

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By REP. TOM ZOOK, CHAIRMAN, on March 18, 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 Wanzienried (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 681; HB 683; HB 615
Executive Action: HB 585; HB 652; HB 685; HB 522; HB 6; HB 663; HB 682; HB 683; HB 198; HB 682; HB 427

EXECUTIVE ACTION ON HB 585

Discussion: REP. VICKI COCCHIARELLA, House District 59, Missoula, asked the committee to consider taking HB 585 off the

table. She said the committee's major objections to the bill had been addressed: the 1.5 FTEs for the Department of Health and Environmental Sciences (DHES) had been eliminated; the department would contract with Montana College of Mineral Science and Technology to administer the radon education program; the real estate transfer fee had been eliminated; and a new funding source was proposed. She stated the issue addressed by the bill was prevention; she reported only Montana and North Dakota did not have a radon program in place. She said when it came time to mitigate radon in schools, Montana would receive no EPA money and school district funds would need to be used.

Kate Miller, Research hydrogeologist, Montana Bureau of Mines and Geology, Montana College of Mineral Science and Technology, stated the bureau had contracted with DHES in 1991 to conduct the first radon and air survey for Montana. She reported the results had shown Montana to have a huge radon problem. She said the department supported the educational emphasis of the bill and emphasized the importance of informing the public. She said the department had facilities needed to produce the educational program.

REP. ROYAL JOHNSON recalled that as a child he had been taken to radon mines as a "cure" and asked **Ms. Miller** what affect radon gas had. **Ms. Miller** described the difference between visiting a radon mine and living in an environment with radon as the difference between acute and chronic exposure. She said the visit would not lead to lung damage, but prolonged exposure led to lung cancer.

HEARING ON HB 681

An act providing for matching grants to public K-12 schools, vocational-technical centers, and community colleges for telecommunications infrastructure and equipment.

Opening Statement by Sponsor: **REP. BETTY LOU KASTEN, House District 28, Brockway,** recalled that in 1989, **REP. RAMIEREZ** had sponsored the first bill to develop a telecommunications infrastructure to enable rural areas to receive more educational programs. She said, however, that rural areas had used their own resources to acquire the technology needed to receive the educational programming required for accreditation. She said that little money in the original bill had gone toward interactive video; rather, funds were used to develop METNET, the statewide telecommunications network. She stated HB 681 provided an opportunity to bring interactive television to rural areas. **REP. KASTEN** asserted that using funds from the coal severance tax permanent trust fund was appropriate because the bill was developing a system for the future. She claimed the big issue for rural communities would be access to services, and telecommunications would be the route to access. She noted that amendments to the bill were necessary and were being prepared.

She reported that U. S. Sen. Conrad Burns was very concerned about developing telecommunication technology in Montana and had helped in drafting the bill.

Proponents' Testimony: Steven Teplitz, Aide, U. S. Senator Conrad Burns, read a letter from Sen. Burns in support of the bill.

Mike Trevor, Administrator, Information Services Division, Department of Administration, supported HB 681 on behalf of Governor Racicot and the administration. He suggested that funding advancements in telecommunications and computers was as important as making cuts in FTEs and budgets. He claimed that telecommunication networks were as important to the future as railroads were to changes in the past.

Barbara Ranf, U. S. West, stated their support in encouraging the development of telecommunication technology to assist education. She presented two proposed amendments: (1) amend line 22, page 2, to read "contract for or otherwise procure telecommunications infrastructure services and equipment." and (2) amend lines 4-6, page 3, to read "obtain similar telecommunications infrastructure services and equipment without a grant." She said the amendments would allow schools to go beyond purchasing equipment and give them the flexibility to acquire services they need. She suggested upgrading infrastructure might not be the best approach, and schools may do better by contracting for services and equipment.

David Toppen, Montana University System, supported the bill. He stated HB 681 would make grants available to every publicly-funded institution located throughout the state except the six units of the university system. He proposed the bill be amended to include those units.

Brian Tagney, Montana parent, educator, business owner, supported the bill as a means of providing for the future of Montana's children and rural communities. He said the bill would allow rural schools to acquire the technology needed to provide educational programs.

John Gass, President, Intermountain Communications, Billings, supported the bill as a means of providing better education to children. He described the advantage of using technology in providing training to employees.

Diana Smith, Student, Montana State University, described her education as a communications major and in her work with KUSM television. She supported the bill as a means of providing jobs for Montana students.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor: REP. KASTEN enumerated several positive aspects of HB 681: (1) funds would be used only for equipment and infrastructure and not FTEs or administration; (2) matching funds were required for grants to ensure commitment to projects; and (3) grants would be made to remote communities where the funds were most needed.

HEARING ON HB 683

An act providing that deputy county assessor positions filled on or after July 1, 1993, be paid solely from county funds.

Opening Statement by Sponsor: REP. MARJORIE FISHER, House District 3, Whitefish, introduced HB 683 by request of the House appropriations committee.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: REP. GRADY asked whether the deputy county assessor positions were mandated, and REP. FISHER responded that they were.

REP. PETERSON stated the subcommittee had decided the county assessor positions were unnecessary, but the appropriations committee had funded them. She suggested that as the positions become vacant, changes would be planned.

REP. QUILICI asked how counties with an assessor's office with only two people would function without a deputy assessor. REP. FISHER reported that the subcommittee had considered the problem and were of the opinion that the offices would not need to be open all the time. She suggested as offices were computerized and time savings were achieved, fewer people would be needed.

Closing by Sponsor: REP. FISHER closed.

HEARING ON HB 615

An act mandating severance pay, not to exceed 2 weeks, to a state employee who becomes unemployed because of a reduction in force occurring during the 1993-95 biennium.

Opening Statement by Sponsor: REP. DAVIS EWER, House District 45, Helena, stated that HB 615 responded to potential layoffs of state employees. He reported the bill had been amended in the state administration committee to provide two weeks of severance

pay during the 1993-95 biennium. He noted that the committee did not have a revised fiscal note; however, he contended an accurate fiscal note could not be written because no one knew how many employees would be laid off. He said that he expected departments to be able to absorb the cost of the bill; at a minimum, they could lay off employees two weeks early and use the savings as severance pay. He asserted the state benefitted greatly from the reduction in employees, and HB 615 provided a small benefit for employees.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: REP. BARDANOUVE asked whether laid-off employees received unemployment insurance benefits. REP. EWER responded he was sure they did.

REP. PETERSON stated the title implied that severance pay was not to exceed two weeks but lines 3-4, page 2, entitled a state employee to one week of severance pay for each year of employment. She asked REP. EWER to clarify. REP. EWER explained that his original intention was for laid-off employees to receive one week of severance pay for each year of employment; he stated that was still the intention of the bill. REP. KADAS asked whether the intention of the bill was that the most severance pay anyone could receive was two weeks, and REP. EWER agreed. REP. KADAS suggested the language needed to be rewritten.

REP. PECK asked whether unemployment insurance benefits would be delayed for an employee receiving severance pay. REP. EWER stated he was unsure.

CHAIRMAN ZOOK asked Tom Schneider, Montana Public Employees Association, to answer REP. PECK'S question. Mr. Schneider explained that it would depend on how severance pay was paid. He said if severance pay was paid in a lump sum, then it would not affect unemployment benefits. REP. PECK asked Mr. Schneider whether severance pay would take into account sick and vacation leave. Mr. Schneider said the bill was not clear on that point. REP. EWER stated that his intention was for severance pay to be made as a lump sum payment, not as a continuation of pay for two weeks. REP. PECK stated that the question was whether severance pay needed to be considered in calculating payment for sick and vacation leave. He said according to Mr. Schneider's statements, if severance pay was a lump sum payment, then it did not need to be considered. REP. EWER agreed that was his intention in the bill.

REP. ROYAL JOHNSON referred to line 23, page 1, which reads "may provide a retraining allowance." He noted that the fiscal note estimated the mandatory retraining allowance at \$500 per FTE. He

asked REP. EWER to explain who made the decision about retraining. REP. EWER responded that the language had been changed in the state administration committee, and he was not sure the state was obligated to provide retraining. REP. ROYAL JOHNSON explained his concern was who would make the decision, on what basis the decision would be made, and the amount of severance pay to which the individual would be entitled. REP. EWER stated he did not want to confuse severance pay and the retraining allowance. Mark Cress, Administrator, State Personnel Division, Department of Administration, explained that current law stated that retraining may be provided. He said when the bill was written mandating severance pay, it also mandated retraining. He said the bill had been amended to return to current statute and make retraining permissive.

EXECUTIVE ACTION ON HB 652

Motion: REP. GRADY MOVED HB 652 DO PASS.

Discussion: REP. GRADY informed the committee a revised fiscal note for HB 652 had been distributed. EXHIBIT 1

REP. DeBRUYCKER stated that he had amendments to HB 652. He reported that the Department of State Lands (DSL) had stated they would need to hire seven FTEs, buy trucks, chain saws, and other equipment. He suggested that if DSL were to contract some of the work, then they could receive higher return for the trusts. He said the intent of his amendments was to try to ensure the highest return possible.

Motion/Vote: REP. DeBRUYCKER MOVED TO AMEND HB 652. EXHIBIT 2
Motion carried unanimously.

Motion/Vote: REP. GRADY moved to strike "shall" on line 3, page 3, and insert "may". Motion carried 17 to 1 with REP. FISHER voting no.

Motion: REP. DeBRUYCKER MOVED HB 652 DO PASS AS AMENDED.

Discussion: REP. KADAS asked whether HB 652 conflicted with the Enabling Act. REP. QUILICI stated he did not think there was a conflict.

REP. PETERSON recalled that DSL had some amount of acreage ready for harvest but did not have the necessary manpower. REP. GRADY stated that DSL had been requested to harvest more timber and needed the legislation to comply.

Vote: HB 652 DO PASS AS AMENDED. Motion passed 12 to 5 with REPS. KADAS, KASTEN, MENAHAN, PECK, and PETERSON voting no.

EXECUTIVE ACTION ON HB 685

Motion/Vote: REP. GRADY moved to adopt amendments to HB 685 prepared by Greg Petesch. (EXHIBIT 1) Motion carried unanimously.

Motion/Vote: REP. GRADY moved to amend HB 685 to retain certain statutes regarding the establishment of the eastern Montana veterans' home. (EXHIBIT 2) Motion carried unanimously.

Motion: REP. KADAS moved to amend HB 685 to read: "46-23-204. All persons to be heard - counsel. The board shall be required to hear oral and receive written statements from all persons desiring to be heard before the board, and any person may be represented by counsel. The board shall have the power to regulate procedure at all hearings."

Discussion: REP. KADAS argued that if someone wanted to be heard orally, then the board should hear them.

REP. GRADY asked for comment from the department. Rick Day, Director, Department of Corrections and Human Services, stated the amendment would not accomplish the Board of Pardons' goal. He said he understood REP. KADAS' concern but the amendment would over-complicate the situation. He said he would rather leave the statute as it is.

REP. FISHER asked Mr. Day when the victim would be able to make a statement. Mr. Day said the victim could be given access at any time during the process, but it would be at the board's discretion.

REP. BARDANOUVE stated the judiciary committee should review the amendment.

REP. KADAS stated he would withdraw his motion and oppose any other amendments.

Motion: REP. WANZENRIED moved to amend the authorization of the women's correctional facility. EXHIBIT 3

Discussion: REP. WANZENRIED explained that his amendment would establish population targets for the women's correctional center.

REP. GRADY asked Mr. Day to comment on the amendment. Mr. Day stated the amendment would interfere with the department's process with inmates. REP. GRADY stated the issue had arisen in the subcommittee. They had decided that mandating the down-sizing of the prison would put a burden on the department, and the department should have discretion in its process. He opposed the amendment.

CHAIRMAN ZOOK noted the amendment mandated a zero population by June 30, 1995. He said the next legislature would need to fund

the process. **REP. WANZENRIED** responded the amendment would provide guidelines for the department.

REP. KASTEN asked **REP. WANZENRIED** why a new prison would be needed if there were no women inmates. **REP. WANZENRIED** stated a new facility was needed; he suggested, however, if it was going to be a smaller institution, then the department needed pressure to reduce the population.

REP. MENAHAN reviewed the history of the changing philosophy on the women's correctional center. He reported that the original proposal was for a 200-bed facility and importing prisoners from other states to fill it. He noted the state could not afford the university system or improvements to Mountain View School for Girls and Pine Hills School for Boys. He stated the department now had the expertise to downsize the prison population. He agreed with the need for a smaller facility and recommended giving the department new direction for the type of facility the state needed.

REP. GRADY stated that he agreed the state needed a women's correctional center and that the current facility does not fit its purpose. He argued the state simply could not afford to build a new prison now, but he declared he had no intention to eliminate the women's prison. He recommended capping the prison population now and working to reduce the population until a new prison can be built. He told **REP. WANZENRIED** he did not understand the rationale for his amendment.

REP. COBB suggested that "(c) by June 30, 1995, the inmate population should be at zero." be stricken from the amendment. **REP. WANZENRIED** agreed to strike (c).

REP. GRADY argued the amendment would still mandate action by the department. He stated women could not be released until community facilities were developed for them. He stated the department had been given direction to downsize the prison and needed flexibility in meeting that requirement. He opposed the amendment.

Vote: TO AMEND HB 685, Page 21, line 19: "(3) Authority to operate the facility is conditional upon meeting the following targets for inmate population: (a) by December 31, 1993 no more than 40 inmates in the facility; (b) by December 31, 1994 no more than 30 inmates in the facility." Motion failed 8 to 10 with **REPS. BARDANOUVE, COBB, FISHER, JOHN JOHNSON, KADAS, NELSON, PECK,** and **WANZENRIED** voting yes.

Motion: **REP. KADAS** MOVED TO STRIKE SECTION 14 OF HB 685.

Discussion: **REP. KADAS** explained that the section specified the location of the women's correctional center. He said both HB 5 and HB 2 addressed the women's correctional center, and he expected long debates on the issue for both bills. He recalled

the department had indicated that the section was not necessary; therefore, to limit debate, he proposed striking the section.

REP. GRADY asked **Mr. Day** to comment on the amendment. **Mr. Day** stated the issue was the location of the women's correctional center. He said the new facility would be sited in Billings; however, in order to continue to use the temporary facility in Warm Springs, the department thought the location should be specified in statute. **REP. GRADY** stated lawsuits over the temporary facility had been threatened; he suggested having statutes which state that the Warm Springs facility is temporary might be helpful.

Vote: TO STRIKE SECTION 14. Motion failed 6 to 12 with REPS. BARDANOUVE, JOHN JOHNSON, KADAS, MENAHAN, NELSON, and WANZENRIED voting yes.

Motion/Vote: REP. GRADY MOVED HB 685 DO PASS AS AMENDED. Motion carried 14 to 4 with REPS. BARDANOUVE, PECK, QUILICI, and WANZENRIED voting no.

EXECUTIVE ACTION ON HB 522

Motion: REP. BERGSAGEL MOVED HB 522 DO PASS.

