bozeman, Missoula, Billings, Kalispell, and Miles City for METNET and other purposes.

Department of Fish, Wildlife and Parks (beginning on p. 2, line 17)

Law Enforcement Division - \$62,989 state special revenue in FY93 for upgrading handguns through trade-in provisions.

Wildlife Division - \$37,390 state special revenue in FY93 for the 25% state match of Pittman-Robertson federal grant funds for wildlife environmental impact statements.

Wildlife Division - \$112,170 federal special revenue in FY93 for Montana's wildlife management environmental impact statements.

Department of Livestock (beginning on p. 2, line 21)

Diagnostic Laboratory - \$50,000 state special revenue in FY93 for maintaining operations of the laboratory to fiscal year end due to increased workload.

Department of Natural Resources and Conservation (amendment No. 8)

Water Resources - \$580,000 state special revenue in FY93 from the escrow account for work related to construction completion of the Broadwater Power Project with authority continued into FY94.

Water Resources - \$2,000,000 state special revenue in FY93 from settlement recovery/arbitration award for experts in design and analysis, repairs and related construction activities pertinent to management of the Broadwater Power Project with authority continued into FY94.

Energy Division - \$9,000 state special revenue in FY93 for the Architects and Engineers Conference including \$7,500 for registration fees, \$700 from the Montana Dakota Utilities and \$800 from Pacific Power and Light for the conference.

2
G. NR

HB4 Summary for HAC

Department of Commerce (beginning on p. 2, line 23)

Local Government Services - \$15,200 federal special revenue in FY93 for a portion of the \$116,474 HUD Section 107 technical assistance grant which will be used to assist Montana communities in the areas of housing and land use regulations. The FY94 and FY95 balance of the grant is in HB2.

Financial Institutions - \$79,933 state special revenue in FY93 for four additional examiners plus associated operating expenses for increased workload.

Building Codes - \$127,138 state special revenue in FY93 for 3.50 FTE building inspectors and associated operating expenses due to increased workload.

Department of Corrections and Human Services (beginning on p. 3, line 1)

Corrections - Prison Industries - \$350,000 proprietary in FY93 due to sales revenue exceeding the appropriated budget.

MSP - Adult Basic Ed - (amendment No. 9) \$3,396 federal special revenue in FY93 to allow the education unit of the Montana State Prison to utilize and participate in the Adult Basic Education Section 353 project administered by the Office of Public Instruction.

MSP - Chapter I - (amendment No. 9) \$4,365 federal special revenue in FY93 to allow the education unit of the Montana State Prison to utilize and participate in the Educational Improvement and Consolidation Act Chapter I Education Project administered by the Office of Public Instruction.

Montana Arts Council (amendment No. 10)

NEA Local/Tech Assistance to RAI - \$45,449 federal special revenue in FY93 from the National Endowment for the Arts to enhance Montana's Local Arts Agency Initiative and develop the rural and local arts agency network under the Rural Arts Initiative..

NEA/Tribal College AIE - \$9,710 federal special revenue in FY93 from the National Endowment for the Arts for Montana's tribal colleges to serve as catalysts for development of more substantive arts education programs in schools in Indian communities.

Montana Historical Society (amendment No. 11)

Spanish Creek Project - \$75,000 state special revenue in FY93 to support an archaeological survey on 9,000 acres in Gallatin and Madison counties with privately donated funds.

Photo Archives - \$4,000 proprietary funds in FY93 to purchase photographic supplies required due to a higher than average number of print requests and, as a result, additional revenue.

HB4 Summary for HAC

IMS Conservation - \$25,000 federal special revenue in FY93 to rehouse 3,500 Native American artifacts in more appropriate storage conditions and to complete detailed condition surveys for approximately 2,500 Native American artifacts.

Department of Labor and Industry (amendment No. 12)

Native American Vets Outreach - The balance of the FY93 federal grant is continued into FY94 because the notice of award was signed January 7, 1993 and the grant agreement period was extended to January 5, 1994.

Fair Housing HUD - \$138,150 federal special revenue in FY93 for the Human Rights Commission to study, identify and begin legal proceedings on illegal discrimination in housing through investigative activities which seek to identify systemic discrimination in real estate practices which affect American Indians in rural communities.

Mine Safety - \$50,538 federal special revenue in FY93 to provide federally-required mine training and specific training for Montana's mining industry designed to help reduce fatalities, accidents, and injuries in the mining industry.

Department of Health and Environmental Sciences (amendment No. 13)

Stormwater - \$32,673 federal special revenue in FY93 to provide authority in the Water Quality Bureau for aiding in state implementation of the federal stormwater runoff permit regulations.

Department of Social and Rehabilitation Services (amendment No. 14)

DDPAC Grant - \$116,892 (\$63,620 additional grant award in FY93 plus \$53,272 carryover from FY92) federal special revenue in FY93 for a contract to provide a public service announcement and community integration project, along with associated administrative costs, for the developmentally disabled.

Montana University System (amendment No. 15)

Agricultural Experiment Station - \$127,000 federal special revenue will be used to pay for physical plant repair and renovation. The \$11,873 from livestock sales will be used to fund the payplan expense for the Livestock and Range Research Laboratory (LARRL).

University Millage - The university system has \$100,000 in additional millage collections that HB002 requires be added by budget amendment to offset reductions made during special session.

EXHIBIT 2
 DATE 3/12/93
 HB 4

HB4 Summary for HAC

University and Vo-Tech Tuition - The tuition budget amendment reflects additional tuition revenue available as a result of a 2% increase over FY92 enrollments along with an increase in nonresident students. The increase is actually a 7.6% increase in actual full-time students (1,913) over the budgeted number of 25,136.

MUS SUMMARY:

Millage

Instruction (01)	\$ 100,000	State Special
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Budget Amended Tuition

Instruction (01)	1,962,926	State Special
Research (02)	5,530	State Special
Support (44)	2,487,878	State Special
Operation and Maintenance of Plant (07)	596,336	State Special
Scholarships and Fellowships (08)	<u>3,640</u>	State Special
TOTAL	\$5,056,310	State Special

EXHIBIT 3
DATE 3/12/93
HB 4

AMEND HOUSE BILL 4, AS INTRODUCED

House Appropriations Committee
March 12, 1993

Insert: "All remaining fiscal year 1993 budget amendment authority for the Montana University System is authorized to continue to fiscal year 1994."

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. 4 NUMBER

MOTION: Rep. Royal Johnson moved to adopt amendment, Exhibit 3.

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 4 NUMBER

MOTION: Rep. Royal Johnson moved to amend HB 4 with the
alternative language "Any spending authority for FY 1993 budget
amendments for the Montana university system authorized in (this act)
that is not used in fiscal year 1993 may be used in fiscal year 1994

NAME	Motion carried unanimously.	AYE	NO
REP. ED GRADY, V, CHAIR		X	
REP. FRANCIS BARDANOUVE		X	
REP. ERNEST BERGSAGER		X	
REP. JOHN COBB		X	
REP. ROGER DEBRUYKER		X	
REP. MARJ. FISHER		X	
REP. JOHN JOHNSON		X	
REP. ROYAL JOHNSON		X	
REP. MIKE KADAS		X	
REP. BETTY LOU KASTEN		X	
REP. WM. RED MENAHAN		X	
REP. LINDA NELSON		X	
REP. RAY PECK		X	
REP. MARY LOU PETERSON		X	
REP. JOE QUILLICI		X	
REP. DAVE WANZENREID		X	
REP. BILL WISEMAN		X	
REP. TOM ZOOK, CHAIR		X	
		18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 4 NUMBER

MOTION: Rep. Peterson moved to adopt the amendments , Exhibit 4

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

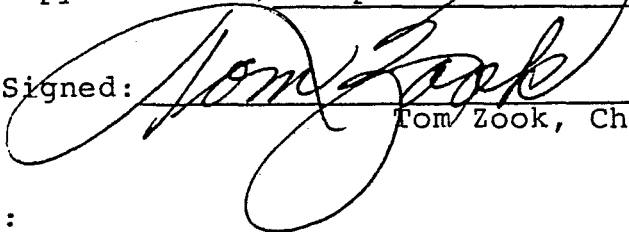
HOUSE STANDING COMMITTEE REPORT

EXHIBIT 4
DATE 3/12/93
HB 7

March 15, 1993

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: 

Tom Zook, Chair

And, that such amendments read:

1. Title, lines 9 and 10.

Strike: "PROVIDING" on line 9 through "1995;" on line 10.

2. Page 3, line 5 through page 5, line 5.

Strike: section 4 in its entirety

Renumber: subsequent sections

3. Page 2, line 6.

Following: line 5

Insert: "DEPARTMENT OF TRANSPORTATION

Federal Transit Administration (pass-through)

184,323 State Special

Federal Transit Administration Discretionary Grant

138,189 State Special

322,422 Federal

Special"

4. Page 2, line 9.

Following: line 8

Insert: "D.A.R.E. 1993 3,800 State Special"

5. Page 2, line 10.

Following: "enforcement"

Strike: "and"

Insert: ", "

6. Page 2, line 11.

Following: "education"

Insert: ", and missing children"

7. Page 2, line 15.

Following: line 14

Insert: "All remaining fiscal year 1993 federal special budget amendment authority for the literacy resource center and for the LSCA VI literacy program is authorized to continue to fiscal year 1994."

Committee Vote:

Yes 16, No 2.

581530SC.Hpf

JD
3-15-93
4:50

March 15, 1993

Page 2 of 5

EXHIBIT 4
DATE 3/12/93
HB 4

8. Page 2, line 17.

Following: line 16

Insert: "Video Telecom Upgrade 1993 235,109 Proprietary"

9. Page 2, line 23.

Following: line 22

Insert: "DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION"

Water Resources Division 1993 580,000 State Special

The unexpended fiscal year 1993 budget amendment authority for Broadwater power project escrow funds is authorized to continue for fiscal year 1994 in order to complete work related to construction defects.

Water Resources Division 1993 2,000,000 State Special

The unexpended fiscal year 1993 budget amendment authority for arbitration or settlement funds is authorized to continue for fiscal year 1994 to support activities pertinent to remedying construction defects of the Broadwater power project.