Motion: REP. WANZENRIED moved to amend HB 522. EXHIBITS 1, 2

Discussion: REP. CAROLYN SQUIRES, House District 58, Missoula, explained that HB 522 provided protection to state employees whose positions are eliminated as a result of privatization, reorganization of a state agency, or closure of or a reduction in force at a state agency. She said the major provisions of the bill were to provide access to job training programs and continue health insurance for six months after termination. She stated that job training programs existed but were unfunded. The first amendment (EXHIBIT 1) proposes funding and eliminates the current statutory appropriation language. She stated the second amendment (EXHIBIT 2) was a coordination instruction to prevent conflict between HB 522 and HB 517. She stated the amendments were important to assure cost effectiveness and service to state employees. She stated she had spoken to the administration and the Departments of Administration and Labor and Industry about the bill and all were cooperative. She stressed that the bill did not include severance pay nor would employees who took early retirement qualify for the program in HB 522.

REP. ROYAL JOHNSON asked whether the amendments changed the amount of funding needed for the bill. **REP. WANZENRIED** responded no.

Vote: TO AMEND HB 522. Motion carried unanimously.

Motion/Vote: REP. WANZENRIED MOVED HB 522 DO PASS AS AMENDED.
Motion carried 17 to 1 with REP. DeBRUYCKER voting no.

EXECUTIVE ACTION ON HB 6

Motion/Vote: REP. BARDANOUVE MOVED HB 6 DO PASS AS AMENDED.
EXHIBIT 1 Motion carried unanimously.

EXECUTIVE ACTION ON HB 663

Motion: REP. BERGSAGEL MOVED HB 663 DO PASS.

Motion/Vote: REP. BARDANOUVE moved to amend Page 3, line 17, and move \$33,000 from the matching grant column to the loan column.
Motion carried unanimously.

Discussion: REP. BARDANOUVE explained that projects listed on page 3 were funded through line 15, the Ronan sewer for \$100,000. He said other projects would be funded as money became available.

Motion: REP. KADAS MOVED HB 663 DO PASS AS AMENDED.

Discussion: REP. ROYAL JOHNSON asked whether new funds or additional funds were anticipated. REP. BARDANOUVE responded that a Senate bill would permit issuing bonds backed by interest from the coal tax trust fund. REP. ROYAL JOHNSON asked how many projects could be completed with the additional funds. REP. BARDANOUVE stated that it would depend on the amount of the bonds approved by the legislature. He said projects totalled about \$4 million and about \$2 million was funded.

REP. DeBRUYCKER asked whether the \$600,000 appropriated to the Department of Natural Resources and Conservation and the \$300,000 appropriated to the Department of State Lands by the natural resource committee came from these funds. Newell Anderson, Administrator, Local Government Assistance Division, Department of Commerce, stated funds were appropriated through HB 2 for the bill.

Vote: HB 663 DO PASS AS AMENDED. Motion carried 16 to 2 with REPS. DeBRUYCKER and ROYAL JOHNSON voting no.

EXECUTIVE ACTION ON HB 682

Discussion: REP. KADAS asked Jim Penner, Investment Officer, Board of Investments, Department of Commerce, to comment on HB 682 to eliminate the Montana Board of Science and Technology Development. Mr. Penner stated he was not intimately acquainted with the Montana Board of Science and Technology's portfolio, but he assumed it would contain a number of investments. He said venture capital investments would be very time-consuming to

manage, and the Board of Investments would probably need additional staffing. He reported the board currently was managing \$4.5 billion in investments, and he would be hesitant to do anything which would jeopardize the management of those funds. He said he would want to look at the portfolio and assess staff needs. **REP. KADAS** reported he had talked to **Dave Lewis**, Director, Office of Budget and Program Planning, who had suggested there would be no problem if the Board of Investments needed one or two FTEs. **REP. KADAS** asked **Mr. Penner** to look at the portfolio and be prepared to respond in the Senate about how well the Board of Investments could manage the portfolio and how many FTEs would be needed. **Mr. Penner** expressed his confidence in their ability to manage the portfolio; he said the only question was how many additional staff would be needed.

EXECUTIVE ACTION ON HB 683

Discussion: **REP. FISHER** asked **Ken Morrison**, Administrator, Property Assessment Division, Department of Revenue, to respond to questions on HB 683. **REP. GRADY** asked **Mr. Morrison** whether deputy assessors were mandated. **Mr. Morrison** stated that, according to department attorneys, deputy assessors were not mandated. Under HB 683, the state would no longer be required to pay for deputy assessors and counties would have the option of paying for them.

Motion/Vote: **REP. FISHER MOVED TO ADOPT AMENDMENTS TO HB 683.**
EXHIBIT 1 Motion carried unanimously.

Motion/Vote: **REP. FISHER MOVED HB 683 DO PASS AS AMENDED.**
Motion carried 12 to 6 with REPS. **BERGSAGEL**, **DeBRUYCKER**, **JOHN JOHNSON**, **MENAHAN**, **NELSON**, and **QUILICI** voting no.

CHAIRMAN ZOOK asked **Dave Lewis**, Director, Budget and Planning Office, to discuss TRANS.

Mr. Lewis stated the budget target used by the committee included an estimate of interest incurred in the issuance of TRANS. He said the latest estimate was \$6.4 million. He reported he had talked to **Connie Griffith**, Administrator, Accounting Bureau, Department of Administration, who suggested the estimate could be reduced to \$3 million or to \$4 million. He said this would affect appropriations by reducing the overall spending target. He referred to a letter from **Ms. Griffith** on TRANS Interest in FY 94-95 biennium. **EXHIBIT 1**

REP. KADAS asked **Mr. Lewis** for his estimate of the amount of TRANS necessary for the fiscal year. **Mr. Lewis** said **Connie Griffith** estimated that the amount of TRANS issued in any year could be no more than \$60 million, or slightly less than half of the FY 93 issue. He said if aggressive use of interfund borrowing opportunities was made, then a TRANS issue may be

avoided entirely. **REP. KADAS** stated that at one time the state made money on the TRANS and asked **Mr. Lewis** if that was still possible. **Mr. Lewis** said the spread of the last issue was very small, and interest rates were so low that the state did not make much. He said in the late 1970's, the state made several million dollars each year, but the amount had been dramatically reduced. **REP. KADAS** asked for an estimate of the biennial savings on interest costs. **Mr. Lewis** said the estimate in the LFA was \$6.4 million which could be lowered to \$3 million. **REP. KADAS** asked for the estimate of the loss of TRANS revenue. **Ms. Cohea** responded that there was no estimate of TRANS interest in HJR 3 at this point because of uncertainty about the size of the issue.

CHAIRMAN ZOOK asked **Mr. Lewis** whether the \$4.0 million figure would be used as a conservative estimate of interest incurred on TRANS. **Mr. Lewis** agreed.

Motion: **REP. GRADY** MOVED THE \$4.0 MILLION FIGURE BE USED AS THE ESTIMATE.

REP. KADAS asked **Mr. Lewis** how much interfund borrowing was anticipated with \$60 million in TRANS. **Mr. Lewis** reported **Ms. Griffith** was not anticipating interfund borrowing except at the end of the fiscal year. He said there would be interfund borrowing at the beginning of FY 94 until the TRANS are issued. **REP. KADAS** asked what the magnitude of that borrowing would be. **Ms. Cohea** stated \$20.5 million would be needed to make the school foundation payment. She said the administration would determine from which fund the money was borrowed.

Vote: TO USE \$4.0 MILLION AS THE ESTIMATE. Motion carried 17 to 1 with **REP. COBB** voting no.

EXECUTIVE ACTION ON HB 198

Discussion: **Ms. Cohea** distributed amendments to HB 198, the proposed pay plan appropriation. **EXHIBIT 1**

Ms. Cohea explained that the reduction in funding proposed in the amendments was based on the number of FTEs authorized in HB 2, the personal services reduction efficiency rate of 5.0%, and the allocation of the portion of the pay plan paid by tuition. She pointed out the specific allocation for each of the legislative agencies, the judiciary, executive agencies, the Commissioner of Higher Education, and the university system.

REP. COBB asked how adjustments would be made to the number of FTEs, if the amendments were adopted. **Ms. Cohea** responded if the amendments were adopted, the number of FTEs would be static in HB 198. She said as the bill moved through the process, the numbers could be amended; however, she emphasized the numbers would not automatically adjust and specific numbers would be adopted in the

bill. She noted the general fund cost had been reduced from \$5.9 million to \$4.6 million.

REP. KADAS asked **Ms. Cohea** to describe the amendments that created the \$1.3 million in savings. **Ms. Cohea** responded the savings were created by approximately 200 fewer FTEs and a 5% personal services reduction efficiency rate which had been applied to all agencies except the university system. She noted the tuition adjustment from 49% to 31.6% resulted in greater costs rather than savings.

REP. WISEMAN asked **Ms. Cohea** at what point in the biennium the 5% personal services reduction efficiency rate was inserted. She said the actual number of FTEs was calculated and then personal services for each fiscal year were reduced.

REP. KADAS asked how the bill treated exempt employees. **Ms. Cohea** said they received \$20 per month like all other state employees. **REP. KADAS** asked if university faculty and staff were treated the same. **Ms. Cohea** stated they were; she said the calculations were based on the FY 93 OP Plans for the university system because the LFA did not have FTE counts.

REP. BARDANOUVE asked whether \$5 million would be carried as a liability. **Ms. Cohea** said no money was shown as yet for a pay plan.

Motion: **REP. PETERSON** MOVED HB 198 DO PASS.

Motion/Vote: **REP. PETERSON** moved to adopt the amendments.
EXHIBIT 1 Motion carried unanimously.

Motion/Vote: **REP. KADAS** moved to insert "complete" following "the first day of the first" on line 23, page 3. Motion carried unanimously.

Motion: **REP. PETERSON** MOVED HB 198 DO PASS AS AMENDED.

Discussion: **REP. BARDANOUVE** recalled that after the 1991 legislative session, the university system had complained they were shortchanged. He asked whether they would make the same complaint now. **Ms. Cohea** responded that last session the university pay plan was funded 78% general fund, 22% tuition. She said this time tuition would be a higher factor, 31.6%. **REP. KADAS** stated that the issue last session was that not all portions of the pay plan were funded for the university system and exempt employees had been left out.

Vote: HB 198 DO PASS AS AMENDED. Motion carried 16 to 2 with **REPS. DeBRUYCKER** and **JOHN JOHNSON** voting no.

Motion: REP. BARDANOUVE MOVED HB 682 DO PASS.

Motion: REP. MENAHAN MADE A SUBSTITUTE MOTION THAT HB 682 DO NOT PASS.

Discussion: REP. GRADY asked Ms. Cohea how the bill affected the budget target. She responded that \$913,000 of general fund had been removed in HB 2 and all funding for the program had been eliminated. She explained the program was statutorily required at this time, and the bill strikes the statutory requirement and implements action taken in HB 2.

REP. QUILICI stated he was not sure the Board of Investments could manage the portfolio for the program. REP. KADAS responded that he would not support the bill, but he was confident the Board of Investments could manage the portfolio. He said the board would need more FTEs and \$1 million would not be saved. CHAIRMAN ZOOK stated the Board of Investments was not funded through the general fund.

REP. KADAS asked Ms. Cohea whether it would be legitimate to use all proprietary funds for the Board of Investments. Ms. Cohea responded that funding for the Board of Investments was essentially service fees on investments so she assumed the board would charge a service fee. Mr. Lewis explained that the Board of Investments charged trust funds for the cost of managing their portfolios. REP. KADAS asked whether the group of investments would be considered a single portfolio; Mr. Lewis said yes. REP. KADAS asked how the portfolio would provide revenue for FTEs when it did not seem to be generating any earnings. Mr. Lewis stated the program used coal tax trust fund money so the Board of Investments would charge the coal tax trust. REP. KADAS responded that it would be essentially a general fund cost. Mr. Lewis agreed the charges would reduce general fund revenue.

Vote: HB 682 DO NOT PASS. Motion failed 5 to 13 with REPS. BERGSAGEL, FISHER, KADAS, MENAHAN, and QUILICI voting yes.

Vote: HB 682 DO PASS. Motion carried 13 to 5 with REPS. BERGSAGEL, FISHER, KADAS, MENAHAN, and QUILICI voting no.

EXECUTIVE ACTION ON HB 427

Discussion: REP. COBB described amendments to HB 427. EXHIBITS 1, 2

Ms. Cohea explained that when contingency language reflecting the introduced version of HB 427 was stricken in HB 2, funding was reduced by \$14.8 million with \$5.1 million coming from the Department of Family Services (DFS). She stated that the current amendments to HB 427 would result in about \$10.6 million in savings and would not affect DFS. She said that amendments for

HB 2 had been prepared in case the current amendments to HB 427 were adopted.

REP. BARDANOUVE asked how the changes would affect the balance sheet. **Ms. Cohea** stated that when HB 2 left the committee, it was \$4.6 million below the target; if the \$4.2 million in HB 427 is added, then HB 2 would be almost exactly at the target.

REP. KADAS asked **REP. COBB** how the bill dealt with statutory requirements for counties for general assistance. **REP. COBB** stated there were no state requirements for general assistance. **REP. KADAS** asked how the bill saved money in FY 93. **REP. COBB** stated that as of May 1, 1993, general assistance rates would drop and state medical services would be limited to preventative care.

REP. WISEMAN stated Cascade County had been receiving 35-40 mills for their welfare programs and asked whether the county would now be limited to 12 mills. **REP. COBB** responded that Cascade County had been paying 12 mills and receiving 34 mills worth of benefits. He said the bill eliminated state medical assistance and general assistance programs. Instead, the county will pay 9 mills for operating expenses for family services, AFDC, etc. and will keep 3 mills, or about \$270,000 per year, to run their own programs.

REP. WISEMAN stated that under the last version of HB 427, counties paid 12 mills to the state and raised 13.5 mills on their own. He asked what had happened to those provisions. **REP. KADAS** explained that counties had always raised 13.5 mills and sent 12 mills to the state. He said under HB 427 the county would only send 9 mills to the state and would retain 4.5 mills. He said counties would lose general assistance and state medical assistance and have 3 mills to replace those programs. **REP. WISEMAN** declared that \$270,000 per year for Cascade County would be insufficient. **REP. COBB** stated that the bill could be amended to let counties raise up to 25 mills; however, he indicated that the amendments had been negotiated with affected counties.

REP. WANZENRIED stated most state-assumed counties did not support the second version of HB 427 or this version.

REP. QUILICI asked **REP. COBB** whether counties would have to ask taxpayers to vote for increased mills in order to keep general assistance and state medical programs. **REP. KADAS** suggested counties could go to an emergency levy under I-105.

REP. ZOOK asked **REP. COBB** whether unassumed counties were affected by the bill; **REP. COBB** said they were not affected.

REP. MENAHAN asked what counties received for the 9 mills they paid the state. **REP. COBB** said that administrative costs were more than 9 mills and the state paid the difference. He said

Deer Lodge County requires 21 mills for administrative costs and would pay 9 mills.

REP. BARDANOUVE asked whether it was clear some people would not receive assistance under the bill. REP. COBB agreed some people would "fall through the cracks." He said over 30% of people from out-of-state would not receive hospital care. He said in Cascade County 300 people were receiving general assistance. He predicted that 30 elderly people would be taken care of by the county, but 270 employable people would be on their own.

REP. WISEMAN declared that Cascade County could not be alone in this situation. REP. KADAS stated that counties will cut aid to general assistance, and any medical or financial help to people would be cut by 95%. REP. WISEMAN stated he would make a motion to allow state-assumed counties to raise 13.5 mills with a vote of the people. REP. COBB asked whether he meant a total of 25 mills. REP. WANZENRIED stated that the amendments did not give counties any authority to raise additional money with the vote of the people. He said HB 427 had allowed counties to vote for an additional 13 mills; if the bill is not amended, then the authority would remain.

Motion/Vote: REP. COBB moved to amend the proposed amendments and put 25 mills back in. Motion carried unanimously.

Motion/Vote: REP. COBB moved the amendments be adopted. EXHIBIT 1 Motion carried unanimously.

Motion/Vote: REP. COBB MOVED HB 427 DO PASS AS AMENDED. Motion carried 14 to 4 with REPS. KADAS, MENAHAN, QUILICI, and WANZENRIED voting no.

EXECUTIVE ACTION ON HB 585

Motion/Vote: REP. COBB MOVED TO RECONSIDER ACTION ON HB 585 AND TAKE FROM THE TABLE. Motion carried 10 to 7 with REPS. GRADY, DeBRUYCKER, ROYAL JOHNSON, KASTEN, PETERSON, WISEMAN, and ZOOK voting no.

Motion: REP. COBB MOVED TO AMEND HB 585. EXHIBIT 1

Discussion: REP. QUILICI reported he had spoken to REP. COCCHIARELLA and Ms. Miller and they had indicated the radon education program had already been developed. He said they needed \$50,000 to implement the program. He contended radon was a significant problem across the state which could be addressed by educating people. He supported the bill.

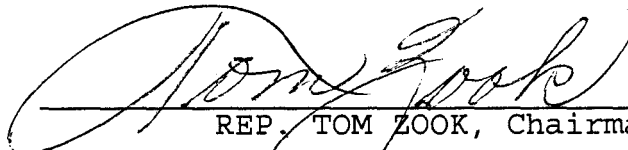
REP. GRADY asked whether the funds had already been expended in the reclamation and development grants state special revenue fund. REP. KADAS responded that the money came from the ending balance in the fund.

Vote: TO AMEND HB 585. Motion carried 12 to 6 with REPS. GRADY, DeBRUYCKER, ROYAL JOHNSON, KASTEN, PETERSON, and WISEMAN voting no.

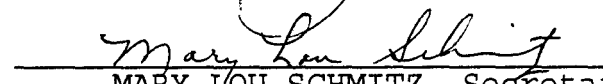
Motion/Vote: REP. COBB MOVED HB 585 DO PASS AS AMENDED. Motion carried 11 to 7 with REPS. GRADY, DeBRUYCKER, ROYAL JOHNSON, KASTEN, NELSON, PETERSON, and WISEMAN voting no.

ADJOURNMENT

Adjournment: 6:48 P.M.



REP. TOM ZOOK, Chairman



MARY LOU SCHMITZ, Secretary

TZ/MLS

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL

DATE

3/18/93 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 652 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 3, lines 3 and 4.

Strike: "shall" on line 3 through "trusts," on line 4

Insert: "may"

2. Page 3, line 5.

Following: "section"

Insert: "and that will achieve the highest net return to the
trusts"

3. Page 3, line 13.

Strike: "prior to the award of the contract"

Insert: "when the contract is awarded"

-END-

Committee Vote:

Yes 12, No 5.

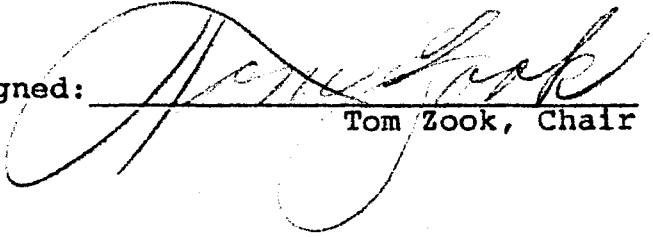
621303SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 685 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, lines 21 and 22.

Strike: "AUTHORIZING" on line 21 through "SERVICES;" on line 22

2. Title, line 25.

Strike: "53-1-203,"

Strike: "53-21-206,"

3. Title, page 2, line 2.

Strike: "10-2-411,"

Strike: "10-2-414, 10-2-415, 10-2-416,"

4. Page 14, line 14 through page 16, line 7.

Strike: section 8 in its entirety

Renumber: subsequent sections

5. Page 18, lines 9 through 18.

Strike: section 11 in its entirety

Renumber: subsequent sections

6. Page 18, line 21.

Strike: "agency"

Insert: "facility"

7. Page 23, line 20.

Following: "must"

Insert: "generally"

Committee Vote:

Yes 14, No 4.

621309SC.Hpf

8. Page 24, line 3.

Strike: "10-2-411," .

9. Page 24, line 4.

Strike: "10-2-414, 10-2-415, 10-2-416,"

10. Page 24, lines 11 and 14.

Strike: "9"

Insert: "8"

11. Page 24, line 15.

Following: line 14

Insert: "NEW SECTION. Section 17. Coordination instruction.

(1) If [this act] is passed and approved, then Senate Bill No. 39 and Senate Bill No. 40 are void.

(2) If House Bill No. 46 is passed and approved and if it includes a section providing that the cigarette tax collected under 16-11-111 may be used for the operation and maintenance of state veterans' homes and for in-home health care, then [section 1 of this act] is void.

(3) If House Bill No. 2 is passed and approved and if it includes a provision that the department of corrections and human services may spend funds appropriated for personal services in other categories, then [section 14 of this act] is void."

Renumber: subsequent section

-END-

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Appropriations report that House Bill 522 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, line 8.

Strike: "AMENDING SECTION 17-5-502, MCA;"

2. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 1, line 19.

Following: "by"

Strike: "an agency"

Insert: "the state"

4. Page 1, line 20.

Following: "3"

Insert: "continuous"

5. Page 2, line 4.

Following: "(a)"

Strike: the remainder of line 4

Insert: "notice of announcements for jobs for which the employee may qualify that arise within the terminating agency or within state government. Notices must be provided by the terminating agency for a period of 1 year from the date of separation."

6. Page 2, line 6.

Following: "state"

Insert: "through the Job Training Partnership Act service delivery areas dislocated worker programs"

7. Page 2, lines 11 through 13.

Following: "." on line 11

Committee Vote:

Yes 17, No 1.

621310SC.Hpf

Strike: the remainder of line 11 through line 13

Insert: "The employee must be listed in the job register according to the occupational categories in which the employee is qualified for employment."

8. Page 2, lines 14 through 18.

Following: "hire" on line 14

Strike: the remainder of line 14 through line 18

Insert: "from the job register shall consider the employee's qualifications and length of state service. If two or more employees listed in the job register are equally qualified for a vacant position, the agency shall select the employee with the longest continuous state service"

9. Page 2, lines 21 and 22.

Following: "hire" on line 21

Strike: the remainder of line 21 and line 22

Insert: "a qualified external applicant or establish a training assignment, according to state policy."

10. Page 2, line 23 through page 3, line 14.

Following: "4."

Strike: the remainder of page 2, line 23 through page 3, line 14

Insert: "Salary and benefits protection -- employee transfer.

(1) An employee whose position is eliminated as a result of privatization, reorganization of an agency, or closure of or a reduction in force at an agency and who is subsequently transferred to a different position in a state agency is entitled to:

(a) the same hourly salary as previously received if the new position is at the same grade level as the one previously held;

(b) retain all accrued sick leave credits;

(c) retain, cash out, or use accrued vacation leave credits to extend the employee's effective layoff date; and

(d) relocation expenses as provided in state policy."

11. Page 3, lines 17 through 19.

Strike: "state" on line 17 through "expenses" on line 19

Insert: "funds appropriated for this purpose"

12. Page 3, line 21

Following: "contributions"

Insert: "-- retraining allowance"

13. Page 4, line 2.

Following: "for"

Strike: the remainder of line 2

Insert: "6 months from the effective date of layoff"

14. Page 4, line 18 through page 6, line 13.

Strike: section 7 in its entirety

Renumber: subsequent sections

15. Page 6, line 24.

Following: line 23

Insert: "NEW SECTION. Section 9. Coordination instruction. If House Bill No. 517 is passed and approved establishing a retirement incentive window, then employees accepting the retirement incentive benefits provided in House Bill No. 517 are not eligible for the benefits provided by [this act]."

Renumber: subsequent section

16. Page 6.

Following: line 25

Insert: "NEW SECTION. Section 11. Termination. [This act] terminates July 1, 1995."

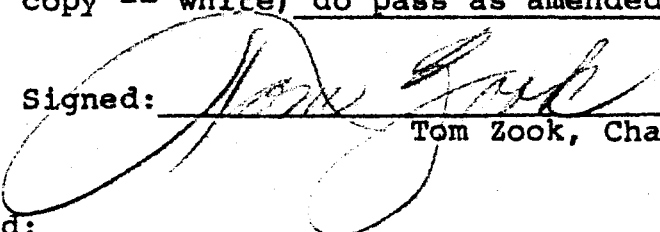
-END-

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Appropriations report that House Bill 6 (first reading copy -- white) do pass as amended.

Signed: 
Tom Zook, Chair

And, that such amendments read:

1. Page 4, line 2.

Strike: "33,750" 66,250"

Insert: "50,000" 150,000"

2. Page 4, line 4.

Strike: "100,000"

Insert: "50,000"

3. Page 4, lines 5 through 8.

Strike: Lines 5 through 8 in their entirety

4. Page 4, lines 11 and 12.

Strike: Lines 11 and 12 in their entirety

5. Page 4, line 14.

Strike: "21,974"

Insert: "60,000"

6. Page 4, line 16.

Strike: "50,000" (Recommended Grants Column)

Insert: "100,000"

7. Page 4, lines 19 through 22.

Strike: Lines 19 through 22 in their entirety

8. Page 5, lines 1 through 4.

Strike: Lines 1 through 4 in their entirety

9. Page 5, line 10.

Strike: "50,000" 50,000"

Insert: "0" 100,000"

Committee Vote:
Yes 17, No —.

621304SC.Hpf

10. Page 5, lines 15 and 16.

Strike: Lines 15 and 16 in their entirety

11. Page 5, line 20.

Strike: "15,000"

Insert: "36,000"

12. Page 5, lines 23 through 26.

Strike: Lines 23 through 26 in their entirety

13. Page 6, line 1.

Strike: Line 1 in its entirety

14. Page 6, lines 7 through 10.

Strike: Lines 7 through 10 in their entirety

15. Page 6, lines 14 and 15.

Strike: Lines 14 and 15 in their entirety

16. Page 6, line 19.

Strike: "88,340"

Insert: "70,672"

17. Page 6, line 21.

Strike: "85,000"

Insert: "75,000"

18. Page 6, following line 21.

Insert: "This grant is contingent on the creation of a water district."

19. Page 6, lines 22 and 23.

Strike: Lines 22 and 23 in their entirety

20. Page 7, lines 2 and 3.

Strike: Lines 2 and 3 in their entirety

21. Page 7, lines 6 and 7.

Strike: Lines 6 and 7 in their entirety

22. Page 7, lines 10 and 11.

Strike: Lines 10 and 11 in their entirety

23. Page 7, line 12.

Following: Line 11

Insert: "TOWN OF HOT SPRINGS
Camas Therapy Center
Grants Column)

150,000" (Recommended

"TOWN OF ENNIS

Water Storage & Distribution 100,000" (Recommended
Grants Column)

24. Page 9, line 4.

Following: "\$100,000;"

Strike: "Cascade County RID No. 26,"

25. Page 9, line 5.

Following: "Prairie"

Insert: "Village Water and Sewer District"

26. Page 9, line 5.

Strike: "\$200,000"

Insert: "\$250,000"

27. Page 9, line 7.

Strike: "\$149,975"

Insert: "\$209,975"

28. Page 9, line 8.

Following: "\$14,169;"

Insert: "town of Neihart in the amount of \$150,000;"

-END-

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 663 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 3, line 17.

Strike: "33,000"(Grant)

Insert: "33,000"(Loan)

2. Page 3, line 19.

Strike: Line 19 in its entirety

3. Page 4, line 1.

Strike: Line 1 in its entirety

4. Page 4, line 3.

Strike: Line 3 in its entirety

-END-

Committee Vote:

Yes 16, No 2.

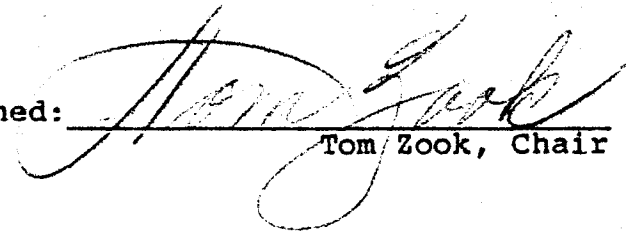
621306SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Appropriations report that House Bill 683 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, line 5.

Following: "AN ACT"

Insert: "GENERALLY REVISING ASSESSMENT LAWS;"

2. Title, line 7.

Following: "FUNDS;"

Insert: "ALLOWING DEPARTMENT OF REVENUE DISCRETION ON WHEN TO CONDUCT APPRAISAL SCHOOLS; ELIMINATING MANDATORY 6-MONTH NOTICE FOR APPRAISAL SCHOOLS; MAKING REVIEW OF COMMERCIAL PERSONAL PROPERTY ASSESSMENTS PERMISSIVE;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: 7-4-2505,"

Insert: "15-7-106, 15-7-107, 15-8-103, AND 15-8-104,"

3. Page 2, line 14.

Strike: "vacates a"

Following: "position"

Insert: "is vacated"

4. Page 2.

Following: line 15

Insert: "Section 2. Section 15-7-106, MCA, is amended to read:

"15-7-106. Courses of instruction, examination, and certification. (1) The department of revenue shall offer courses in the principles, methods, and techniques of appraising for property tax purposes property in three fields:

(a) residential property;

(b) agricultural land; and

(c) commercial and industrial property."

Committee Vote:

Yes 12, No 6.

621312SC.Hpf

(2) ~~Twice each year the~~ The department shall conduct an examination for those who have completed a course of instruction in any of the three fields listed in subsection (1).

(3) The department shall issue a certificate to each appraiser successfully completing a course of instruction and passing an examination in any of these fields.

(4) No person may take the examination for appraising commercial and industrial property unless he that person holds a certificate in appraising residential property."

Section 3. Section 15-7-107, MCA, is amended to read:
"15-7-107. Certification required. (1) ~~Within 1 year after his employment by the department or by July 1, 1980, whichever occurs later, any~~ Any appraiser employed by the department to appraise:

(a) residential property must obtain a certificate in appraising residential property;

(b) agricultural land must obtain a certificate in appraising agricultural land; and

(c) commercial and industrial property must obtain a certificate in appraising commercial and industrial property.

(2) The department may promulgate rules requiring appraisers to complete continuing education courses in laws, rules, and methods relating to appraisal."