Energy Division 1993 9,000 State Special"

10. Page 3, line 3.

Following: line 2

Insert: "MSP-Adult Basic Ed 1993 3,396 Federal Special

MSP-Chapter I 1993 4,365 Federal Special"

11. Page 3, line 3.

Following: line 2

Insert: "MONTANA ARTS COUNCIL

NEA Local/Tech Assist to RAI 1993 45,449 Federal Special

All remaining fiscal year 1993 federal special budget amendment authority for NEA local technical assistance is authorized to continue for fiscal year 1994.

NEA/Tribal College AIE 1993 9,710 Federal Special"

12. Page 3, line 3.

Following: line 2

Insert: "MONTANA HISTORICAL SOCIETY

Spanish Creek Project 1993 75,000 State Special

All remaining fiscal year 1993 state special budget amendment authority for the Spanish Creek project is authorized

March 15, 1993

Page 3 of 5

EXHIBIT

DATE 3/12/93

HB 4/

to continue for fiscal year 1994.

National Preservation Grants	1993 175,220	Federal Special
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All remaining fiscal year 1993 federal special budget amendment authority for national preservation grants is authorized to continue for fiscal year 1994.

Photo Archives	1993 4,000	Proprietary
IMS Conservation	1993 25,000	Federal Special

All remaining fiscal year 1993 federal special budget amendment authority for IMS conservation is authorized to continue for fiscal year 1994."

13. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF LABOR AND INDUSTRY"

All remaining fiscal year 1993 federal special budget amendment authority for the Native American vets outreach program is authorized to continue for fiscal year 1994.

Fair Housing-HUD	1993	138,150	Federal Special
Mine Safety	1993	50,538	Federal Special

All remaining fiscal year 1993 federal special budget amendment authority for mine safety is authorized to continue for fiscal year 1994."

14. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

Stormwater	1993	116,892
Federal Special"		

15. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

DDPAC Grant	1993	116,892	Federal
Special"			

16. Page 3, line 5.

Following: line 4

Insert: "MONTANA UNIVERSITY SYSTEM

Agricultural Experiment Station	1993	127,000	Federal
---------------------------------	------	---------	---------

March 15, 1993

Page 4 of 5

EXHIBIT 4

DATE 3/12/93

HB 4

Special

Agricultural Experiment Station
Special

1993 11,873 State

University of Montana:

Instruction (01)	1993	696,836	State
Special			
Research (02)	1993	5,530	State Special
Support (44)	1993	1,736,888	State Special
O&M of Plant (07)	1993	71,336	State Special
Scholarships & Fellowships (08)			
	1993	3,640	State Special

Montana State University:

Instruction (01)	1993	996,510	State
Special			
Support (44)	1993	641,000	State Special
O&M of Plant (07)	1993	500,000	State Special

Montana College of Mineral Science & Technology:

Instruction (01)	1993	151,893	State
Special			
Support (44)	1993	39,000	State Special
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Eastern Montana College:

Instruction (01)	1993	68,903	State
Special			

Western Montana College:

Instruction (01)	1993	22,748	State
Special			

Northern Montana College:

Instruction (01)	1993	6,214	State
Special			
Support (44)	1993	14,490	State Special

Billings Vocational-Technical Center:

Instruction (01)	1993	53,000	State
Special			
Support (44)	1993	47,000	State Special

Great Falls Vocational-Technical Center:

Instruction (01)	1993	33,700	State
Special			

March 15, 1993

EXHIBIT f 5 4
Page 96

DATE 3/12/93

HB 4

Missoula Vocational-Technical Center:

Instruction (01)	1993	33,122	State
Special			
Support (44)	1993	9,500	State Special
O&M of Plant (07)	1993	10,000	State Special

Any spending authority for fiscal year 1993 budget amendments for the Montana university system authorized in [this act] that is not used in fiscal year 1993 may be used in fiscal year 1994."

17. Page 3, line 5 through page 5, and line 5.

Strike: section 4 in its entirety

Renumber: subsequent section

-END-

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 4 NUMBER

MOTION: Rep. Grady moved to adopt amendments to include \$175,220 Federal Special for the National Preservation grants for the Montana Historical Society.

Motion carried unanimously

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 4 NUMBER

MOTION: Rep. Zook moved HB 4 DO PASS AS AMENDED

Motion carried 16 - 2

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB		X
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	16	2

Amendments to House Bill No. 314
Second Reading Copy

Requested by Rep. Raney
For the Committee on Appropriations

Prepared by Lee Heiman
March 8, 1993

EXHIBIT
DATE 3/12/93
HB 314

1. Page 2, line 22.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

2. Page 3, line 2.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

3. Page 3, line 8.

Strike: subsection (11) in its entirety

Renumber: subsequent subsections

4. Page 3, line 10.

Strike: "AND"

5. Page 3, line 11.

Following: "park"

Insert: " ; "

6. Page 3.

Following: line 11

Insert: "(12) Council Grove state park;

(13) Beaverhead Rock state park;

(14) Natural Bridge state park; and

(15) Madison Buffalo Jump state park"

7. Page 3, line 21.

Following: "necessary"

Insert: "access to"

8. Page 4, line 22.

Following: "[section 2]"

Insert: ", except that the department may charge camping fees at
Thompson Falls state park and Headwaters state park"

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 314 NUMBER MOTION: Rep. Wanzenried moved to adopt the amendments, Exhibit 1

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

IMPACT OF HB314 -- LOST REVENUE

EXHIBIT 2
DATE 3/12/93
HB 314

C:\123FILES\BUDGET\94-95\HB314IMP.WK1

Site	Resident/ Non-Res. Use	Lost Resident Revenue		
		Camping	Day Use	Total Lost Revenue
Lk. Mary Ronan	62/38	\$2,690	\$3,137	\$5,827
Thompson Falls+	54/46	\$0	\$1,808	\$1,808
Wildhorse Island	60/40	\$0	\$1,028	\$1,028
Beaverhead Rock	60/40	\$0	\$0	\$0
Lost Creek	60/40	\$1,114	\$2,359	\$3,472
Painted Rocks	60/40	\$438	\$535	\$973
Ackley Lake	90/10	\$1,247	\$3,152	\$4,399
Sluice Boxes	60/40	\$0	\$0	\$0
Deadman's Basin++	60/40	\$765	\$1,935	\$2,700
Madison Buffalo Jump	60/40	\$0	\$2,501	\$2,501
Natural Bridge	60/40	\$0	\$0	\$0
Council Grove	60/40	\$0	\$0	\$0
Pirogue Island	60/40	\$0	\$0	\$0
Medicine Rocks	60/40	\$110	\$542	\$653
Missouri Headwaters+	80/20	\$0	\$7,046	\$7,046
TOTALS		\$6,365	\$24,043	\$30,408

+ Resident camping fees will be collected

03/08/93

++ Estimate. Fees planned for 1994.

08:51 AM

HOUSE OF REPRESENTATIVES

APPROPRIATIONSCOMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 314 NUMBER MOTION: Rep. Wanzenried moved HB 314 DO PASS AS AMENDED.Motion carried 17 - 1

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	1

UNOFFICIAL GRAY BILL

HOUSE BILL NO. 642

INTRODUCED BY Raney & 75 co-sponsors

A BILL FOR AN ACT ENTITLED: "AN ACT DIVERTING A PORTION OF THE PROCEEDS FROM THE LODGING FACILITY USE TAX TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS ~~FOR USE BY THE MONTANA CONSERVATION CORPS~~ FOR PARK MAINTENANCE; AMENDING SECTION 15-65-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND ~~A RETROACTIVE APPLICABILITY DATE.~~"

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

Section 1. Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution of tax proceeds -- general fund loan authority. (1) The proceeds of the tax imposed by 15-65-111 must be deposited in an account in the state special revenue fund to the credit of the department of revenue. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds as provided in subsections (1)(a) through (1)(c), the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the general fund. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation or deposited in the general fund is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, and to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program; and

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and non-resident utilization, subject to [section 2 of this act];

~~(e)(d)~~ the balance of the proceeds as follows:

~~(i) 75% to be used directly by the department of commerce;~~

(i) 75 % to be used directly by the department of commerce;

~~(ii)(i)(ii)~~ except as provided in subsection ~~(1)(e)(iii)~~

~~(1)(e)(iii)~~ (1)(c)(iii), 25% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the

EXHIBIT 1
DATE 3/12/93
HB 642

proceeds collected in each tourism region to the total proceeds collected statewide;

~~(iii)(ii)(iii)~~ if 25% of the proceeds collected annually within the limits of a city or consolidated city-county exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city or consolidated city-county is located is to be distributed to the nonprofit convention and visitors bureau in that city or consolidated city-county;

~~(iii) for each year of the biennium, \$500,000 to be transferred to an account in the state special revenue fund to the credit of the department of fish, wildlife, and parks for use by the Montana conservation corps, primarily for the maintenance of state parks as provided in [section 2]; and~~

~~(iv) the balance to be used directly by the department of commerce.~~

(2) If a city or consolidated city-county qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city or consolidated city-county is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(4) The department of commerce may use general fund loans for efficient implementation of this section."

NEW SECTION. Section 2. Department to maintain parks from allocation of lodging facility use tax revenue. The department shall use the funds provided under 15-65-121(1)(c)(iii) for the maintenance of state parks by the Montana conservation corps in the administrative regions within the state. Funds remaining after maintenance projects have been accomplished in a fiscal year may be used for state park improvement projects in the administrative regions within the state. that have both resident and non-resident tourist usage. The department shall by July 1 of each year report to the tourism advisory council on the identity and status of all contracts or activities funded pursuant to this section.

NEW SECTION. Section 3. Distribution of lodging facility use tax revenue to department of fish, wildlife, and parks. In each year of the biennium, the amount specified in 15-65-121(1)(c)(iii) must be transferred to an account in the state special revenue fund to the credit of the department of fish, wildlife, and parks in equal quarterly installments.

NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 23, chapter 1, part 3, and the provisions of Title 23, chapter 1, part

EXHIBIT 1
DATE 7/12/93
HB retroactive 642

3, apply to [section 2].

NEW SECTION. Section 5. Effective date ~~retroactive~~
~~applicability.~~ [This act] is effective on July 1, 1993. passage and
~~approval and applies retroactively, within the meaning of 1-2-109,~~
~~to taxable transactions on or after April 1, 1993.~~

-End-

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HR 642 NUMBER _____

MOTION: Rep. Grady moved to adopt amendments to the Gray Bill,
Exhibit 1.

Motion carried 16 - 2

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	16	2

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 642 NUMBER MOTION: Rep. Kadas moved HB 642 DO PASS AS AMENDED.

Motion carried 15 - 3

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	x	
REP. FRANCIS BARDANOUVE	x	
REP. ERNEST BERGSAGEI	x	
REP. JOHN COBB		x
REP. ROGER DEBRUYKER	x	
REP. MARJ. FISHER	x	
REP. JOHN JOHNSON	x	
REP. ROYAL JOHNSON	x	
REP. MIKE KADAS	x	
REP. BETTY LOU KASTEN		x
REP. WM. RED MENAHAN	x	
REP. LINDA NELSON	x	
REP. RAY PECK		x
REP. MARY LOU PETERSON	x	
REP. JOE QUILLICI	x	
REP. DAVE WANZENREID	x	
REP. BILL WISEMAN	x	
REP. TOM ZOOK, CHAIR	x	
	15	3

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 p.m. BILL NO. HB 65 NUMBER MOTION: Rep. Menahan moved HB 65 DO PASS.

Motion carried 13 - 5

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	13	5

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 p.m. BILL NO. HB 657 NUMBER _____MOTION: Rep. Fisher moved to take HB 657 off the Table

Motion carried 12 - 6

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB		X
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	12	6

Amendments to House Bill 657
First Reading Copy

Prepared by Department of Justice

EXHIBIT
DATE 3/12/93
HB 657

1. Page 1, line 6.
Following: "ACT"
Strike: "ELIMINATING THE"
2. Page 1, line 7.
Strike: "REQUIREMENT THAT"
Insert: "ALLOWING"
3. Page 1, line 7.
Following: "GENERAL"
Insert: "TO CHARGE A FEE TO"
4. Page 1, line 9.
Following: "DATE"
Strike: remainder of line 9 and line 10 through "DATE"
5. Page 2, line 21.
Following: "(6)"
Insert: "to give an opinion in writing to the legislature or either house of the legislature, to any state officer, board, or commission, to any county attorney, to the city attorney of any city or town, and to the board of county commissioners of any county of the state when required upon any question of law relating to their respective offices. The attorney general shall give any such opinion within 3 months following the date it is requested unless the attorney general certifies in writing to the requesting party that the question is of sufficient complexity to require additional time. If an opinion issued by the attorney general conflicts with an opinion issued by a city attorney, county attorney, or an attorney employed or retained by any state officer, board, commission, or department, the attorney general's opinion is controlling unless overruled by a state district court or the supreme court. The attorney general may assess a reasonable fee to the requesting party to defray the costs associated with responding to the request. The fees collected shall be deposited in the general fund."
6. Page 3, line 12.
Following: "~~(7)~~"
Insert: "(7)"
7. Page 3, line 14.
Following: "~~(8)~~"
Strike: "(7)"
Insert: "(8)"

HOUSE OF REPRESENTATIVES

ADDITIONAL COMMITTEE

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 657 NUMBER MOTION: Rep. Wiseman moved to adopt amendments, Exhibit 1

Motion carried 10 - 8

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI		X
REP. JOHN COBB		X
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR		X
	10	8

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 p.m. BILL NO. HB 657 NUMBER MOTION: Rep. Kadas moved HB 657 DO PASS AS AMENDED

Motion carried 11 - 6

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI		PASS
REP. JOHN COBB		X
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	11	6

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 31 NUMBER MOTION: Rep. Cobb moved HB 31 Tabled

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HR 115 NUMBER MOTION: Rep. Cobb moved HB 115 Tabled

Motion carried 11 - 6

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGER	X	
REP. JOHN COBB		X
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILLICI		X
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	11	6

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 514 NUMBER

MOTION: Rep. Bardanouve moved HB 514 Tabled

Motion carried 17 - 1

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGE	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	1

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 517 NUMBER MOTION: Rep. Peterson moved HB 517 DO PASS

Motion carried 13 - 4

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	x	
REP. FRANCIS BARDANOUVE		x
REP. ERNEST BERGSAGEI		
REP. JOHN COBB	x	
REP. ROGER DEBRUYKER	x	
REP. MARJ. FISHER	x	
REP. JOHN JOHNSON	x	
REP. ROYAL JOHNSON		x
REP. MIKE KADAS	x	
REP. BETTY LOU KASTEN		x
REP. WM. RED MENAHAN	x	
REP. LINDA NELSON	x	
REP. RAY PECK		x
REP. MARY LOU PETERSON	x	
REP. JOE QUILLICI	x	
REP. DAVE WANZENREID	x	
REP. BILL WISEMAN	x	
REP. TOM ZOOK, CHAIR	x	
	13	4

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 609 NUMBER MOTION: Rep. Wanzenried moved HB 609 DO PASS

NAME	AYE	NO
REP. ED GRADY, V. CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARV LOU PETERSON		
REP. JOE QUILLICI		
REP. DAVE WANZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 609 NUMBER _____

MOTION: Rep. Wanzenried moved to amend HB 609 to insert: "The
investigative functions that rulemaking may address are
limited to the factfinding responsibilities of investigators and
the search and seizure functions associated with illegally stored
or transported alcoholic beverages or tobacco products." Motion
carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 609 NUMBER

MOTION: Rep. Wanzenried moved HB 609 DO PASS AS AMENDED

Motion carried 17 - 1

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR		X
	17	1

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 654 NUMBER

MOTION: Rep. DeBruycker moved HB 654 DO PASS.

Motion carried 13 - 5

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGER	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WANTZENREID	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR	X	
	13	5

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 655 NUMBER

MOTION: Rep. Grady moved HB 655 TABLED

Rep. Grady withdrew the motion

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILICI		
REP. DAVE WENZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 655 NUMBER MOTION: Rep. Bardanouve made a substitute motion to Do Pass.Rep. Bardanouve withdrew the motion.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILLICI		
REP. DAVE WANZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 BILL NO. HB 492 NUMBER MOTION: Rep. Grady moved to Table HB 492Motion carried 17 - 1

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	1

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 586 NUMBER

MOTION: Rep. Wiseman moved to Table HB 586

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HR 601 NUMBER MOTION: Rep. Bergsagel moved to Table HB 601

Motion failed on a tie vote

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB		X
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON		X
REP. JOE QUILLICI		X
REP. DAVE WENZENREID		X
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR	X	
	9	9

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 483 NUMBER _____MOTION: Rep. Royal Johnson moved HB 483 off the Table.

Motion carried 14 - 4

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WENZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	14	4

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 483 NUMBER

MOTION: Rep. Royal Johnson moved HB 483 DO PASS.

Motion carried 13 - 5

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI		X
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	13	5

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 pm BILL NO. HB 660 NUMBER MOTION: Rep. Peterson moved HB 660 DO PASS

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARV LOU PETERSON		
REP. JOE QUILICI		
REP. DAVE WENZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

EXHIBIT

DATE

HB

Arizona Guard readies program to train dropouts

By Paul Davenport
The Associated Press

Arizona is among 10 states whose National Guard units are preparing federally funded training programs for high-school dropouts.

The programs are intended to take advantage of the military's expertise in training and instruction while helping the youths turn their lives around, said Col. Richard Drinen of the Arizona Air National Guard.

Congress has approved funding for the programs, he said, but Arizona and the other nine states are awaiting final go-ahead from the Department of Defense.

"They keep telling us the money is right around the corner," Drinen said Friday.

Officials expect the program to begin in April, he added.

Other states planning dropout-training programs — known as National Guard Youth Corps, or Project Challenge — are Arkansas, Connecticut, Georgia, Illinois, Louisiana, Maryland, New York, Oklahoma and West Virginia.

The Arizona program's first-year cost of \$2.5 million will come entirely from the federal government, Drinen said.

He gave this description of the operation:

The program will be housed in vacant barracks and other facilities at Williams Air Force Base in Mesa, and the instructors, counselors and other staff members will consist of former Guard members and retirees.

Plans call for the program to have 100 participants at a time, with two five-month sessions each year.

During that time, participants will remain at the camp "24 hours a day,

seven days a week," although they can participate in community-service and education projects away from the camp.

Participants will receive classroom training and other instruction intended to help them earn high-school or general-equivalency diplomas.

Participants will be allowed visitors only during the final month of their session. Removing them from friends and family is part of the discipline.

Participants will wear uniforms, but in civilian, not military, styles.

Those enrolling in the program will have to be recent dropouts who have completed about three years of high school. They can't have court proceedings pending against them when they enroll, though past juvenile records won't block enrollment.

When the program begins, participants will be sought through mailings to school districts across the state, and screenings will be conducted in Flagstaff, Phoenix and Tucson.

Upon completion of the program, each participant can qualify for a \$1,700 stipend, which could be used for college tuition or job-training expenses.

Enrollees will have to pass the standard physical exams given Air Force recruits, but the Guard does not consider the program a recruiting tool, but as a community service that indirectly benefits the military by raising the general population's education level, Drinen said.

Williams is scheduled to close next fall as part of the military's downsizing, but the Guard's program will remain, "realizing that we then will be dealing with whoever ends up owning Williams Air Force Base," Drinen said.