Section 4. Section 15-8-103, MCA is amended to read:

"15-8-103. Department to conduct assessing schools. The department of revenue shall schedule and hold area schools within the state for appraisers and assessors as often as it considers necessary. The costs of such appraisers and assessors attending shall be borne by the state. The department shall notify all assessors and appraisers ~~at least 6 months before~~ when such school is scheduled. All assessors and appraisers shall attend."

Section 5. Section 15-8-104, MCA is amended to read:

"15-8-104. Department audit and review of taxable value -- costs of audit and review paid by department. (1) When in the judgement of the director of revenue it is necessary, audits may be made for the purpose of determining the taxable value of net proceeds of mines and oil and gas wells and all other types of property subject to ad valorem taxation.

(2) The department of revenue ~~shall conduct audits of~~ may conduct reviews to verify the accuracy of the assessment of all commercial personal property to assure that the value of the property in those classes reflects market value. Because the assessed value of commercial personal property is defined as

March 19, 1993
Page 3 of 3

marked value under 15-8-111(2), the ~~audits~~ review conducted by the department ~~shall~~ may be ~~primarily~~ directed toward ensuring that all taxable personal property is reported to the department.

(3) The cost of any audit or review performed under subsection (1) or (2) shall be paid by the department.""
Renumber: subsequent section

-END-

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 198 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 3, line 23.

Following: "the first day of the first"

Insert: "complete"

2. Page 29, line 6.

Following: "APPROPRIATION."

Insert: "(1)"

3. Page 29, line 12.

Strike: "7,315 7,925 14,630 15,850"

Insert: "7,096 7,268 14,361 14,367"

4. Page 29, line 14.

Strike: "4,080 8,160"

Insert: "3,602 7,205"

5. Page 29, line 16.

Strike: "7,379 2,934 19,627 3,480"

Insert: "6,240 3,108 15,499 3,197"

6. Page 29, line 18.

Strike: "1,620 60 3,240 120"

Insert: "1,466 0 2,932 0"

7. Page 29, line 20.

Strike: "1,260 2,520"

Insert: "1,140 2,280"

8. Page 29, line 22.

Strike: "19,560 2,640 39,120 5,280"

Insert: "18,240 2,508 36,480 5,016"

9. Page 29, line 23.

Committee Vote:

Yes No

621314SC Hnf

March 19, 1993
Page 2 of 2

Following: line 22

Insert: "Montana University System

605,746 (fiscal 1994 general fund)

293,708 (fiscal 1994 other funds)

1,211,491 (fiscal 1995 general fund)

588,785" (fiscal 1995 other funds)

10. Page 29, line 25.

Strike: "1,079,781 1,573,171 2,206,710 3,161,769"

Insert: " 905,094 1,538,072 1,794,223 3,096,075"

11. Page 29.

Following: line 25

Insert: "(2) The appropriation to the Montana university system
includes funding for university system units as defined in
17-7-102(16)."

-END-

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that
House Bill 682 (first reading copy -- white) do pass .

Signed: 

Tom Zook, Chair

Committee Vote:
Yes 12, No 4.

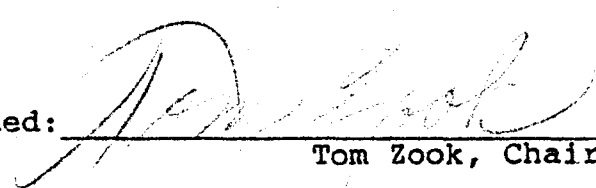
621311SC.Hgf

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 15

Mr. Speaker: We, the committee on Appropriations report that House Bill 427 (second reading copy -- yellow) do pass as amended .

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, line 9.

Strike: "REVISING"

Insert: "ELIMINATING EMERGENCY GRANTS; ELIMINATING"

2. Title, line 10.

Strike: "15-10-412,"

3. Title, lines 11 and 12.

Following: line 10

Insert: "33-32-103,"

Following: "39-71-118," on line 11

Insert: "40-4-215,"

Following: "52-1-110," on line 11

Insert: "53-2-201, 53-2-203,"

Following: "53-2-207," on line 11

Strike: remainder of line 11 through "53-2-306," on line 12

Following: "53-2-322," on line 12

Insert: "53-2-601, 53-2-606, 53-2-608, 53-2-610,"

4. Title, line 14.

Following: line 13

Insert: "53-2-1103,"

Strike: "53-3-112,"

5. Title, line 15.

Strike: "53-3-207, 53-3-303, 53-3-309,"

Insert: "53-3-205, AND"

6. Title, line 16.

Strike: "53-3-325, AND 53-3-326,"

7. Title, line 19.

Committee Vote:

Yes . . . No . . .

621659SC.Hpf

Handwritten notes:
3-17-93
5:35

Following: "53-3-110,"
Insert: "53-3-112,"

8. Title, line 20.
Following: "53-3-205,"
Insert: "53-3-207,"

9. Title, line 21.
Following: "53-3-215,"
Insert: "53-3-303,"

10. Title, line 22.
Following: line 21
Insert: "53-3-309,"
Following: "53-3-311,"
Insert: "53-3-313,"

11. Title, line 23.
Strike: "AND"

12. Title, line 25.
Following: "53-3-328,"
Insert: "AND 90-4-211,"

13. Page 2, lines 13 and 14.
Following: line 12
Strike: line 13 through "3" on line 14
Insert: "services for those in need who are not otherwise
eligible for similar services provided by the department of
social and rehabilitation services"

14. Page 4, line 12 through page 11, line 5.
Strike: section 4 in its entirety
Renumber: subsequent sections

15. Page 12, line 2.
Following: line 1
Insert: "Section 5. Section 33-32-103, MCA, is amended to read:
"33-32-103. Utilization review plan. A person may not
conduct a utilization review of health care services provided or
to be provided to a patient covered under a contract or plan for
health care services issued in this state unless that person, at
all times, maintains with the commissioner a current utilization
review plan that includes:

(1) a description of review criteria, standards, and
procedures to be used in evaluating proposed or delivered health
care services that, to the extent possible, must:

(a) be based on nationally recognized criteria, standards,
and procedures;

(b) reflect community standards of care, except that a utilization review plan for health care services under the ~~general relief medical assistance or medicaid programs~~ program provided for in Title 53 need not reflect community standards of care;

(c) ensure quality of care; and

(d) ensure access to needed health care services;

(2) the provisions by which patients or providers may seek reconsideration or appeal of adverse decisions by the person conducting the utilization review;

(3) the type and qualifications of the personnel either employed or under contract to perform the utilization review;

(4) policies and procedures to ensure that a representative of the person conducting the utilization review is reasonably accessible to patients and health care providers at all times;

(5) policies and procedures to ensure compliance with all applicable state and federal laws to protect the confidentiality of individual medical records;

(6) a copy of the materials designed to inform applicable patients and health care providers of the requirements of the utilization review plan; and

(7) any other information as may be required by the commissioner that is necessary to implement this chapter."

Renumber: subsequent sections

16. Page 12, lines 21 through 23.

Following: "(b)" on line 21

Strike: remainder of line 21 through "53-3-303" on line 23

Following: "53-3-305".

Strike: "and"

17. Page 16, line 10.

Following: line 9

Insert: "Section 7. Section 40-4-215, MCA, is amended to read:

"40-4-215. Investigations and reports. (1) In contested custody proceedings and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodial arrangements for the child. If the court orders the department of family services to conduct the investigation, the department may charge a reasonable fee. The department shall waive the fee for conducting the investigation if the parent or the child's custodian requesting the investigation is a recipient of aid to families with dependent children, or food stamps, or ~~general relief benefits~~. The cost of the investigation and report ~~shall~~ must be paid according to the final order.

(2) In preparing ~~his~~ the report concerning a child, the investigator may consult any person who may have information

about the child and ~~his~~ potential custodial arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if he the child has reached the age of 16 unless the court finds that he the child lacks mental capacity to consent. If the requirements of subsection (3) are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least 10 days prior to the hearing. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom ~~he the~~ investigator has consulted for cross-examination. A party may not waive ~~his~~ the right of cross-examination prior to the hearing."

Renumber: subsequent sections

18. Page 17, line 14.

Following: "1987"

Insert: ", but at a later date reassumes responsibility pursuant to 53-2-811,"

19. Page 18, line 10.

Following: "1987"

Insert: ", but at a later date reassumes responsibility pursuant to 53-2-811,"

20. Page 18, line 23.

Following: line 22

Insert: "Section 10. Section 53-2-201, MCA, is amended to read:

"53-2-201. Powers and duties of department. (1) The department shall:

(a) administer ~~or~~ and supervise public assistance, including the provision of food stamps, food commodities, aid to families with dependent children, energy assistance, weatherization, vocational rehabilitation, services for persons with severe disabilities, developmental disability services, and medical care payments in behalf of recipients of public assistance;

(b) give consultant service to private institutions providing care for the needy, indigent, handicapped, or dependent

adults;

(c) cooperate with other state agencies and develop provisions for services to the blind, including the prevention of blindness, the location of blind persons, medical services for eye conditions, and vocational guidance and training of the blind;

(d) provide services in respect to organization and supervise county departments of public welfare and county boards of public welfare in the administration of public assistance functions and for efficiency and economy;

(e) assist and cooperate with other state and federal departments, bureaus, agencies, and institutions, when so requested, by performing services in conformity with public assistance purposes;

(f) administer all state and federal funds allocated to the department for public assistance and do all things necessary, in conformity with federal and state law, for the proper fulfillment of public assistance purposes; and

(g) make rules governing payment for services and supplies provided to recipients of public assistance.

(2) The department may:

(a) purchase, exchange, condemn, or receive by gift either real or personal property which is necessary to carry out its public assistance functions. Title to property obtained under this subsection ~~shall~~ must be taken in the name of the state of Montana for the use and benefit of the department.

(b) contract with the federal government to carry out its public assistance functions. The department may do all things necessary in order to avail itself of federal aid and assistance.

(c) make rules, consistent with state and federal law, establishing the amount, scope, and duration of services to be provided to recipients of public assistance."

Section 11. Section 53-2-203, MCA, is amended to read:

"53-2-203. Department to maintain merit system and supervise public assistance personnel. ~~(1)~~ The department shall:

~~(a)~~ (1) maintain a merit system pertaining to qualifications for appointment, terms of office, annual merit rating, releases, promotions, and salary schedules for all public assistance personnel; personnel standards ~~shall~~ must conform as far as possible with general standards established or required by the federal government;

~~(b)~~ (2) have examinations held from time to time throughout the state to establish and furnish to county departments lists, in order of merit, of persons eligible for appointment;

~~(c)~~ (3) develop policies relating to educational leave of employees and to staff development needs;

~~(d)~~ (4) supervise the appointment, dismissal, and entire status of the public assistance personnel attached to county

boards in accordance with the merit system.

~~(2) All public assistance personnel shall be residents of this state unless it is impossible to find residents of this state possessing qualifications required by the merit system. If possible, county assistance personnel shall be residents of the county in which they work."~~

Renumber: subsequent sections

21. Page 19, line 15 through page 23, line 23.

Strike: sections 10 through 13 in their entirety

Renumber: subsequent sections

22. Page 24, lines 4 through 11.

Following: "." on line 4

Strike: remainder of line 4 through "." on line 11

Insert: "Counties transferring financial responsibility for public assistance and protective services responsibilities to the state under part 8 of this chapter may not levy more than the difference between 13.5 mills and the state levy pursuant to 53-2-813."

23. Page 24, lines 17 through 19.

Following: "as" on line 17

Strike: remainder of line 17 through "and" on line 19

Insert: "necessary"

24. Page 24, line 22.

Strike: "of the county welfare department"

25. Page 26, line 17.

Strike: line 17 in its entirety

26. Page 27, line 13.

Following: line 12

Insert: "Section 14. Section 53-2-601, MCA, is amended to read:

"53-2-601. Disqualification from public assistance when property transferred for purpose of qualifying for public assistance. The department may deny public assistance to any person who has ~~divested himself~~ directly or indirectly ~~of transferred~~ any property for the purpose of qualifying for public assistance. The department ~~shall make~~ may adopt rules that raise a rebuttable presumption that any transfer of property within 30 months of the date of application ~~for general relief~~ was for the purpose of qualifying for such assistance. ~~The department may also make rules consistent with federal law raising a similar rebuttable presumption for purposes of state-administered federal public assistance programs authorized under Title 53.~~"

Section 15. Section 53-2-606, MCA, is amended to read:

"53-2-606. Right of appeal. ~~(1)~~ If an application for assistance ~~under this title~~ for food stamps, aid to families with dependent children, or medicaid is not acted upon promptly or if ~~a decision is made with which the applicant or recipient is not~~ satisfied, he the applicant or recipient may appeal to the board of social and rehabilitation appeals for a fair hearing by addressing a request for a hearing to the department. The board of social and rehabilitation appeals shall, upon receipt of a request for a hearing, give the applicant or recipient prompt notice and opportunity for a fair hearing. ~~A county welfare board which is involved in a grievance shall be represented at such a hearing.~~

(2) The department may upon its own motion review any decision of a county welfare board and may consider any application upon which a decision has not been made by the county board within a reasonable time from the filing ~~thereof~~ of the decision. The department may have an additional investigation made and shall make a decision as to the granting of assistance and the amount of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this title.

(3) If the department reviews a county decision on its own motion, applicants or recipients affected by the decisions of the department shall upon request be given reasonable notice and an opportunity for a fair hearing by the board of social and rehabilitation appeals.

(4) All decisions of the department or the board of social and rehabilitation appeals are final and are binding and shall must be complied with by the county department."

Section 16. Section 53-2-608, MCA, is amended to read:

"53-2-608. Method of issuing assistance grants. (1) Checks in payment of public assistance, ~~with the exception of general relief, shall~~ must be issued by the department of social and rehabilitation services upon approved certificates of award and reports of changes of ~~such~~ eligible grantees as are forwarded by the county ~~department~~ to the state department, and all ~~such~~ checks ~~will~~ must be mailed to the individual recipient or the appropriate vendor. The checks in payment of public assistance ~~shall~~ must be issued in the full approved amount for each eligible approved grantee, and the original monthly payment ~~shall~~ must be from the state public assistance accounts. All public assistance checks ~~shall~~ represent cash on demand at full par value to the recipient and vendor.

(2) Whenever the department of social and rehabilitation services, acting pursuant to standards established by the department, determines that any otherwise eligible recipient of public assistance has, by reason of any physical or mental condition, such inability to manage funds that making payments to

him the recipient would be contrary to his the recipient's welfare, the department may, under standards established under the state plan, make the public assistance payment on behalf of such the recipient to another person found by the department to be interested in or concerned with the welfare of such needy individual the recipient."

Section 17. Section 53-2-610, MCA, is amended to read:

"53-2-610. County to reimburse department. (1) On or before the 20th of each month, the department of social and rehabilitation services shall present a claim for reimbursement to each county department for its proportionate share of public assistance granted in the county to recipients during the month and for vendor medical payments made on behalf of recipients in the previous month. The county department shall make the reimbursement to the department of social and rehabilitation services within 20 days after the claim is presented.

(2) The counties may not be required to reimburse the department of social and rehabilitation services for:

(a) any portion of public assistance paid to a household eligible for aid to families with dependent children if the household includes an enrolled Indian who is the caretaker relative of a needy dependent child; or

(b) any payment on behalf of any person in a state-operated medical institution.