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HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/12/93 BILL NO. HB 660 NUMBER

MOTION: Rep. Grady moved HB 660 pass for the day with the
consensus of the committee.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILLICI		
REP. DAVE WANZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Appropriations COMMITTEE BILL NO. _____
DATE 3/12 pm SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Don Artley	DSL		
Arlynn Fishbaugh	MT Arts Council	668	
Gloria Hermanson	MT Cultural Advocacy	668	
Bill Verwoelt	City of Helena	8	657
Jean Riley	Petroleum Tank Release Compensation Board		666
Beverly Gibson	MAEO		657
" "	" "		662
Peggy Jones Veruel	MAEMSP		
Ronna Alexander	MT Petroleum Marketing		666 X
BARBARA A. ALLEN 315 STATE Hl	myself + my family HOUSE.		660
George Prudden 315 State Hl	Nat'l Home school Assc. NHA		660

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Appropriations COMMITTEE

BILL NO. HB 660

DATE 3/12/93 P. M. SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Arnie Olsen	MDFWP	✓	

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Appropriations COMMITTEE BILL NO. _____
DATE 3/12/93 p.m. SPONSOR(S) _____

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
James E. Todd	Senator of Montana		
Don Artley	DSL		

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MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **REP. TOM ZOOK, CHAIRMAN**, on March 15, 1993, at 3:00 P.M.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Ed Grady, Vice Chairman (R)
Rep. Francis Bardanouve (D)
Rep. Ernest Bergsagel (R)
Rep. John Cobb (R)
Rep. Roger Debruycker (R)
Rep. Marj Fisher (R)
Rep. John Johnson (D)
Rep. Royal Johnson (R)
Rep. Mike Kadas (D)
Rep. Betty Lou Kasten (R)
Rep. Red Menahan (D)
Rep. Linda Nelson (D)
Rep. Ray Peck (D)
Rep. Mary Lou Peterson (R)
Rep. Joe Quilici (D)
Rep. Dave Wanzenried (D)
Rep. Bill Wiseman (R)

Members Excused: None

Members Absent: None

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Mary Lou Schmitz, Committee Secretary

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

Committee Business Summary:

Hearing: HB 97
Executive Action: HB 563; HB 97; HB 75; HB 674; HB 675; HB 676; HB 677; HB 601; HB 647; HB 376; HB 370

EXECUTIVE ACTION ON HB 563

Motion/Vote: REP. COBB MOVED TO AMEND HB 563. EXHIBIT 1 Motion carried unanimously.

Motion/Vote: REP. COBB MOVED HB 563 DO PASS AS AMENDED. Motion carried unanimously.

HEARING ON HB 97

An act appropriating stripper-well payments contained in the federal special revenue fund to the Department of Natural Resources and Conservation; authorizing the issuance of general obligation bonds to fund the state building energy conservation program; approving energy conservation and lighting retrofit projects for fiscal years 1994 and 1995.

Opening Statement by Sponsor: REP. JOE QUILICI, House District 71, Butte, introduced HB 97 by request of the Department of Natural Resources and Conservation (DNRC). He explained the bill appropriated stripper-well payments for energy conservation bonds. In 1989, legislation was passed for the state buildings energy conservation program. The program sells general obligation bonds and uses bond proceeds to do energy-efficient conservation projects in state facilities. He said projects are designed to produce short-term savings to the state while bonds are repaid; when bonds are retired in ten years, the state realizes even greater savings through the remaining life of the improvements. He reported energy retrofitting had been completed at the Montana School for the Deaf and Blind, SRS Building, Center for the Aged, and University of Montana. This spring the state will sell \$1.7 million in bonds to fund retrofit projects at the Eastmont Human Services Center, Pine Hills School for Boys, and Cogswell Building. He claimed the legislation saved the state a great deal of money in reduced energy costs. He reported he had amendments to ensure legislative oversight of the retrofitting projects.

Proponents' Testimony: Tom Livers, Department of Natural Resources and Conservation, explained the state sells general obligation bonds to finance energy-efficiency improvements. He said that savings realized through the improvements exceeded the costs of operating the program. He said each session the DNRC identifies conservation projects for legislative approval; HB 97 includes the projects for approval for the next biennium. He distributed information about the program which showed the reduction in fuel use in the SRS Building and illustrated the projected savings from HB 97. **EXHIBIT 1**

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: REP. ROYAL JOHNSON asked Mr. Livers how long the department would count on stripper-wells to finance the program. Mr. Livers said actually the oil overcharge payments used for the program were carry-over funds from previous authorization. He said the oil overcharge

money had provided the initial seeding for the program. **Mr. Livers** explained that when the program was first designed in 1989, the department had looked for a mechanism which would allow them to continue to realize benefits from the initial investment. He said rather than setting up a grant option from the stripper-well oil funds, they set up a bond finance program. He said the first round of projects had been financed by the oil overcharge money; savings from the projects would cover the debt service on the second round of projects. Thus, the state will always fund the debt service on subsequent rounds; and in so doing, the state will have a positive cash flow.

REP. JOHNSON asked **Mr. Livers** whether the department still had funds from the stripper-wells. **Mr. Livers** said the initial funds from the stripper-wells were used to pay engineering costs of the retrofit projects in the first-round projects at Warm Springs and the University of Montana. **REP. JOHNSON** asked **Mr. Livers** whether that money would be replaced. **Mr. Livers** said savings from completed projects were funneled into a debt service account and would pay the debt service on bonds sold this spring. In other words, those projects would carry the cost of the next round of improvements. He said the \$100,000 in HB 97 was money left over from the \$500,000 which was initially authorized when the program was created in 1989. He said the department had been very frugal in its spending. He reported in the first biennium \$100,000 had been spent; he said another \$300,000 had been spent in the last biennium; and \$100,000 would be spent in the next biennium.

REP. JOHNSON asked **Mr. Livers** how many bonds were currently outstanding in the program. **Mr. Livers** said no bonds had been issued as yet; this spring would be the first issuance of bonds. He explained because the Department of Institutions buildings were the first chosen for retrofitting and because there was some question of the future use of buildings in Warm Springs and Boulder, DNRC had decided it was not a good investment to issue bonds for improvements to those buildings. Therefore, overcharge monies were used to fund the improvements. He said the department was making every effort to ensure the program would operate as a profit center for the state.

REP. JOHNSON asked **Mr. Livers** whether he was involved with the \$5.5 million heating project at Montana State University (MSU). **Mr. Livers** responded that initially he had not been involved; he said recently they had determined the project could be incorporated into the retrofit program and an amendment had been drafted. He said, however, there were some unanswered questions which made it premature for making recommendations to the legislature; he suggested the MSU project might be included in the next issuance of bonds. **REP. JOHNSON** asked **Mr. Livers** to clarify that MSU might not complete the project before the next legislative session. **REP. QUILICI** responded that because there were so many unanswered questions about the self-generation project, MSU may not be doing the project. He said there were also questions about using 20-year bonds rather than 15-year

bonds. **REP. JOHNSON** asked **REP. QUILICI** whether he was comfortable with the situation given that MSU had 43 buildings to heat and the system had broken down twice in less than a year. **REP. QUILICI** noted the MSU project had nothing to do with HB 97. He said he had asked the MSU president why they had not come in with a bill for the heating system. His answer was that they had concluded an interim committee would be set up to plan a self-generation project for MSU and hoped the current heating plant would survive until then.

REP. WISEMAN asked **REP. QUILICI** how many more projects the state had and when the next series of bonds were scheduled. He suggested with interest rates so low, now would be the time to issue bonds for other projects. **REP. QUILICI** referred to the agency for a list of projects under consideration. He said prior to starting projects, the agency would want to do an engineering analysis to ensure that projects would result in savings. **Mr. Livers** agreed with **REP. WISEMAN** that this was an excellent time to issue bonds. He reported they would be opening bonds on March 30 and expected to sell 10-year bonds yielding between 4.5% and 4.8%. He said the department was moving as much as possible and noted a provision in HB 97 authorized them to act more quickly. He said the original plan was to have one bond issuance each biennium, but they were trying to speed up the process and start as many projects as were ready. He reported that in addition to the projects in the packet, the department was looking at 30 other projects. He explained they were pushing the lighting retrofit projects because of an opportunity to take advantage of the utility rebate program.

REP. WISEMAN asked how many projects were completed and how many were left. **Mr. Livers** said none of the retrofit projects were totally complete. He said they estimated it would take ten years to retrofit all state buildings. He explained the department had started slowly with the program because they wanted to prove to the legislature that it worked. He said now that they had demonstrated results, they could accelerate the program and take advantage of low interest rates.

REP. BARDANOUVE commended the program and noted it was managed very conservatively. He pointed to the Capitol building as a major project in need of energy retrofitting.

Closing by Sponsor: **REP. QUILICI** reported the Capitol building would be considered soon in the program. He said the best aspect of the program was that in addition to generating money for the general fund every session, the legislature had been informed how the program was progressing.

EXECUTIVE ACTION ON HB 97

Motion/Vote: **REP. QUILICI** MOVED TO AMEND HB 97. EXHIBIT 2
Motion carried unanimously.

Motion/Vote: REP. WISEMAN MOVED HB 97 DO PASS AS AMENDED.
Motion carried unanimously.

EXECUTIVE ACTION ON HB 75

Discussion: CHAIRMAN ZOOK noted HB 75 had an \$11,000 general fund appropriation.

Ms. Cohea explained HB 75 had been amended to delete the commission; an advisory council appointed by the insurance commissioner remains in the bill.

REP. KASTEN asked whether another advisory council appointed by the insurance commissioner would have similar functions. CHAIRMAN ZOOK responded he did not know.

Motion: REP. BERGSAGEL MOVED HB 75 BE TABLED.

Discussion: REP. MENAHAN noted the bill came from a joint interim committee and suggested the bill be sent to the floor.

Motion: REP. MENAHAN MADE A SUBSTITUTE MOTION THAT HB 75 DO PASS.

REP. QUILICI reported the \$11,000 appropriation would fund compensation and reimbursement of advisory council members for attending meetings.

REP. MENAHAN explained the bill's intent was to have mandated health insurance benefits reviewed. He declared mandated benefits were driving up the cost of health insurance.

REP. WISEMAN asked how HB 75 would fit with SEN. EVE FRANKLIN'S \$1.3 million study of a state health care plan and the federal effort toward a national health care plan.

REP. COBB suggested the review could be conducted under SEN. FRANKLIN'S bill.

REP. QUILICI asked how the advisory council in HB 75 would coordinate with committees organized by U.S. SEN. BAUCUS and SEN. FRANKLIN. REP. COBB asserted the bills had not been coordinated. REP. QUILICI asked who would do the coordination.

REP. ROYAL JOHNSON suggested tabling the bill. REP. COBB agreed; he reported SEN. FRANKLIN'S bill would be heard soon and stated HB 75 should be considered in coordination with her bill.

REP. KASTEN said she did not understand what the commission would do. She said they were supposed to hold a hearing and make recommendations on mandated benefits. She said in her experience every time mandates were heard by the human services committee after a hearing, the mandates were passed, regardless of the

HOUSE APPROPRIATIONS COMMITTEE

March 15, 1993

Page 6 of 10

impact on insurance policies. She suggested the commission in HB 75 would be redundant with the human services committee.

CHAIRMAN ZOOK suggested all motions be withdrawn and the committee consider the bill later.

The motions were withdrawn.

EXECUTIVE ACTION ON HB 674

Motion/Vote: REP. BERGSAGEL MOVED HB 674 DO PASS. Motion carried 14 to 3 with REPS. DeBRUYCKER, MENAHAN, and QUILICI voting no.

EXECUTIVE ACTION ON HB 675

Motion/Vote: REP. BERGSAGEL MOVED HB 675 DO PASS. Motion carried 15 to 2 with REPS. MENAHAN and QUILICI voting no.

EXECUTIVE ACTION ON HB 676

Motion: REP. FISHER MOVED HB 676 DO PASS.

Motion: REP. KADAS MADE A SUBSTITUTE MOTION THAT HB 676 BE TABLED.

Discussion: REP. PECK said he understood that the Department of Justice would receive funds from the resource indemnity trust (RIT) fund only if money was left after other obligations were met.

Ms. Cohea stated the department had requested an amendment to appropriate general fund money if the RIT fund had insufficient money. She said, as the bill currently stands, the department would lose the general fund appropriation.

REP. BARDANOUVE reminded the committee that HB 77, which appropriated general fund money to the Department of Justice for the litigation, had already passed the legislature and been signed by the governor. He declared HB 676 was a bad bill.

REP. KADAS noted if HB 676 passed, then money for the next grant cycle would be eliminated.

REP. QUILICI declared the litigation must be funded. He listed the problems with HB 676: (1) the RIT fund may not have sufficient funds; (2) the bill took money from the projects grants; and (3) there was some question whether RIT funds could be used for the litigation. He contended the litigation should be funded adequately and RIT funds should not be used.

REP. BARDANOUVE reported the project grants to be eliminated had been approved by the legislature two years ago. He said communities had already worked for a long time on the projects. He expressed his fear that the legislature's integrity was threatened by eliminating the projects now.

REP. KADAS asserted the general fund was the greatest beneficiary of the RIT and repeated his motion to table HB 676 and fund the litigation from the general fund.

Vote: HB 676 BE TABLED. Motion carried 12 to 6 with REPS. DeBRUYCKER, FISHER, ROYAL JOHNSON, KASTEN, PETERSON, and WISEMAN voting no.

EXECUTIVE ACTION ON HB 677

Motion: REP. ROYAL JOHNSON MOVED HB 677 DO PASS.

Discussion: REP. WISEMAN asked whether other money was appropriated to vocational education and gifted and talented programs. CHAIRMAN ZOOK responded these were the only state funds for those programs. REP. WISEMAN asked how much money from other sources went to the programs. CHAIRMAN ZOOK responded the amount would vary from district to district. REP. MENAHAN explained when mill levies were defeated in some school districts, the districts eliminated gifted and talented programs and cut back on vocational education.

REP. KADAS asserted the problem with HB 677 was that it was only effective for the next biennium.

Vote: HB 677 DO PASS. Motion carried 13 to 5 with REPS. BARDANOUVE, JOHN JOHNSON, MENAHAN, QUILICI, and WANZENRIED voting no.

EXECUTIVE ACTION ON HB 601

Motion: REP. MENAHAN MOVED HB 601 DO PASS. Motion carried 12 to 6 with REPS. GRADY, BERGSAGEL, DeBRUYCKER, ROYAL JOHNSON, KASTEN, and PETERSON voting no.

EXECUTIVE ACTION ON HB 647

Motion: REP. BERGSAGEL MOVED TO AMEND HB 647. EXHIBIT 1

Discussion: REP. FISHER suggested voters would not understand that the ballot language applied only to limiting general fund spending. REP. BERGSAGEL responded that the state could not tell the federal government how much money to send to the state.

Motion: REP. FISHER moved to amend the ballot language to specify that only general fund spending was limited.

Discussion: REP. FISHER explained she wanted the amendment because the public would interpret the ballot language to limit all state spending.

REP. BERGSAGEL opposed the amendment proposed by REP. FISHER. He said the greatest problem was in general fund spending. He argued that the legislature would set up special revenue accounts, proprietary accounts, etc., to avoid general fund spending. He explained the bill limited spending by tying it to revenue; he contended the amendment would defeat the purpose of the bill.

REP. PECK argued that leaving the language open would result in cutting state government. REP. BERGSAGEL denied the bill would cut state government. The bill tied spending to revenue based on revenue from the previous two bienniums. He said if the legislature raised revenue in a biennium by raising taxes, then the bill required a two-thirds vote to authorize spending.

REP. PECK pointed out the bill used the wording "total revenue" rather than "total state revenue." REP. BERGSAGEL agreed and referred REP. PECK to the change of language in the amendment.

REP. KADAS suggested that specifying a general fund spending limit in the proposed amendment was the opposite of REP. BERGSAGEL'S intention. REP. KADAS claimed that if the amendment passed, the legislature would react by setting up state special accounts and funding government through them in order to avoid spending from the general fund. REP. BERGSAGEL agreed that was a possibility and said he hoped the legislature would not do so. REP. KADAS responded the problem with the bill was that it was like term limits. People thought they would improve the legislature by approving term limits; instead, term limits will cause greater problems. He asserted that while setting arbitrary spending limits looked good on paper, it would not work because the legislature would find alternatives. He declared the only way to limit spending was through decisions by committee members. REP. BERGSAGEL differed with REP. KADAS arguing that the legislature had continued to raise spending to the point that legislators were scared to increase taxes. He said the bill allowed the legislature to increase taxes but required a two-thirds vote for spending the increased revenue in the same biennium.

CHAIRMAN ZOOK stated he did not think the bill would work unless "general fund" was stricken. He suggested that if the bill's intent was to limit all state spending, then "general fund" needed to be stricken from the amendment. REP. BERGSAGEL explained he had talked to the auditor and the bill did not work without the amendment. He contended the state could not limit proprietary or federal funds and could only limit spending from

the general fund. **CHAIRMAN ZOOK** disagreed saying that since the legislature appropriated funds, it could limit spending.

REP. PECK stated he did not understand **REP. BERGSAGEL'S** opposition to changing the ballot language to specify general fund spending. **REP. BERGSAGEL** said he would check to see if was possible.

REP. GRADY disagreed that the legislature could not limit federal spending. He reported the committee had already eliminated positions funded by federal funds. **REP. BERGSAGEL** asked how often funds from the federal government had been cut. **REP. KADAS** responded that there were two issues to consider. He said the state could refuse federal revenue up to a point; however, there were some mandated programs which were funded and which the state could not refuse. **REP. QUILICI** asked whether the legislature would be fiscally responsible by refusing federal funds; he maintained that programs needed to be assessed before making such decisions. **CHAIRMAN ZOOK** reported the human services committee had cut many federally-funded programs because they were costing the general fund through the required match. **REP. KASTEN** suggested the time was coming when the state will need to consider whether or not to continue Medicaid because the program would bankrupt the state in five or six years at its current rate of increase. **REP. PECK** described how difficult it was to refuse federal funds. He recounted that Arizona had refused federal highway funds because they were unwilling to change the speed limit; the federal government responded by threatening to end all federal funds to the state if they did not pass the speed limit.

Vote: **REP. BERGSAGEL'S AMENDMENT TO HB 647 BE ACCEPTED.** Motion carried 12 to 6 with **REPS. GRADY, BARDANOUVE, JOHN JOHNSON, PETERSON, QUILICI, and ZOOK** voting no.

Motion/Vote: **REP. BERGSAGEL MOVED HB 647 DO PASS AS AMENDED.** Motion carried 10 to 8 with **REPS. BARDANOUVE, JOHN JOHNSON, KADAS, MENAHAN, NELSON, PECK, QUILICI, and WANZENRIED** voting no.

EXECUTIVE ACTION ON HB 376

Discussion: **Ms. Cohea** reminded the committee that they had already adopted extensive amendments to HB 376 and **REP. PECK** had requested additional amendments. **REP. PECK** stated he was not going to present additional amendments. He reported he had spoken to **REP. DAVIS** who was not excited by the bill as amended.

Motion/Vote: **REP. KADAS MOVED HB 376 BE TABLED.** Motion carried unanimously.

HOUSE APPROPRIATIONS COMMITTEE

March 15, 1993

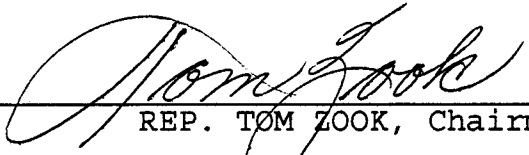
Page 10 of 10

EXECUTIVE ACTION ON HB 370


Motion: REP. KASTEN MOVED HB 370 BE TABLED. Motion carried
unanimously.

ADJOURNMENT

Adjournment: 4:30 p.m.