~~(3) The federal government may reimburse the state of Montana on behalf of counties providing general relief to enrolled Indians a sum in lieu of taxes which the counties would collect if the lands of such Indians were not in trust status.~~

~~(4)~~ (3) (a) From the original date of entrustment or the original date of state residency, whichever is earlier, recipients of public assistance who become wards or patients in a licensed nursing home or hospital, foster home, or private charitable institution ~~shall be~~ are the financial responsibility of the appropriate county as provided in subsections ~~(4)(b)~~ (3) (b) through ~~(4)(d)~~ (3) (d).

(b) The county in which commitment of an adult is initiated is considered the county of financial responsibility except where court decree declares the residency to be otherwise. When an adult is transferred from a facility or institution to one of the ~~above enumerated~~ facilities listed in subsection (3) (a), the county ~~which~~ that initiated the original commitment is considered the county of financial responsibility except in the case of an adult transfer from an out-of-state institution, in which case the county in which the facility is located is considered the county of financial responsibility.

(c) In all cases ~~where~~ in which a minor patient or ward is involved, the county of financial responsibility is the county in

which the parent or guardian resides. If the custody of a minor is entrusted to a state agency, the agency may make a reasonable declaration of the county residency of its ward using applicable guidelines enumerated in this section.

(d) If a person is or becomes an adult while in an institution, ~~he~~ the person may determine ~~his own~~ the county of residence when ~~he~~ the person is restored to competency and released. The person becomes the financial responsibility of the new county of residence."

Renumber: subsequent sections

27. Page 27, lines 17 and 18.

Following: "programs" on line 17

Strike: remainder of line 17 through , on line 18

28. Page 27, line 24.

Following: "."

Insert: "State assumption allows counties to pay the state the proceeds from the 9-mill levy provided for in 53-2-813 rather than an amount based on the actual cost of providing public assistance and protective services in the county. Counties that opt for state assumption may provide other optional services for indigents with money available from funds derived from the difference between the 9-mill levy and the maximum amount of 13.5 mills permitted by 53-2-322."

29. Page 28, lines 15 and 16.

Following: "assistance" on line 15

Strike: remainder of line 15 through 3 on line 16

30. Page 28, line 19.

Strike: "for the county"

31. Page 28, line 22.

Following: line 21

Insert: "for"

32. Page 28, line 24.

Following: "."

Insert: "A county may continue to provide optional indigent assistance as provided in [section 24] and nursing home and hospital services as provided in 7-6-2512."

33. Page 29, lines 21 and 22.

Following: "All" on line 21
Strike: remainder of line 21 through "a" on line 22
Insert: "responsibility of a county for"

34. Page 29, line 23.
Strike: "program"
Strike: "provide"

35. Page 30, lines 23 and 24.
Following: "assumption" on line 23
Strike: remainder of line 23 through "responsibility" on line 24

36. Page 31, lines 3 through 6.
Following: "~~department~~" on line 3
Strike: remainder of line 3 through "services" on line 6

37. Page 31, line 7.
Following: "."
Insert: "A county that has opted for state assumption prior to July 1, 1995, may reassume responsibility for public assistance and protective services on July 1, 1996, if the county notifies the department prior to September 30, 1995."

38. Page 31, line 20.
Strike: "A"
Insert: "Except as provided in this section, a"

39. Page 31, line 24.
Following: "assumption"
Insert: "or reassumption"

40. Page 32, lines 4 and 5.
Strike: "[" on line 4 through "]" on line 5
Insert: "July 1, 1995,"

41. Page 32, lines 13 through 15.
Strike: "The" on line 13 through "." on line 15
Insert: "Under a retention or reassumption, staff personnel continue under the supervision and control of the department. All debts and obligations of the department and the department of family services pertaining to public assistance and protective services at the time of reassumption must be transferred to the county opting for reassumption. A county may not retain or reassume assistance programs partially funded by the federal government."

42. Page 33, line 5.

Strike: "12"

Insert: "9"

43. Page 34, line 11.

Strike: "General relief"

Insert: "Indigent assistance"

44. Page 34, line 13.

Strike: "general relief"

Insert: "indigent assistance"

45. Page 34, line 18.

Strike: "general relief activities"

Insert: "indigent assistance program"

46. Page 34, line 19.

Strike: "include"

Insert: "includes"

47. Page 34, lines 20 and 21.

Following: "(a)" on line 20

Insert: "job search,"

Following: "training" on line 20

Insert: ", work-for-assistance,"

Following: "programs" on line 20

Strike: remainder of line 20 through "11" on line 21

48. Page 36, line 5.

Following: line 4

Insert: "Section 26. Section 53-2-1103, MCA, is amended to read:

"53-2-1103. Definitions. For the purposes of this part, unless the context requires otherwise, the following definitions apply:

(1) "Economically disadvantaged person" has the same meaning as provided in section 4 of the Job Training Partnership Act (29 U.S.C. 1503).

(2) "Job Training Partnership Act" means the federal Job Training Partnership Act of 1982, Public Law 97-300 (29 U.S.C. 1501, et seq.), as amended.

(3) "Job training plan" means the plan for providing services and training in a service delivery area, as required in 53-2-1107.

(4) "Program" means the program created by 53-2-1104 to implement the provisions of Title II-A of the Job Training Partnership Act.

(5) "Program year" means the fiscal year beginning on July 1 of the year for which an appropriation is made for the program established under this part, as provided in section 161 of the

Job Training Partnership Act (29 U.S.C. 1571).

(6) "Public assistance program" means the state program of ~~general relief assistance or~~ aid to families with dependent children.

(7) "Service delivery area" means an area designated as provided in section 101 of the Job Training Partnership Act (29 U.S.C. 1511)."

Renumber: subsequent sections

49. Page 37, line 1 through page 39, line 24.

Strike: sections 24 through 27 in their entirety

Insert: "Section 28. Section 53-3-205, MCA, is amended to read:

"53-3-205. Eligibility for general relief. (1) Except as otherwise provided under this chapter, a person may receive general relief if the household is determined to be eligible under the provisions of this section.

(2) A person is eligible for general relief if ~~his~~ the person's total household income, including presumptive income but exclusive of the earned income disregard provided in subsection (4), does not exceed the amount established by the department by rule. The department shall establish eligibility and the amount of benefits to be granted, taking into account the size of the household and the estimated number of eligible households. Eligibility and the amount of benefits to be granted must be ~~based on a percentage set at 32% of the federal poverty index. The percentage is established in the state general appropriations act.~~

(3) The maximum benefit amount to be granted to a person new to Montana must be reduced by \$50 per month for each of the first 2 months of the person's residency.

(4) For 4 consecutive months, the first \$30 plus one-third of the remainder of the total income earned each month by each household member who is a current recipient must be disregarded in determining a household's eligibility for general relief. If the total household income, exclusive of this amount, exceeds the amount established by the department under subsection (2), the household is not eligible for general relief. A current recipient is one who has been receiving general relief for at least 1 complete calendar month.

(5) (a) If a person's household income exceeds the monthly income standard provided in subsection (2) because of receipt of lump-sum income, ~~he~~ the person is ineligible for general relief for the full number of months, beginning with the month of receipt, derived by dividing the total of the lump-sum income and other income by the monthly income standard. Any income remaining from this calculation ~~will be~~ is considered as income in the first month following the period of ineligibility.

(b) The period of ineligibility may be recalculated if the household size changes or if a portion of the lump-sum income was

used to pay medical bills for a serious medical condition.

(6) All applicants for and recipients of general relief who reside in the same residence are considered as one household.

(7) Eligibility for general relief must be determined prospectively, based on household income and other relevant circumstances reasonably certain to exist in the month in which assistance is to be provided. Once eligibility is determined, general relief ~~will~~ must be provided in accordance with 53-3-310 and 53-3-311.

(8) (a) Except as provided in subsection (8) (b), the equity value of all household resources must be considered available to meet the needs of the individual applying for general relief.

(b) The following resources of a household must be excluded from consideration of resources for eligibility purposes:

(i) the domicile of the household, including necessary appurtenant land not exceeding 10 acres;

(ii) a motor vehicle that has no more than \$1,500 in equity value;

(iii) personal items, clothing, household furniture, appliances, and other essential household items, the total equity value of which does not exceed resource eligibility limits established by rule; and

(iv) tools of a trade that are essential to the current or future employment of a household member.

(9) A person who is committed or sentenced by legal process to a state institution or a secure facility or who is incarcerated in a secure facility pending resolution of legal process is not eligible for general relief.

(10) A person who resides for a period of 1 day or more in any state or federally operated institution or residence is not eligible for general relief for the period of that residency.

(11) For the purposes of an eligibility determination, an applicant for or recipient of general relief may be requested to produce all financial and other information concerning the household.

(12) A household is ineligible to receive general relief if the household is ineligible for either of the public assistance programs commonly referred to as medicaid and aid to families with dependent children because of overpayment, fraud, or failure or refusal to comply with requirements for continued participation in either program. The period of ineligibility for the household or individual household members is the same as the period of ineligibility for medicaid or the aid to families with dependent children program or, if ineligible for both programs, whichever period of ineligibility is longer.

(13) Whenever practical, an eligibility determination must be made within 30 days of the date of application and the applicant must be notified in writing of the eligibility determination and the reasons for the determination."

Renumber: subsequent sections

50. Page 41, line 22 through page 42, line 13.
Strike: sections 29 and 30 in their entirety
Renumber: subsequent sections

51. Page 42, line 15.
Following: "53-3-110,"
Insert: "53-3-112,"

52. Page 42, line 16.
Following: "53-3-205,"
Insert: "53-3-207,"

53. Page 42, line 17.
Following: "53-3-215,"
Insert: "53-3-303,"

54. Page 42, line 18.
Following: "53-3-308,"
Insert: "53-3-309,"
Following: "53-3-311,"
Insert: "53-3-313,"

55. Page 42, line 20.
Strike: "and"
Following: "53-3-328,"
Insert: "and 90-4-211,"

56. Page 42, lines 22 and 24.
Strike: "21"
Insert: "24"

57. Page 43, line 1.
Strike: "18, 19, 28, and 32"
Insert: "28, 29, and 31"

58. Page 43, lines 3 and 4.
Following: "1 through" on line 3
Strike: remainder of line 3 through "31" on line 4
Insert: "27 and 30"
Strike: "January 1, 1994"
Insert: "July 1, 1993"

March 19, 1993
Page 15 of 15

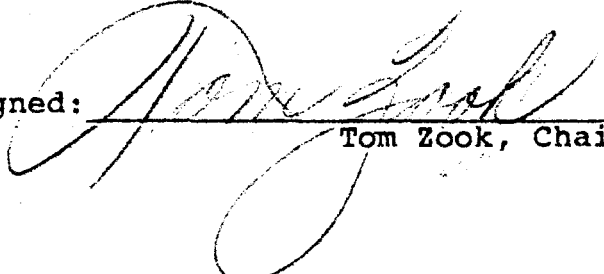
-END-

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 585 (third reading copy -- blue) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, lines 18 through 20.

Strike: "ASSESSING" on line 18 through "PROCEEDS;" on line 20

Insert: "PROVIDING AN APPROPRIATION;"

2. Title, page 1, line 25 through page 2, line 1.

Strike: "AMENDING" on page 1, line 25 through "MCA;" on page 2, line 1.

3. Title, page 2, line 2.

Strike: "IMMEDIATE"

4. Page 9, line 19.

Following: "department."

Insert: "The department shall provide the bureau of mines and geology with all information received by the department under subsection (1) for conducting legitimate scientific studies."

5. Page 12, line 8 through page 14, line 6.

Strike: Sections 8, 9, 10, and 11 in their entirety

Renumber: subsequent section

6. Page 14, line 13 through 14.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

7. Page 16, line 10 through page 17, line 8.

Strike: Section 13 in its entirety

Renumber: subsequent sections

Committee Vote:

Yes // , No 7 .

621334SC.Hpf

8. Page 18.

Following: line 15 .

Insert: "NEW SECTION. Section 9. Appropriation. There is appropriated from the reclamation and development grants state special revenue fund \$50,000 for the biennium ending June 30, 1995, to the department of health and environmental sciences for the purpose of administering and contracting with the bureau of mines and geology for the implementation of [sections 1 through 8]. The department shall contract with the bureau of mines and geology for purposes of implementing the provisions of [sections 1 through 8]."

Renumber: subsequent sections

9. Page 19, line 11.

Following: "on"

Strike: "passage and approval"

Insert: "July 1, 1993"

10. Page 4, lines 19 and 22.

Page 7, line 11.

Page 9, line 18.

Page 14, lines 19 and 24.

Page 18, lines 17 and 19.

Strike: "12"

Insert: "8"

-END-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

DATE 3/16/93

HB 652

In compliance with a written request, there is hereby submitted a Revised Fiscal Note for HB0652, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act increasing the amount of revenue returned to the school trust by allocating a percentage of income received from the sale of timber from state trust lands to the Department of State Lands timber sale program to be used to increase activities that will result in additional timber sales; clarifying statutory references to deductions made for the development of State Lands; eliminating the termination date on the timber sale provision.

ASSUMPTIONS:

1. The State Land Board is required to administer the school trust lands to secure the largest measure of legitimate reasonable advantage to the trust (77-1-202 MCA).
2. Under the direction of the State Land Board the Department of State Lands (DSL) is authorized to sell timber and other forest products off of trust lands (77-5-201 MCA).
3. DSL could sell an additional 5 million board feet (MMBF) of timber annually as a result of this act, beginning in FY 95.
4. DSL revenue estimates are based on conservative estimates of receipts from current and proposed timber sales.
5. DSL assumes an average price on previously sold timber is \$194/MBF and timber sold under the terms of this act would be \$170/MBF. This difference is based on the assumption that the 20% downpayment required by this act will reduce the stumpage prices received.
6. No increase in stumpage prices over time is assumed.
7. In estimating the 6% of timber sale receipts that would fund this program DSL assumed: existing sales would be harvested at a variety of rates depending on uncut volume and the contract end date; FY 93 sales would be 50% harvested in FY 94 and 50% in FY 95; 20% of FY 94 sales would be harvested in FY 94 (i.e. because of 20% downpayment); 30% harvested of FY 94 sales would be harvested in FY 95 and 50% in FY 96; 20% of FY 95 sales would be harvested in FY 95 (i.e. because of downpayment; 30% of FY 95 sales would be harvested in FY 96 and 50% in FY 97.
8. The four foresters hired under this program would be grade 13 and the two resource specialists would be grade 14. All the positions would be filled by the beginning of the second quarter, FY 94.
9. Because the exact locations of future timber sales are uncertain, the fiscal note assumes that the distribution of timber sale receipts among trusts would reflect the distribution of acreage among trusts (i.e. 68% of acres associated with the Common Schools Trust and 32% in others).