REP. TOM ZOOK, Chairman



MARY LOU SCHMITZ, Secretary

TZ/MLS

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL

DATE

3/15/93 P. m

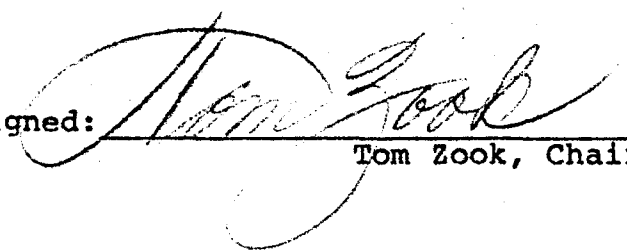
NAME	PRESENT	ABSENT	EXCUSED
REP. ED GRADY, V. CHAIR	✓		
REP. FRANCIS BARDANOUVE	✓		
REP. ERNEST BERGSAGEL	✓		
REP. JOHN COBB	✓		
REP. ROGER DEBRUYKER	✓		
REP. MARJ. FISHER	✓		
REP. JOHN JOHNSON	✓		
REP. ROYAL JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BETTY LOU KASTEN	✓		
REP. WM. "RED" MENEHAN	✓		
REP. LINDA NELSON	✓		
REP. RAY PECK	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. DAVE WANZENREID	✓		
REP. BILL WISEMAN	✓		
REP. TOM ZOOK, CHAIR	✓		

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 563 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 3, lines 6 through 17.

Strike: subsection (5) in its entirety

2. Page 3, line 24.

Strike: ":"

3. Page 3, line 25.

Strike: "(a)"

4. Page 4, lines 1 through 3.

Strike: "; and" on line 1 through "76-4-105(5)" on line 3

This amendment eliminates the \$160,000 general fund appropriation in the subdivision program (\$320,000 over the biennium). Funding for the program becomes 100% state special revenue.

Contingent on passage and approval of this amendment, an amendment to House Bill 2 will be necessary to transfer general fund appropriation authority to state special revenue.

The department has the prerogative to apply for a general fund loan if costs exceed fees collected.

Committee Vote:

Yes ☐, No ☐.

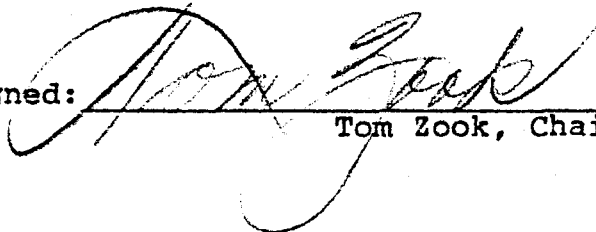
621201SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 97 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, line 15.

Following: "ISSUED;"

Insert: "PROVIDING A METHOD FOR ALLOCATING ENERGY COST SAVINGS;
AMENDING SECTION 90-4-607, MCA;"

2. Page 4, line 22.

Following: "for"

Insert: "the energy conservation and lighting retrofit projects
approved in [section 3] for"

3. Page 5.

Following: line 15

Insert: "Section 5. Section 90-4-607, MCA, is amended to read:

"90-4-607. Duties of department. In addition to the duties
set forth in 90-4-605, the department is authorized to:

(1) analyze state utility data to identify high-potential
energy conservation projects;

(2) perform comprehensive energy analyses on state-owned
building, structures, and facilities, contracting with private
engineers when necessary;

(3) ~~administratively~~ transfer funds and authority to the
department of administration to procure design and construction
of cost-effective energy improvements;

(4) train facility maintenance staff in energy saving
techniques and maintenance of energy improvements and monitor
energy conservation projects to ensure that cost savings are
realized and are adequate to cover the debt service if bonds have
been issued to fund the improvements."

Committee Vote:

Yes 11, No .

621150SC.Hss

NEW SECTION. Section 6. Appropriation of energy cost savings.

(1) In preparing the executive budget each biennium, the governor shall include for each state agency participating in the state energy conservation program:

(a) an estimate of the energy cost savings expected for that agency in each year of the biennium, and

(b) a projection of the debt service on energy conservation program bonds that should be apportioned to that agency in each year of the biennium.

(2) Each session, the legislature shall review the governor's submission pursuant to 90-4-606 and subsection (1) of this section and appropriate in the general appropriations act the following:

(a) authority for each participating state agency to transfer funds in an amount equal to the agency's projected debt service to the energy conservation program account established in 90-4-612; and

(b) authority for each participating state agency to transfer funds to the long-range building program fund in an amount equal to the difference between the estimated energy cost savings to the agency and the projected debt service apportioned to that agency.

(3) The current level utility appropriations of state agencies participating in the energy conservation program must be reduced by the sum of the amounts appropriated in subsections (2)(a) and (2)(b).

(4) Each participating state agency shall transfer upon request of the department the amounts appropriated in accordance with subsection (2)."

Renumber: subsequent sections

4. Page 5.

Following: line 19

Insert:

"NEW SECTION. Section 8. Codification instruction.
[Section 6] is intended to be codified as an integral part of Title 90, chapter 4, part 6, and the provisions of Title 90, chapter 4, part 6, apply to [section 6]."

Renumber: subsequent section

HOUSE STANDING COMMITTEE REPORT

March 16, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that
House Bill 674 (first reading copy -- white) do pass .

Signed: 

Tom Zook, Chair

Committee Vote:
Yes 10, No 2.

591458SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 16, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that
House Bill 675 (first reading copy -- white) do pass.

Signed: 

Tom Zook, Chair

Committee Vote:
Yes , No .

591459SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 16, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that
House Bill 677 (first reading copy -- white) do pass.

Signed: 

Tom Zook, Chair

Committee Vote:
Yes , No .

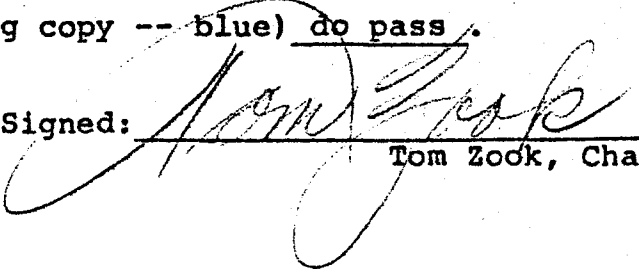
591504SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 16, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that
House Bill 601 (third reading copy -- blue) do pass.

Signed: 

Tom Zook, Chair

Committee Vote:
Yes 11, No 6.

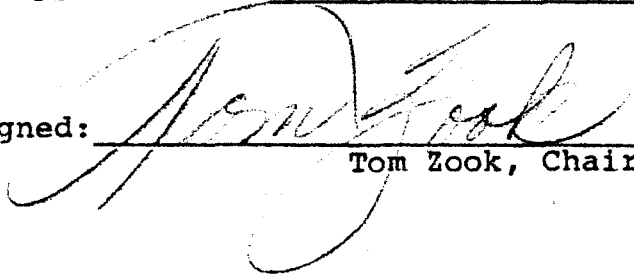
591454SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 647 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 1, line 13 through page 2, line 11.

Following: "limit."

Strike: remainder of line 13 through page 2, line 11.

Insert: "There is a general fund spending limit for state government. The legislature may not appropriate or otherwise authorize the disbursement of more than 97% of the average of the total sums of revenue from other financing sources and ending fund balances from the previous two bienniums unless the excess appropriation is authorized by a two-thirds vote of each house of the legislature. The remaining revenue must be used to create ending fund balances or be deposited in an account to be used in the event of a revenue shortfall."

-END-

Committee Vote:

Yes 12, No 2.

601639SC.Hpf

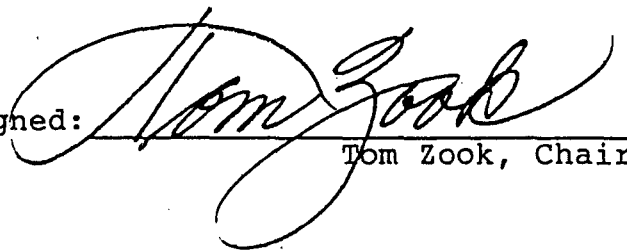
HOUSE STANDING COMMITTEE REPORT

EXHIBIT 1
DATE 3/15/93
HB 563

March 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 563 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 3, lines 6 through 17.
Strike: subsection (5) in its entirety
2. Page 3, line 24.
Strike: ":"
3. Page 3, line 25.
Strike: "(a)"
4. Page 4, lines 1 through 3.
Strike: "; and" on line 1 through "76-4-105(5)" on line 3

This amendment eliminates the \$160,000 general fund appropriation in the subdivision program (\$320,000 over the biennium). Funding for the program becomes 100% state special revenue.

Contingent on passage and approval of this amendment, an amendment to House Bill 2 will be necessary to transfer general fund appropriation authority to state special revenue.

The department has the prerogative to apply for a general fund loan if costs exceed fees collected.

Committee Vote:
Yes 17, No 0

621201SC.Hss

3/19/93 12:50

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 563 NUMBER

MOTION: Rep. Cobb moved to amend HB 563, Exhibit 1

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	x	
REP. FRANCIS BARDANOUE	x	
REP. ERNEST BERGSAGEI	x	
REP. JOHN COBB	x	
REP. ROGER DEBRUYKER	x	
REP. MARJ. FISHER	x	
REP. JOHN JOHNSON	x	
REP. ROYAL JOHNSON	x	
REP. MIKE KADAS	x	
REP. BETTY LOU KASTEN	x	
REP. WM. RED MENAHAN	x	
REP. LINDA NELSON	x	
REP. RAY PECK	x	
REP. MARY LOU PETERSON	x	
REP. JOE QUILLICI	x	
REP. DAVE WANZENREID	x	
REP. BILL WISEMAN	x	
REP. TOM ZOOK, CHAIR	x	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 pm BILL NO. HB 563 NUMBER

MOTION: Rep. Cobb moved HB 563 DO PASS AS AMENDED.

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	x	
REP. FRANCIS BARDANOUVE	x	
REP. ERNEST BERGSAGEI	x	
REP. JOHN COBB	x	
REP. ROGER DEBRUYKER	x	
REP. MARJ. FISHER	x	
REP. JOHN JOHNSON	x	
REP. ROYAL JOHNSON	x	
REP. MIKE KADAS	x	
REP. BETTY LOU KASTEN	x	
REP. WM. RED MENAHAN	x	
REP. LINDA NELSON	x	
REP. RAY PECK	x	
REP. MARY LOU PETERSON	x	
REP. JOE QUILLICI	x	
REP. DAVE WANZENREID	x	
REP. BILL WISEMAN	x	
REP. TOM ZOOK, CHAIR	x	
	18	0

February 1, 1993

STATE BUILDINGS ENERGY CONSERVATION PROGRAM

EXHIBIT 1
DATE 3/15/93 P.M.
HB 97

The State Buildings Energy Conservation Program reduces operating costs in state facilities by identifying and funding cost-effective energy efficiency improvements. The program operates as a profit center for state government. It actually makes money for the state through investment in these improvements.

Through this program, the state sells general obligation bonds, uses the bond proceeds to pay for energy efficiency improvements, then uses the resulting energy cost savings to pay the debt service on the bonds. The projects are designed so that the cost savings exceed the bond debt service. In this manner, the state realizes some incremental savings in the short term while the bonds are being repaid, and substantial savings after 10 years, when the bonds are retired.

The energy efficiency improvements include replacing old, inefficient boilers, upgrading inefficient lighting, increasing ventilation system efficiency, insulating buildings, and providing more effective temperature controls.

The Department of Natural Resources and Conservation contracts with private engineering firms to perform comprehensive energy analyses on state buildings and building complexes. The engineering firms recommend cost-effective energy improvements that could be made to these buildings. DNRC uses this information to develop proposed financing packages that use general obligation bonds to finance the energy improvements.

These financing packages are presented to the Governor's Office and to the Legislature for approval. Once the projects are approved, DNRC enters an interagency agreement with the Department of Administration's Architecture and Engineering Division (A&E). A&E then procures design and construction services, using the same mechanism as the state's Long-Range Building Program.

When the project design is completed and the construction and/or installation of the energy improvements is ready to begin, DNRC sells general obligation bonds through the Board of Examiners to finance the work. After the energy improvements are in place, DNRC provides on-going training and technical assistance to facility staff to ensure that energy savings are maintained. The energy cost savings realized by participating agencies are transferred to a debt service account and used to retire the bonds. A portion of the proceeds from each bond issuance is set aside to fund analysis, design and program administration for the next round of projects. In this manner, the program is able to reseed itself and to continue without additional federal or state funding.

RESULTS

As of January, 1993, DNRC has completed three retrofits under this program -- the SRS Building, the School for the Deaf and Blind, and the Center for the Aged. A major retrofit at the Montana State Hospital at Warm Springs is about 90 percent complete, and we've also completed lighting retrofits at six buildings at the University of Montana. The savings already realized from these projects totals more than \$120,000. We estimate savings from state buildings energy projects to be more than a quarter million dollars in fiscal year 1994 and well over half a million in fiscal year 1995. The program currently has 30 projects in analysis, design or construction.

**DESCRIPTION OF ENERGY CONSERVATION PROJECTS
AUTHORIZED THROUGH HOUSE BILL 97**

University of Montana

Field House: Light fixture and lamp replacement, installation of a programmable lighting control panel, installation of control valves on steam lines, and modifications to the HVAC system.

Performing Arts and TV Building: Replacement of incandescent fixtures with high efficiency fluorescent and HID fixtures, and modifications to the water source heat pump HVAC system.

Social Science Building: Replacement of standard ballasts and lamps in the fluorescent fixtures in the common areas with electronic ballasts and high efficiency lamps, and conversion of the constant volume air handlers of the second and third floors to variable air volume and direct digital control.

Old Business Administration Building: Motor replacement for the main supply fan, revision to the existing variable air volume system, replacement of existing light fixtures with 3 lamp T-8 and electronic ballasts, and photocell control for exterior lights.

Schreiber Gymnasium: Motor replacement on the heating and ventilation units, temperature control modifications, and time clock control on the domestic hot water recirculation system.

Northern Montana College

Physical Education Building: Stand alone semi-instantaneous hot water heater for domestic hot water loads, natural gas fired clothes dryer, and replacement of inefficient incandescent lights and fixtures with higher efficient fluorescent, high pressure sodium and metal halide lamps and fixtures. This project was being done in conjunction with a major remodel of this facility.

Eastern Montana College

Library Building/Liberal Arts Building: Replace the existing light fixtures in the classrooms and office areas with higher efficiency fluorescent fixtures.

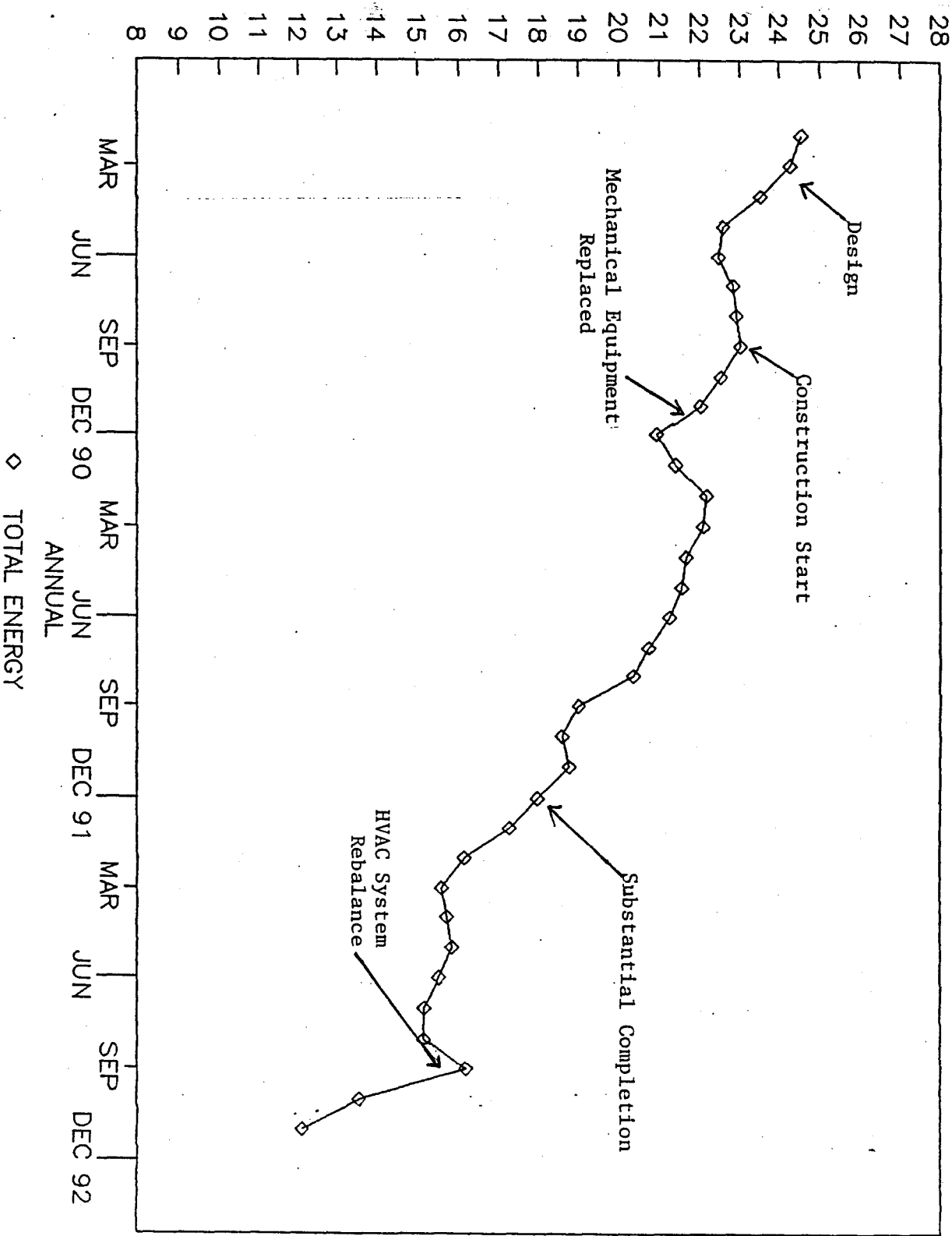
Special Education Building: Conversion of the dual duct constant volume HVAC system to a variable air volume system, replacement of the existing chiller, and photocell control for exterior lighting.