(Continued)

Dave Lewis 3-17-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

DON LARSON, PRIMARY SPONSOR DATE

Revised Fiscal Note for HB0652, as introduced

EXHIBIT 1
DATE 3/16/93
HB 1052 P. 1

FISCAL IMPACT:

	FY '94		FY '95	
Expenditures	Current Law	Proposed Law	Difference	
FTE	39.7	44.2	4.5	
Personal Services	1,303,727	1,435,727	132,000	
Operating expenses	155,443	190,943	35,500	
Equipment	16,360	112,860	96,500	
Total	1,475,530	1,742,530	267,000	
<u>Funding</u>				
General Fund	1,475,530	1,475,530	0	
State Special Revenue	0	267,000	267,000	
Total	1,475,530	1,742,530	267,000	
<u>Revenues</u>				
State Special Revenue	0	267,000	267,000	
School Equalization	0	2,703,409	2,703,409	
Permanent Trusts	3,601,844	1,481,435	(2,120,409)	
Total	3,601,844	4,451,844	850,000	
<u>Net Impact</u>				
Revenues minus expenditures	2,126,314	2,709,314	583,000	

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: The amount of timber that is contracted to sell from trust lands should increase by 5 MMBF annually beginning in FY 95. This increase in volume will increase timber sale receipts by about \$850,000 in FY 96 and beyond.

TECHNICAL NOTES: The requirement for 20% of the bid price as downpayment prior to the award of the contract would require a potential purchaser to pay the Department before they have a signed contract that assures them timber stumpage in return. This needs to be changed so the 20% downpayment is required when the contract is awarded, rather than prior to award. The Department is willing to draft an amendment to resolve this issue.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 652 NUMBER ACTION: Rep. Grady moved HB 652 DO PASS

NAME	AYE	NO
REP. ED GRADY, V. CHAIR		
REP. FRANCIS BARDANOUVE		
REP. FOREST BERGSAGE		
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		

Amendments to House Bill No. 652
White Reading Copy

Requested by Rep. DeBruycker
For the Committee on Appropriations

Prepared by Doug Sternberg, Council Staff
March 13, 1993

EXHIBIT 2
DATE 3/18/93 pm
HB 652

1. Page 3, lines 3 and 4 .
Following: "shall" on line 3
Strike: remainder of line 3 through "trusts," on line 4
2. Page 3, line 5.
Following: "section"
Insert: "and achieve the highest net return to the trusts"
3. Page 3, line 13.
Strike: "prior to the award of the contract"
Insert: "when the contract is awarded"

HOUSE OF REPRESENTATIVES

AMENDMENTS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 652 NUMBER ACTION: Rep. DeBruycker moved to adopt amendments, Exhibit 2

Motion carried unanimously

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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 WANTZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 652 NUMBER ACTION: Rep. Grady moved to strike "shall" on line 3,
page 3, and insert "may".

Motion carried 17 - 1

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 WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	1

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 PM BILL NO. HB 652 NUMBER MOTION: Rep. DeBruycker moved HB 652 DO PASS AS AMENDED.

Motion carried 12 - 5

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST BERGSAGER		
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	
	12	5

Amendments to House Bill No. 685
First Reading Copy

Requested by Representative Grady
For the Committee on Appropriations

Prepared by Greg Petesch
March 18, 1993

EXHIBIT
DATE 3/18/93
HB 685

1. Title, lines 21 and 22.

Strike: "AUTHORIZING" on line 21 through "SERVICES;" on line 22

2. Title, line 25.

Strike: "53-1-203,"

Strike: "53-21-206,"

3. Page 14, line 14 through page 16, line 7.

Strike: section 8 in its entirety

Renumber: subsequent sections

4. Page 18, lines 9 through 18.

Strike: section 11 in its entirety

Renumber: subsequent sections

5. Page 18, line 21.

Strike: "agency"

Insert: "facility"

6. Page 23, line 20.

Following: "must"

Insert: "generally"

7. Page 24, lines 11 and 14.

Strike: "9"

Insert: "8"

8. Page 24, line 15.

Following: line 14

Insert: "NEW SECTION. Section 17. Coordination instruction.

(1) If [this act] is passed and approved, then Senate Bill No. 39 and Senate Bill No. 40 are void.

(2) If House Bill No. 46 is passed and approved and if it includes a section providing that the cigarette tax collected under 16-11-111 may be used for the operation and maintenance of state veterans' homes and for in-home health care, then [section 1 of this act] is void.

(3) If House Bill No. 2 is passed and approved and if it includes a provision that the department of corrections and human services may spend funds appropriated for personal services in other categories, then [section 14 of this act] is void."

Renumber: subsequent section

HOUSE OF REPRESENTATIVES

ADDENDATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER MOTION: Rep. Grady moved to adopt amendments prepared
by Greg Petesch, Exhibit 1Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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	
	18	0

AMENDMENTS TO HOUSE BILL NO. 685
REVISING CORRECTIONS AND HUMAN SERVICES TO
IMPLEMENT BUDGET REDUCTIONS

7
EXHIBIT 2
DATE 3/18/93 p.m.
HB 685

The enclosed amendment to House Bill No. 685 would retain certain statutes regarding the establishment of the eastern montana veteran's home, anticipating that the next legislature may wish to proceed with the construction of the eastern montana veteran's home.

PROPOSED AMENDMENT

1. Page 2, line 2.
delete: "10-2-411"
2. Page 2, line 2.
delete: "10-2-414, 10-2-415, 10-2-416"
3. Page 24, line 3.
delete: "10-2-411"
4. Page 24, line 4.
delete: "10-2-414, 10-2-415, 10-2-416"

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER MOTION: Rep. Grady moved to adopt the second sheet of
amendments, Exhibit 2.

Motion carried unanimously

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FORREST 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 WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER

MOTION: Rep. Kadas moved to amend HB 685 to read: "46-23-204.
All persons to be heard - counsel. The board shall be required
to hear oral and receive written statements from all persons
desiring to be heard before the board, and any person may be
represented by counsel. The board shall have the power to regulate
procedure at all hearings."

Rep. Kadas withdrew the motion.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGER		
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		

**Amendments to House Bill No. 685
Introduced Bill**

**Requested by Representative Wanzenreid
For the Committee on Appropriations**

**Prepared by Jim Haubein
March 18, 1993**

EXHIBIT
TE 3/18/93
HB 685

1. Page 21, line 19.

Following: line 18

Insert: "(3) Authority to operate the facility is conditional upon meeting the following targets for inmate population: (a) by December 31, 1993 no more than 40 inmates in the facility; (b) by December 31, 1994 no more than 30 inmates in the facility; and (c) by June 30, 1995, the inmate population should be at zero."

Handwritten: "e" 0-

{Office of Legislative Fiscal Analyst

444-2986}

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER

MOTION: Rep. Wanzenried moved to adopt an amendment to
amend the authorization of the women's correctional facility
Exhibit 3.

Motion failed 8 - 10

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 WANZENRIED	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR		X
	8	10

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER

MOTION: Rep. Kadas moved to strike section 14 of HB 685.

Motion failed 6 - 12

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
	6	12

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER ACTION: Rep. Grady moved HB 685 DO PASS AS AMENDED.

Motion carried 14 - 4

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 WANTZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	14	4

*Amendments to House Bill No. 522
First Reading Copy*

*Requested by Representative Squires
For the House Appropriations Committee*

*Prepared by Lisa Smith
March 15, 1993*

EXHIBIT
DATE 3/18/93
HB 522 P

1. Title, line 8.

Strike: "AMENDING SECTION 17-7-502, MCA;"

2. Page 3, lines 17 through 19

Strike: "state" on line 17 through "expenses" on line 19

Insert: "funds appropriated for this purpose"

3. Page 4, line 18 through page 6, line 13

Strike: Section 7 in its entirety

Renumber: subsequent sections

{Office of Legislative Fiscal Analyst

444-2986}

This amendment eliminates the statutory appropriation for the State Employee Protection Act.

Amendments to House Bill No. 522
First Reading Copy

Requested by Rep. Wanzenried
For the Committee on Appropriations

Prepared by Susan B. Fox
March 3, 1993

EXHIBIT 2
DATE 3/18/93 522 P.m.
HB

1. Page 6, line 24.

Following: line 23

Insert: "NEW SECTION. Section 10. Coordination instruction. If House Bill No. 517 is passed and approved establishing a retirement incentive window, then employees accepting the retirement incentive benefits provided in House Bill No. 517 are not eligible for the benefits provided by [this act]."

Renumber: subsequent section

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 522 NUMBER _____MOTION: Rep. Wanzenried moved to adopt amendments, Exhibits 1 & 2

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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. BOB MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL HISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 522 NUMBER ACTION: Rep. Wanzenried moved HB 522 DO PASS AS AMENDED.

Motion carried 17 - 1

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 WANZENRIED	x	
REP. BILL WISEMAN	x	
REP. TOM ZOOK, CHAIR	x	
	17	1

Amendments to House Bill No. 6
Introduced Bill

For the Committee on Appropriations

Prepared by Jim Haubein
February 16, 1993

EXHIBIT 1
DATE 3/18/93
HB 6

1. Page 4, line 2.
Strike: "33,750 66,250"
Insert: "50,000 150,000"
2. Page 4, line 4.
Strike: "100,000"
Insert: "50,000"
3. Page 4, lines 5 through 8.
Strike: Lines 5 through 8 in their entirety
4. Page 4, lines 11 and 12.
Strike: Lines 11 and 12 in their entirety
5. Page 4, line 14.
Strike: "21,974"
Insert: "60,000"
6. Page 4, line 16.
Strike: "50,000" (Recommended Grants Column)
Insert: "100,000"
7. Page 4, lines 19 through 22.
Strike: Lines 19 through 22 in their entirety
8. Page 5, lines 1 through 4.
Strike: Lines 1 through 4 in their entirety
9. Page 5, line 10.
Strike: "50,000 50,000"
Insert: "0 100,000"
10. Page 5, lines 15 and 16.
Strike: Lines 15 and 16 in their entirety
11. Page 5, line 20.
Strike: "15,000"
Insert: "36,000"
12. Page 5, lines 23 through 26.
Strike: Lines 23 through 26 in their entirety
13. Page 6, line 1.
Strike: Line 1 in its entirety

14. Page 6, lines 7 through 10.
Strike: Lines 7 through 10 in their entirety

15. Page 6, lines 14 and 15.
Strike: Lines 14 and 15 in their entirety

16. Page 6, line 19.
Strike: "88,340"
Insert: "70,672"

17. Page 6, line 21.
Strike: "85,000"
Insert: "75,000"

18. Page 6, following line 21.
Insert: "This grant is contingent on the creation of a water district."

19. Page 6, lines 22 and 23.
Strike: Lines 22 and 23 in their entirety

20. Page 7, lines 2 and 3.
Strike: Lines 2 and 3 in their entirety

21. Page 7, lines 6 and 7.
Strike: Lines 6 and 7 in their entirety

22. Page 7, lines 10 and 11.
Strike: Lines 10 and 11 in their entirety

23. Page 7, line 12.
Following: Line 11
Insert: "TOWN OF HOT SPRINGS
Camas Therapy Center
"TOWN OF ENNIS
Water Storage & Distribution

150,000" (Recommended Grants Column)

100,000" (Recommended Grants Column)

24. Page 9, line 4.
Following: "\$100,000;"
Strike: "Cascade County RID No. 26,"

25. Page 9, line 5.
Following: "Prairie"
Insert: "Village Water and Sewer District"

26. Page 9, line 5.
Strike: "\$200,000"
Insert: "\$250,000"

27. Page 9, line 7.
Strike: "\$149,975"
Insert: "\$209,975"

28. Page 9, line 8.
Following: "\$14,169;"
Insert: "town of Neihart in the amount of \$150,000;"

WATER DEVELOPMENT & RENEWABLE RESOURCE DEVELOPMENT PROGRAMS

Fiscal Years 1994-95

Applicant	Project Name	Recommended Funding	Committee Action	Cumulative	Recommended Loan Funding
1 Malta Irrigation Dist.	Water use efficiency improvements	\$50,000	\$50,000	\$50,000	\$50,000
2 Richland County	Dam evaluation and design	60,300	60,300	110,300	0
3 DNRC - Water Resources Div	Characteristics of extreme precipitation	100,000	100,000	210,300	0
4 Town of Ryegate	Water system improvement	33,750	50,000	260,300	150,000
5 Yellowstone County	Yellowstone River project	100,000	50,000	310,300	0
6 Stockett/Cascade Water & Sewer	Sewer system	50,000	0	310,300	150,000
7 MSU, Water Course	Innovative water resource education	94,900	0	310,300	0
8 Butte-Silver Bow Local Govt.	Municipal compost production	50,000	50,000	360,300	49,864
9 Darby School Dist. #9	School park project	25,300	0	360,300	0
10 State Lands	Reforestation projects on state lands	21,974	60,000	420,300	0
11 Huntley Water & Sewer Dist.	Water system rehabilitation	50,000	100,000	520,300	0
12 Ruby Valley Cons. District	Upper Ruby riparian area improvements	100,000	100,000	620,300	50,000
13 Butte-Silver Bow Local Govt.	Blacktail Creek restoration project	100,000	0	620,300	0
14 MT Bureau of Mines & Geology	Groundwater protection/education	94,184	0	620,300	0
15 Town of Winnett	Sewer reconstruction	50,000	50,000	670,300	50,000
16 Fort Peck Rural Water Dist.	Water engineering study	40,000	40,000	710,300	0
17 Town of Dutton	Water system improvement	50,000	0	710,300	0
18 Petroleum County	Crooked Creek recreation center	50,000	0	710,300	0
19 East Glacier Water & Sewer Dist.	Midvale diversion structure	25,905	25,905	736,205	50,000
20 Town of Nashua	Water storage system improvements	50,000	50,000	786,205	76,537
21 Carbon County	Water system improvements	34,217	34,217	820,422	100,000
22 Chinook Div. Irrigation Assoc.	Repair of Lohman Dam	36,173	36,173	856,595	65,783
23 Chinook Div. Irrigation Assoc.	Irrigation water measuring devices	100,000	0	856,595	63,827
24 Liberty County Cons. Dist.	Sweetgrass Hills groundwater evaluation	4,725	4,725	861,320	0
25 Custer County	County recycling project	15,000	36,000	897,320	0
26 Town of Circle	Water quality improvement project	99,000	99,000	996,320	0
27 Eastern Sanders Cons. Dist.	Accelerate soil survey on forestlands	35,494	0	996,320	0
28 MT Institute of Tourism	Study of the impact of tourism	50,000	50,000	1,046,320	50,000
29 Glasgow Irrigation Dist.	Installation headgate measuring devices	50,000	50,000	1,096,320	50,000
30 Hilger County Water & Sewer Dist.	Sewage and collection treatment facilities	100,000	0	1,096,320	0
31 Valley County	Fort Peck breakwater	99,812	0	1,096,320	0
32 Mile High Conservation Dist.	Radon assessment of Montana's aquifers	100,000	100,000	1,196,320	0
33 DNRC - Water Resources	Flathead Valley Coop. Groundwater Study	56,185	0	1,196,320	0
34 Missoula Urban Transp. Dist.	Alternative fuels initiative	47,318	47,318	1,243,638	0
35 Little Beaver Cons. Dist.	Water reservations implementation	88,340	70,672	1,314,310	0
36 Ravalli County	Groundwater vulnerability	85,000	75,000	1,389,310	0
37 Yellowstone County	Rural water system development	31,740	0	1,389,310	0
38 MSU	Guide to Montana water law	50,000	50,000	1,439,310	50,000
39 Hill County	Salinity control project	7,000	7,000	1,446,310	0
40 Roosevelt County Cons. Dist.	Recreational enhancement of Missouri River	50,000	0	1,446,310	0
41 Fort Shaw Irrigation Dist.	"A" System diversion	31,569	31,569	1,477,879	31,921
42 Dodson Irrigation Dist.	Water use efficiency improvements	50,000	0	1,477,879	0
43 Fort Shaw Irrigation Dist.	Rehabilitation & betterment study	44,500	44,500	1,522,379	54,500
44 Flathead Joint Board of Control	Fish friendly irrigation	13,921	0	1,522,379	37,485
45 Whitefish County Water & Sewer	Protection of Swift Creek pilot project	100,000	150,000	1,672,379	0
46 Town of Hot Springs	Camas Therapy Center	0	100,000	1,672,379	0
47 Town of Ennis	Water and Sewer Distribution	0	0	1,672,379	0
TOTAL		\$2,626,307	\$1,772,379	\$42,920,299	\$1,124,322

EXHIBIT
DATE 7/1/95
1
6
42

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 6 NUMBER MOTION: Rep. Bardanouve moved HB 6 DO PASS AS AMENDED.

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	x	
REP. FRANCIS BARDANOUVE	x	
REP. FOREST 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	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 663 NUMBER _____ACTION: Rep. Bardanouve moved to amend Page 3, line 17 and move \$33,000 from the matching grant column to the loan column.Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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 WANTZENREIN	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 663 NUMBER MOTION: Rep. Kadas moved HB 663 DO PASS AS AMENDED.

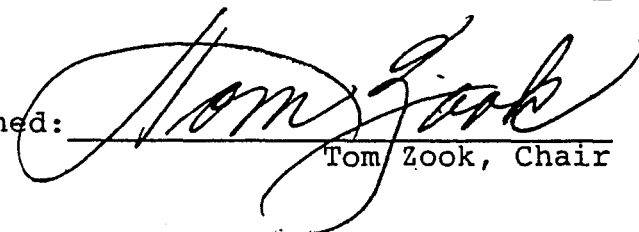
Motion carried 16 - 2

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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 WAMZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	16	2

HOUSE STANDING COMMITTEE REPORT

EXHIBIT 1
DATE 3/18/93
HB 683
March 19, 1993
Page 1 of 3

Mr. Speaker: We, the committee on Appropriations report that House Bill 683 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, line 5.

Following: "AN ACT"

Insert: "GENERALLY REVISING ASSESSMENT LAWS;"

2. Title, line 7.

Following: "FUNDS;"

Insert: "ALLOWING DEPARTMENT OF REVENUE DISCRETION ON WHEN TO
CONDUCT APPRAISAL SCHOOLS; ELIMINATING MANDATORY 6-MONTH
NOTICE FOR APPRAISAL SCHOOLS; MAKING REVIEW OF COMMERCIAL
PERSONAL PROPERTY ASSESSMENTS PERMISSIVE;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-4-2505,"

Insert: "15-7-106, 15-7-107, 15-8-103, AND 15-8-104,"

3. Page 2, line 14.

Strike: "vacates a"

Following: "position"

Insert: "is vacated"

4. Page 2.

Following: line 15

Insert: "Section 2. Section 15-7-106, MCA, is amended to read:

"15-7-106. Courses of instruction, examination, and
certification. (1) The department of revenue shall offer courses
in the principles, methods, and techniques of appraising for
property tax purposes property in three fields:

(a) residential property;

(b) agricultural land; and

(c) commercial and industrial property.

Committee Vote:

Yes 12, No 6.

621312SC.Hpf

(2) ~~Twice each year the~~ The department shall conduct an examination for those who have completed a course of instruction in any of the three fields listed in subsection (1).

(3) The department shall issue a certificate to each appraiser successfully completing a course of instruction and passing an examination in any of these fields.

(4) No person may take the examination for appraising commercial and industrial property unless he that person holds a certificate in appraising residential property."

Section 3. Section 15-7-107, MCA, is amended to read:
"15-7-107. Certification required. (1) ~~Within 1 year after his employment by the department or by July 1, 1980, whichever occurs later, any~~ Any appraiser employed by the department to appraise:

(a) residential property must obtain a certificate in appraising residential property;

(b) agricultural land must obtain a certificate in appraising agricultural land; and

(c) commercial and industrial property must obtain a certificate in appraising commercial and industrial property.

(2) The department may promulgate rules requiring appraisers to complete continuing education courses in laws, rules, and methods relating to appraisal."

Section 4. Section 15-8-103, MCA is amended to read:

"15-8-103. Department to conduct assessing schools. The department of revenue shall schedule and hold area schools within the state for appraisers and assessors as often as it considers necessary. The costs of such appraisers and assessors attending shall be borne by the state. The department shall notify all assessors and appraisers ~~at least 6 months before when such~~ school is scheduled. All assessors and appraisers shall attend."

Section 5. Section 15-8-104, MCA is amended to read:

"15-8-104. Department audit and review of taxable value -- costs of audit and review paid by department. (1) When in the judgement of the director of revenue it is necessary, audits may be made for the purpose of determining the taxable value of net proceeds of mines and oil and gas wells and all other types of property subject to ad valorem taxation.

(2) The department of revenue ~~shall conduct audits of~~ may conduct reviews to verify the accuracy of the assessment of all commercial personal property to assure that the value of the property in those classes reflects market value. Because the assessed value of commercial personal property is defined as

EXHIBIT
DATE 3/18/93
HB 683
March 19, 1993
Page 3 of 3

marked value under 15-8-111(2), the ~~audits~~ review conducted by the department ~~shall~~ may be ~~primarily~~ directed toward ensuring that all taxable personal property is reported to the department.

(3) The cost of any audit or review performed under subsection (1) or (2) shall be paid by the department.""
Renumber: subsequent section

-END-

HOUSE OF REPRESENTATIVES

ADDITIONAL COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 683 NUMBER

MOTION: Rep. Fisher moved to adopt amendment, Exhibit 1

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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 WENZENBEIN	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93

PM BILL NO. HB 683

NUMBER

MOTION: Rep. Fisher moved HB 683 DO PASS AS AMENDED.

Motion carried 12 - 6

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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	
	12	6

DEPARTMENT OF ADMINISTRATION
ACCOUNTING AND MANAGEMENT SUPPORT DIVISION

MARC RACICOT, GOVERNOR

MITCHELL BUILDING
PO BOX 200102



STATE OF MONTANA

Accounting Bureau
Rm. 255 (406) 444-3092

Management Support Bureau
Rm. 176 (406) 444-4644

HB 59620
H. Rasmussen, Montana
59620-1002

TO: Dave Lewis, Director
Office of Budget and Program Planning

FROM: Connie L. Griffith (mine)
Administrator

DATE: March 18, 1993

SUBJECT: TRANS Interest in FY94-95 Biennium

EXHIBIT 1
DATE 3/18/93
HB
trans
matt

As discussed on the phone and based on the following assumptions, interest incurred in the issuance of TRANS for the biennium could be reduced to approximately \$3.0 to \$4.0 million:

1. Interfund borrowing is used to postpone a TRANS issue to at least October in any fiscal year of the biennium. The following funds (in millions) are estimated to be available for borrowing assuming the borrowing amendment to HB 146 passes:

	<u>1994</u>	<u>1995</u>
Non-interest Bearing	\$ 74.7	\$ 33.5
Interest Bearing	<u>55.9</u>	<u>53.3</u>
Total	<u>\$130.6</u>	<u>\$ 86.8</u>

2. Use of interfund borrowing and anticipated reductions in cash requirements as a result of legislative action could significantly reduce amount of TRANS issued in any year to no more than \$60.0 million or slightly less than half of the FY 1993 issue. Interest expected to be incurred on TRANS of \$135.6 million for FY 1993 is \$3.9 million.
3. Interest earned on cash received from TRANS issue will offset interest incurred when TRANS is repaid. Interest rates are expected to remain the same or increase slightly in the coming biennium.

At this time in the session, I cannot estimate a specific time when TRANS may need to be issued in FY 1994 or FY 1995. The timing of a TRANS issue will depend on the passage of certain legislation dealing with school funding, revenue bills (sales tax, alternative tax plans, etc.) and the timing of the receipt of certain revenues and the disbursement of certain appropriations. Should you have any questions concerning this information, you may reach me at 3093.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 1083 NUMBER MOTION: Rep. Grady moved the \$4.0 million figure be used
as the estimate (TRANS)

Motion carried 17 - 1

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WENZENREID	X	
REP. BILL HISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	1

Office of Legislative Fiscal Analyst

Proposed Pay Plan Appropriations For House Bill 198

	Fiscal 1994					Fiscal 1995						
	General Fund	State Special Fund	Federal Special Fund	Proprietary Fund	Other Fund	Total Fund	General Fund	State Special Fund	Federal Special Fund	Proprietary Fund	Other Fund	Total Fund
Legislative Auditor	7,096	7,268				14,364	14,361	14,367				28,728
Legislative Fiscal Analyst	3,602					3,602	7,205					7,205
Legislative Council	6,240	3,108				9,348	15,499	3,197				18,696
Environmental Quality Council	1,466					1,466	2,932					2,932
Consumer Counsel		1,140				1,140		2,280				2,280
Judiciary	18,240	2,508				20,748	36,480	5,016				41,496
Executive Agencies	905,094	736,632	568,129	225,241	8,070	2,443,166	1,794,223	1,496,624	1,129,126	454,742	15,583	4,890,298
Commissioner of Higher Education	3,853		14,843	798		19,494	7,706		31,054	1,596		40,356
University System	601,893				278,067	879,960	1,203,785				556,135	1,759,920
Totals	\$1,547,484	\$750,656	\$582,972	\$226,039	\$286,137	\$3,393,288	\$3,082,191	\$1,521,484	\$1,160,180	\$456,338	\$571,718	\$6,791,911

EXHIBIT
DATE 3/18/97
HB 198

Office of Legislative Fiscal Analyst
Estimated Costs of House Bill 198
Personal Services Reduction Efficiency Rate At 5.00 %

	FTE Fiscal 1994	FTE Fiscal 1995	Pay Plan Fiscal 1994	Pay Plan Fiscal 1995	Pay Plan Biennium
Legislative, Judicial, Executive *	10,938.27	10,951.67	2,513,328	5,031,991	7,545,319
Vocational Technical Centers	250.28	250.28	60,067	120,134	180,201
Montana University System **	<u>3,416.22</u>	<u>3,416.22</u>	<u>819,893</u>	<u>1,639,786</u>	<u>2,459,679</u>
Total Costs	14,604.77	14,618.17	\$3,393,288	\$6,791,911	\$10,185,199
Funding					
General Fund			1,547,482	3,082,192	4,629,674
Other Funds			1,567,739	3,153,584	4,721,323
Tuition at 31.60 %			<u>278,067</u>	<u>556,135</u>	<u>834,202</u>
Total Funding			\$3,393,288	\$6,791,911	\$10,185,199

Date: 03/18/93
Time: 12:16 PM

* County assessors and deputy assessors included at full insurance benefits.
** Five percent reduction not applied to the Montana University System.

HOUSE OF REPRESENTATIVES

ADDITIONAL AMENDMENTS COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 198 NUMBER

MOTION: Rep. Peterson moved the amendments, Exhibit 1

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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	
	18	0

HOUSE OF REPRESENTATIVES

ADDITIONAL COMMITTEE

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 198 NUMBER ACTION: Rep. Kadas moved to insert "complete" following"the first day of the first" on line 23, page 3.Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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. 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

ADDITIONAL INFORMATION COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HR 198 NUMBER MOTION: Rep. Peterson moved HB 198 DO PASS AS AMENDED.

Motion carried 16 - 2

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST 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. BOB 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

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 682 NUMBER MOTION: Rep. Menahan made a substitute motion HB 682 DO NOT PASS

Motion failed 5 - 13

NAME	AYE	NO
REP. ED GRADY, V. CHAIR		x
REP. FRANCIS BARDANOUVE		x
REP. FOREST 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
	5	13

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 682 NUMBER ACTION: Rep. Bardanouve moved HB 682 DO PASS

Motion carried 13 - 5

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	x	
REP. FRANCIS BARDANOUVE	x	
REP. FOREST 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 WENZENBEIN	x	
REP. BILL WISEMAN	x	
REP. TOM ZOOK, CHAIR	x	
	13	5

Amendments to House Bill No. 427
Second Reading Copy

Requested by Representative Cobb
For the Committee of the Whole

Prepared by Greg Petesch
March 15, 1993

EXHIBIT 1
DATE 3/18/93 P.M.
HB 427

1. Title, line 9.

Strike: "REVISING"

Insert: "ELIMINATING EMERGENCY GRANTS; ELIMINATING"

2. Title, line 10.

Strike: "15-10-412,"

3. Title, lines 11 and 12.

Following: line 10

Insert: "33-32-103,"

Following: "39-71-118," on line 11

Insert: "40-4-215,"

Following: "52-1-110," on line 11

Insert: "53-2-201, 53-2-203,"

Following: "53-2-207," on line 11

Strike: remainder of line 11 through "53-2-306," on line 12

Following: "53-2-322," on line 12

Insert: "53-2-601, 53-2-606, 53-2-608, 53-2-610,"

4. Title, line 14.

Following: line 13

Insert: "53-2-1103,"

Strike: "53-3-112,"

5. Title, line 15.

Strike: "53-3-207, 53-3-303, 53-3-309,"

Insert: "53-3-205, AND"

6. Title, line 16.

Strike: "53-3-325, AND 53-3-326,"

7. Title, line 19.

Following: "53-3-110,"

Insert: "53-3-112,"

8. Title, line 20.

Following: "53-3-205,"

Insert: "53-3-207,"

9. Title, line 21.

Following: "53-3-215,"

Insert: "53-3-303,"

10. Title, line 22.

Following: line 21

Insert: "53-3-309,"

EXHIBIT
DATE 3/18/93
HB 427 pm

Following: "53-3-311,"
Insert: "53-3-313,"

11. Title, line 23.
Strike: "AND"

12. Title, line 25.
Following: "53-3-328,"
Insert: "AND 90-4-211,"

13. Page 2, lines 13 and 14.
Following: line 12
Strike: line 13 through "3" on line 14
Insert: "services for those in need who are not otherwise
eligible for similar services provided by the department of
social and rehabilitation services"

14. Page 4, line 12 through page 11, line 5.
Strike: section 4 in its entirety
Renumber: subsequent sections

15. Page 12, line 2.
Following: line 1
Insert: "Section 5. Section 33-32-103, MCA, is amended to read:
"33-32-103. Utilization review plan. A person may not
conduct a utilization review of health care services provided or
to be provided to a patient covered under a contract or plan for
health care services issued in this state unless that person, at
all times, maintains with the commissioner a current utilization
review plan that includes:

(1) a description of review criteria, standards, and
procedures to be used in evaluating proposed or delivered health
care services that, to the extent possible, must:

(a) be based on nationally recognized criteria, standards,
and procedures;

(b) reflect community standards of care, except that a
utilization review plan for health care services under the
~~general relief medical assistance or medicaid programs~~ program
provided for in Title 53 need not reflect community standards of
care;

(c) ensure quality of care; and

(d) ensure access to needed health care services;

(2) the provisions by which patients or providers may seek
reconsideration or appeal of adverse decisions by the person
conducting the utilization review;

(3) the type and qualifications of the personnel either
employed or under contract to perform the utilization review;

(4) policies and procedures to ensure that a representative
of the person conducting the utilization review is reasonably
accessible to patients and health care providers at all times;

(5) policies and procedures to ensure compliance with all
applicable state and federal laws to protect the confidentiality
of individual medical records;

(6) a copy of the materials designed to inform applicable
patients and health care providers of the requirements of the

EXHIBIT 1
DATE 3-18-93
HB 427

utilization review plan; and

(7) any other information as may be required by the commissioner that is necessary to implement this chapter.""
Renumber: subsequent sections

16. Page 12, lines 21 through 23.

Following: "(b)" on line 21

Strike: remainder of line 21 through "53-3-303" on line 23

Following: "~~53-3-305~~"

Strike: "and"

17. Page 16, line 10.

Following: line 9

Insert: "Section 7. Section 40-4-215, MCA, is amended to read:

"40-4-215. Investigations and reports. (1) In contested custody proceedings and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodial arrangements for the child. If the court orders the department of family services to conduct the investigation, the department may charge a reasonable fee. The department shall waive the fee for conducting the investigation if the parent or the child's custodian requesting the investigation is a recipient of aid to families with dependent children, or food stamps, or general relief benefits. The cost of the investigation and report ~~shall~~ must be paid according to the final order.