EXHIBIT 1
DATE 3/15/93 pm
HB 97

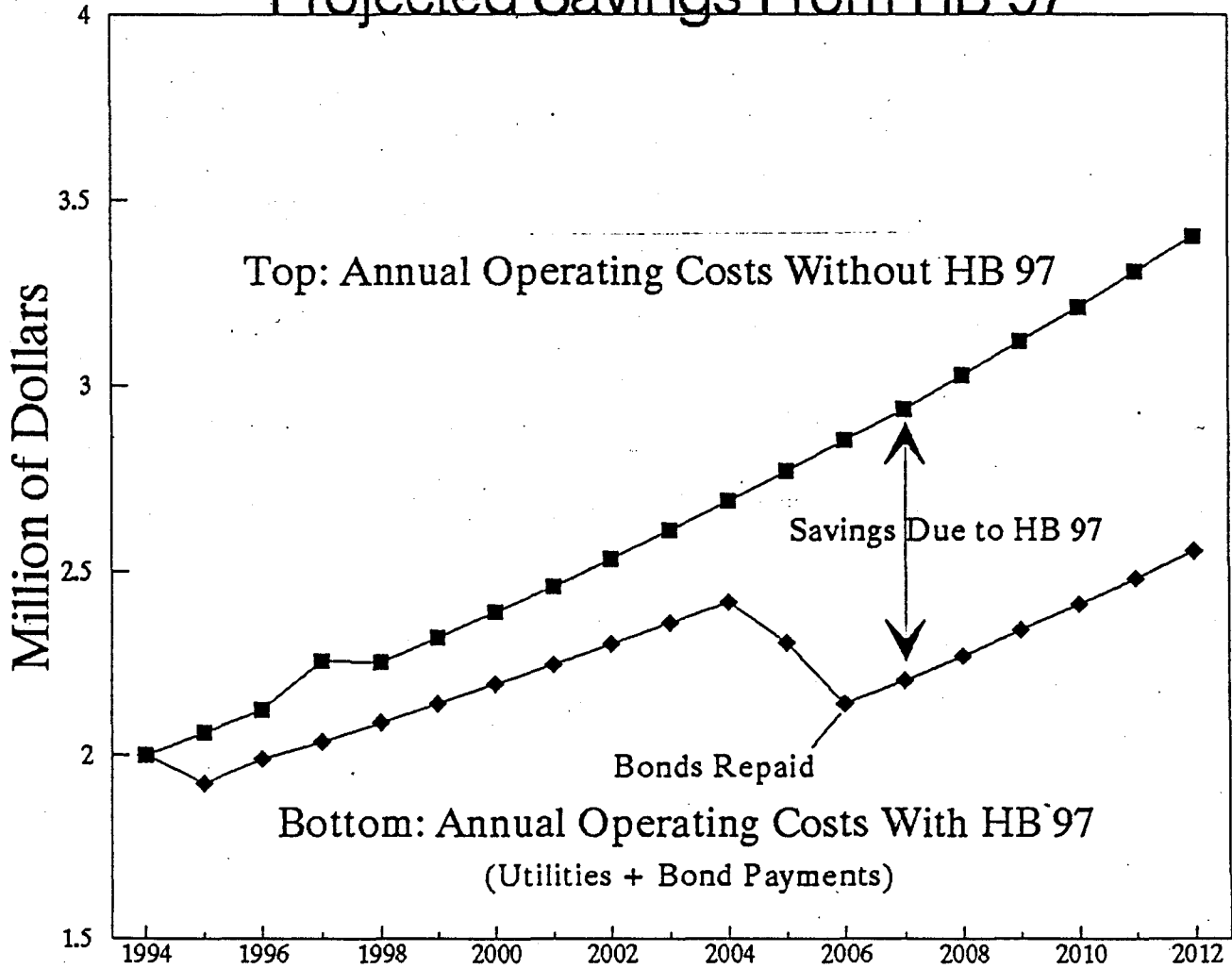
BTU/SQ.FT./DEG.DAY

SRS BUILDING

ENERGY CONSUMPTION-WEATHER CORRECTED



Projected Savings From HB 97



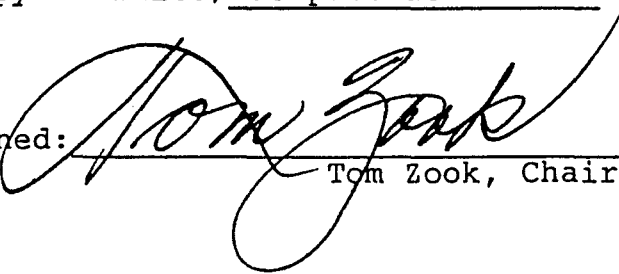
HOUSE STANDING COMMITTEE REPORT

EXHIBIT 2
DATE 3/15/93 pm
HB 97

March 19, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 97 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, line 15.

Following: "ISSUED;"

Insert: "PROVIDING A METHOD FOR ALLOCATING ENERGY COST SAVINGS;
AMENDING SECTION 90-4-607, MCA;"

2. Page 4, line 22.

Following: "for"

Insert: "the energy conservation and lighting retrofit projects
approved in [section 3] for"

3. Page 5.

Following: line 15

Insert: "Section 5. Section 90-4-607, MCA, is amended to read:

"90-4-607. Duties of department. In addition to the duties
set forth in 90-4-605, the department is authorized to:

(1) analyze state utility data to identify high-potential
energy conservation projects;

(2) perform comprehensive energy analyses on state-owned
building, structures, and facilities, contracting with private
engineers when necessary;

(3) ~~administratively~~ transfer funds and authority to the
department of administration to procure design and construction
of cost-effective energy improvements;

(4) train facility maintenance staff in energy saving
techniques and maintenance of energy improvements and monitor
energy conservation projects to ensure that cost savings are
realized and are adequate to cover the debt service if bonds have
been issued to fund the improvements."

Committee Vote:

Yes 17, No 0.

621150SC.Hss

*SS-93
3-19-93
p. 5*

EXHIBIT 2
DATE 3/15/93 P.M.
HB
March 19, 1993 97
Page 2 of 2

NEW SECTION. Section 6. Appropriation of energy cost savings.

(1) In preparing the executive budget each biennium, the governor shall include for each state agency participating in the state energy conservation program:

(a) an estimate of the energy cost savings expected for that agency in each year of the biennium, and

(b) a projection of the debt service on energy conservation program bonds that should be apportioned to that agency in each year of the biennium.

(2) Each session, the legislature shall review the governor's submission pursuant to 90-4-606 and subsection (1) of this section and appropriate in the general appropriations act the following:

(a) authority for each participating state agency to transfer funds in an amount equal to the agency's projected debt service to the energy conservation program account established in 90-4-612; and

(b) authority for each participating state agency to transfer funds to the long-range building program fund in an amount equal to the difference between the estimated energy cost savings to the agency and the projected debt service apportioned to that agency.

(3) The current level utility appropriations of state agencies participating in the energy conservation program must be reduced by the sum of the amounts appropriated in subsections (2) (a) and (2) (b).

(4) Each participating state agency shall transfer upon request of the department the amounts appropriated in accordance with subsection (2)."

Renumber: subsequent sections

4. Page 5.

Following: line 19

Insert:

"NEW SECTION. Section 8. Codification instruction.

[Section 6] is intended to be codified as an integral part of Title 90, chapter 4, part 6, and the provisions of Title 90, chapter 4, part 6, apply to [section 6]."

Renumber: subsequent section

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 pm BILL NO. HB 97 NUMBER

MOTION: Rep. Quilici moved to adopt the amendments. Exhibit 2

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB		
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	0

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 97 NUMBER

MOTION: Rep. Wiseman moved HB 97 DO PASS AS AMENDED.

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB		
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 PM BILL NO. HB 75 NUMBER

MOTION: Rep. Bergsagel moved HB 75 Tabled

Motion withdrawn

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEL		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILICI		
REP. DAVE WANZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 pm BILL NO. HB 75 NUMBER MOTION: Rep. Menahan made a substitute motion HR 75 DO PASS.

Motion withdrawn

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILICI		
REP. DAVE WANZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HR 674 NUMBER MOTION: Rep. Bergsagel moved HR 674 DO PASS.

Motion carried 14 - 3

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB		
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	14	3

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 675 NUMBER

MOTION: Rep. Bergsagel moved HB 675 DO PASS.

Motion carried 15 - 2

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB		
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	15	2

HOUSE OF REPRESENTATIVES

APPROPRIATIONSCOMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 676 NUMBER MOTION: Rep. Fisher moved HB 676 DO PASS

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ, FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARV LOU PETERSON		
REP. JOE QUILICI		
REP. DAVE WANZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 676 NUMBER MOTION: Rep. Kadas made a substitute motion to Table HB 676.

Motion carried 12 - 6

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR	X	
	12	6

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 677 NUMBER MOTION: Rep. Royal Johnson moved HB 677 DO PASS.

Motion carried 13 - 5

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WANTZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	13	5

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 601 NUMBER

MOTION: Rep. Menahan moved HB 601 DO PASS.

Motion carried 12 - 6

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI		X
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANTZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	12	6

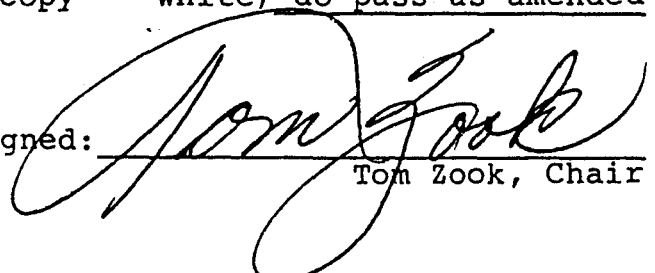
HOUSE STANDING COMMITTEE REPORT

EXHIBIT 1
DATE 3/15/93 P.
HB 647

March 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 647 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 1, line 13 through page 2, line 11.

Following: "limit."

Strike: remainder of line 13 through page 2, line 11.

Insert: "There is a general fund spending limit for state government. The legislature may not appropriate or otherwise authorize the disbursement of more than 97% of the average of the total sums of revenue from other financing sources and ending fund balances from the previous two bienniums unless the excess appropriation is authorized by a two-thirds vote of each house of the legislature. The remaining revenue must be used to create ending fund balances or be deposited in an account to be used in the event of a revenue shortfall."

-END-

Committee Vote:
Yes 10, No 8.

601639SC.Hpf

Handwritten: 3/18-93 9/10

HOUSE OF REPRESENTATIVES

ADDITIONAL COMMITTEES

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 647 NUMBER

MOTION: Rep. Bergsagel moved to adopt the amendments. Exhibit 1

Motion carried 12 - 6

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR		X
	12	6

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 647 NUMBER MOTION: Rep. Fisher moved to amend the ballot language
to specify that only general fund spending was limited.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILLICI		
REP. DAVE WANTZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 647 NUMBER MOTION: Rep. Bergsagel moved HB 647 DO PASS AS AMENDED.

Motion carried 10 - 8

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON		X
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WANZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	10	8

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HR 376 NUMBER MOTION: Rep. Kadas moved to Table HB 376Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	x	
REP. FRANCIS BARDANOUVE	x	
REP. ERNEST BERGSAGEI	x	
REP. JOHN COBB	x	
REP. ROGER DEBRUYKER	x	
REP. MARJ. FISHER	x	
REP. JOHN JOHNSON	x	
REP. ROYAL JOHNSON	x	
REP. MIKE KADAS	x	
REP. BETTY LOU KASTEN	x	
REP. WM. RED MENAHAN	x	
REP. LINDA NELSON	x	
REP. RAY PECK	x	
REP. MARY LOU PETERSON	x	
REP. JOE QUILICI	x	
REP. DAVE WANZENREID	x	
REP. BILL WISEMAN	x	
REP. TOM ZOOK, CHAIR	x	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/15/93 p.m. BILL NO. HB 370 NUMBER

MOTION: Rep. Kasten moved to Table HB 370

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0