(2) In preparing ~~his~~ the report concerning a child, the investigator may consult any person who may have information about the child and ~~his~~ potential custodial arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if he the child has reached the age of 16 unless the court finds that he the child lacks mental capacity to consent. If the requirements of subsection (3) are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least 10 days prior to the hearing. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom he the investigator has consulted for cross-examination. A party may not waive ~~his~~ the right of cross-examination prior to the hearing.""

Renumber: subsequent sections

18. Page 17, line 14.

EXHIBIT 1
DATE 3/18/93 pm
HB 427

Following: "1987"

Insert: ", but at a later date reassumes responsibility pursuant to 53-2-811,"

19. Page 18, line 10.

Following: "1987"

Insert: ", but at a later date reassumes responsibility pursuant to 53-2-811,"

20. Page 18, line 23.

Following: line 22

Insert: "Section 10. Section 53-2-201, MCA, is amended to read:

"53-2-201. Powers and duties of department. (1) The department shall:

(a) administer ~~or~~ and supervise public assistance, including the provision of food stamps, food commodities, aid to families with dependent children, energy assistance, weatherization, vocational rehabilitation, services for persons with severe disabilities, developmental disability services, and medical care payments in behalf of recipients of public assistance;

(b) give consultant service to private institutions providing care for the needy, indigent, handicapped, or dependent adults;

(c) cooperate with other state agencies and develop provisions for services to the blind, including the prevention of blindness, the location of blind persons, medical services for eye conditions, and vocational guidance and training of the blind;

(d) provide services in respect to organization and supervise county departments of public welfare and county boards of public welfare in the administration of public assistance functions and for efficiency and economy;

(e) assist and cooperate with other state and federal departments, bureaus, agencies, and institutions, when ~~so~~ requested, by performing services in conformity with public assistance purposes;

(f) administer all state and federal funds allocated to the department for public assistance and do all things necessary, in conformity with federal and state law, for the proper fulfillment of public assistance purposes; and

(g) make rules governing payment for services and supplies provided to recipients of public assistance.

(2) The department may:

(a) purchase, exchange, condemn, or receive by gift either real or personal property which is necessary to carry out its public assistance functions. Title to property obtained under this subsection ~~shall~~ must be taken in the name of the state of Montana for the use and benefit of the department.

(b) contract with the federal government to carry out its public assistance functions. The department may do all things necessary in order to avail itself of federal aid and assistance.

(c) make rules, consistent with state and federal law, establishing the amount, scope, and duration of services to be provided to recipients of public assistance."

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Section 11. Section 53-2-203, MCA, is amended to read:

"53-2-203. Department to maintain merit system and supervise public assistance personnel. ~~(1)~~ The department shall:

~~(a)~~ (1) maintain a merit system pertaining to qualifications for appointment, terms of office, annual merit rating, releases, promotions, and salary schedules for all public assistance personnel; personnel standards ~~shall~~ must conform as far as possible with general standards established or required by the federal government;

~~(b)~~ (2) have examinations held from time to time throughout the state to establish and furnish to county departments lists, in order of merit, of persons eligible for appointment;

~~(c)~~ (3) develop policies relating to educational leave of employees and to staff development needs;

~~(d)~~ (4) supervise the appointment, dismissal, and entire status of the public assistance personnel attached to county boards in accordance with the merit system.

~~(2) All public assistance personnel shall be residents of this state unless it is impossible to find residents of this state possessing qualifications required by the merit system. If possible, county assistance personnel shall be residents of the county in which they work."~~

Renumber: subsequent sections

21. Page 19, line 15 through page 23, line 23.

Strike: sections 10 through 13 in their entirety

Renumber: subsequent sections

22. Page 24, lines 4 through 11.

Following: "." on line 4

Strike: remainder of line 4 through "." on line 11

Insert: "Counties transferring financial responsibility for public assistance and protective services responsibilities to the state under part 8 of this chapter may not levy more than the difference between 13.5 mills and the state levy pursuant to 53-2-813."

23. Page 24, lines 17 through 19.

Following: "as" on line 17

Strike: remainder of line 17 through "and" on line 19

Insert: "necessary"

24. Page 24, line 22.

Strike: "of the county welfare department"

25. Page 26, line 17.

Strike: line 17 in its entirety

26. Page 27, line 13.

Following: line 12

Insert: "Section 14. Section 53-2-601, MCA, is amended to read:

"53-2-601. Disqualification from public assistance when property transferred for purpose of qualifying for public assistance. The department may deny public assistance to any person who has ~~divested himself~~ directly or indirectly of

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~~transferred~~ any property for the purpose of qualifying for public assistance. The department ~~shall make~~ may adopt rules that raise a rebuttable presumption that any transfer of property within 30 months of the date of application ~~for general relief~~ was for the purpose of qualifying for such assistance. The department ~~may also make rules consistent with federal law raising a similar rebuttable presumption for purposes of state administered federal public assistance programs authorized under Title 53.~~"

Section 15. Section 53-2-606, MCA, is amended to read:

"53-2-606. Right of appeal. (1) If an application for assistance ~~under this title for food stamps, aid to families with dependent children, or medicaid~~ is not acted upon promptly or if a decision is made with which the applicant or recipient is not satisfied, ~~he the applicant or recipient~~ may appeal to the board of social and rehabilitation appeals for a fair hearing by addressing a request for a hearing to the department. The board of social and rehabilitation appeals shall, upon receipt of a request for a hearing, give the applicant or recipient prompt notice and opportunity for a fair hearing. ~~A county welfare board which is involved in a grievance shall be represented at such a hearing.~~

(2) The department may upon its own motion review any decision of a county welfare board and may consider any application upon which a decision has not been made by the county board within a reasonable time from the filing ~~thereof of the decision~~. The department may have an additional investigation made and shall make a decision as to the granting of assistance and the amount of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this title.

(3) If the department reviews a county decision on its own motion, applicants or recipients affected by the decisions of the department shall upon request be given reasonable notice and an opportunity for a fair hearing by the board of social and rehabilitation appeals.

(4) All decisions of the department or the board of social and rehabilitation appeals are final and are binding and ~~shall~~ must be complied with by the county department."

Section 16. Section 53-2-608, MCA, is amended to read:

"53-2-608. Method of issuing assistance grants. (1) Checks in payment of public assistance, ~~with the exception of general relief, shall~~ must be issued by the department of social and rehabilitation services upon approved certificates of award and reports of changes of ~~such~~ eligible grantees as are forwarded by the county department to the state department, and all ~~such~~ checks ~~will~~ must be mailed to the individual recipient or the appropriate vendor. The checks in payment of public assistance ~~shall~~ must be issued in the full approved amount for each eligible approved grantee, and the original monthly payment ~~shall~~ must be from the state public assistance accounts. All public assistance checks ~~shall~~ represent cash on demand at full par value to the recipient and vendor.

(2) Whenever the department of social and rehabilitation

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services, acting pursuant to standards established by the department, determines that any otherwise eligible recipient of public assistance has, by reason of any physical or mental condition, such inability to manage funds that making payments to him the recipient would be contrary to his the recipient's welfare, the department may, under standards established under the state plan, make the public assistance payment on behalf of such the recipient to another person found by the department to be interested in or concerned with the welfare of such-needy individual the recipient."

Section 17. Section 53-2-610, MCA, is amended to read:

"53-2-610. County to reimburse department. (1) On or before the 20th of each month, the department of social and rehabilitation services shall present a claim for reimbursement to each county department for its proportionate share of public assistance granted in the county to recipients during the month and for vendor medical payments made on behalf of recipients in the previous month. The county department shall make the reimbursement to the department of social and rehabilitation services within 20 days after the claim is presented.

(2) The counties may not be required to reimburse the department of social and rehabilitation services for:

(a) any portion of public assistance paid to a household eligible for aid to families with dependent children if the household includes an enrolled Indian who is the caretaker relative of a needy dependent child; or

(b) any payment on behalf of any person in a state-operated medical institution.

~~(3) The federal government may reimburse the state of Montana on behalf of counties providing general relief to enrolled Indians a sum in lieu of taxes which the counties would collect if the lands of such Indians were not in trust status.~~

~~(4)~~ (3) (a) From the original date of entrustment or the original date of state residency, whichever is earlier, recipients of public assistance who become wards or patients in a licensed nursing home or hospital, foster home, or private charitable institution ~~shall be~~ are the financial responsibility of the appropriate county as provided in subsections ~~(4)(b)~~ (3)(b) through ~~(4)(d)~~ (3)(d).

(b) The county in which commitment of an adult is initiated is considered the county of financial responsibility except where court decree declares the residency to be otherwise. When an adult is transferred from a facility or institution to one of the ~~above enumerated facilities listed in subsection (3)(a)~~, the county ~~which that~~ initiated the original commitment is considered the county of financial responsibility except in the case of an adult transfer from an out-of-state institution, in which case the county in which the facility is located is considered the county of financial responsibility.

(c) In all cases ~~where in which~~ a minor patient or ward is involved, the county of financial responsibility is the county in which the parent or guardian resides. If the custody of a minor is entrusted to a state agency, the agency may make a reasonable

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HB 427

declaration of the county residency of its ward using applicable guidelines enumerated in this section.

(d) If a person is or becomes an adult while in an institution, ~~he~~ the person may determine ~~his own~~ the county of residence when ~~he~~ the person is restored to competency and released. The person becomes the financial responsibility of the new county of residence.""

Renumber: subsequent sections

27. Page 27, lines 17 and 18.

Following: "programs" on line 17

Strike: remainder of line 17 through "1" on line 18

28. Page 27, line 24.

Following: "."

Insert: "State assumption allows counties to pay the state the proceeds from the 9-mill levy provided for in 53-2-813 rather than an amount based on the actual cost of providing public assistance and protective services in the county. Counties that opt for state assumption may provide other optional services for indigents with money available from funds derived from the difference between the 9-mill levy and the maximum amount of 13.5 mills permitted by 53-2-322."

29. Page 28, lines 15 and 16.

Following: "assistance" on line 15

Strike: remainder of line 15 through "3" on line 16

30. Page 28, line 19.

Strike: "for the county"

31. Page 28, line 22.

Following: line 21

Insert: "for"

32. Page 28, line 24.

Following: "."

Insert: "A county may continue to provide optional indigent assistance as provided in [section 24] and nursing home and hospital services as provided in 7-6-2512."

33. Page 29, lines 21 and 22.

Following: "All" on line 21

Strike: remainder of line 21 through "a" on line 22

Insert: "responsibility of a county for"

34. Page 29, line 23.

Strike: "program"

Strike: "provide"

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35. Page 30, lines 23 and 24.

Following: "assumption" on line 23

Strike: remainder of line 23 through "responsibility" on line 24

36. Page 31, lines 3 through 6.

Following: "~~department~~" on line 3

Strike: remainder of line 3 through "services" on line 6

37. Page 31, line 7.

Following: "._"

Insert: "A county that has opted for state assumption prior to July 1, 1995, may reassume responsibility for public assistance and protective services on July 1, 1996, if the county notifies the department prior to September 30, 1995."

38. Page 31, line 20.

Strike: "A"

Insert: "Except as provided in this section, a"

39. Page 31, line 24.

Following: "assumption"

Insert: "or reassumption"

40. Page 32, lines 4 and 5.

Strike: "[" on line 4 through "]" on line 5

Insert: "July 1, 1995,"

41. Page 32, lines 13 through 15.

Strike: "The" on line 13 through "." on line 15

Insert: "Under a retention or reassumption, staff personnel continue under the supervision and control of the department. All debts and obligations of the department and the department of family services pertaining to public assistance and protective services at the time of reassumption must be transferred to the county opting for reassumption. A county may not retain or reassume assistance programs partially funded by the federal government."

42. Page 33, line 5.

Strike: "12"

Insert: "9"

43. Page 34, line 11.

Strike: "General relief"

Insert: "Indigent assistance"

44. Page 34, line 13.

Strike: "general relief"

Insert: "indigent assistance"

45. Page 34, line 18.

Strike: "general relief activities"

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HB 427

Insert: "indigent assistance program"

46. Page 34, line 19.

Strike: "include"

Insert: "includes"

47. Page 34, lines 20 and 21.

Following: "(a)" on line 20

Insert: "job search,"

Following: "training" on line 20

Insert: ", work-for-assistance,"

Following: "programs" on line 20

Strike: remainder of line 20 through "11" on line 21

48. Page 36, line 5.

Following: line 4

Insert: "Section 26. Section 53-2-1103, MCA, is amended to read:

"53-2-1103. Definitions. For the purposes of this part, unless the context requires otherwise, the following definitions apply:

(1) "Economically disadvantaged person" has the same meaning as provided in section 4 of the Job Training Partnership Act (29 U.S.C. 1503).

(2) "Job Training Partnership Act" means the federal Job Training Partnership Act of 1982, Public Law 97-300 (29 U.S.C. 1501, et seq.), as amended.

(3) "Job training plan" means the plan for providing services and training in a service delivery area, as required in 53-2-1107.

(4) "Program" means the program created by 53-2-1104 to implement the provisions of Title II-A of the Job Training Partnership Act.

(5) "Program year" means the fiscal year beginning on July 1 of the year for which an appropriation is made for the program established under this part, as provided in section 161 of the Job Training Partnership Act (29 U.S.C. 1571).

(6) "Public assistance program" means the state program of ~~general relief assistance or~~ aid to families with dependent children.

(7) "Service delivery area" means an area designated as provided in section 101 of the Job Training Partnership Act (29 U.S.C. 1511)."

Renumber: subsequent sections

49. Page 37, line 1 through page 39, line 24.

Strike: sections 24 through 27 in their entirety

Insert: "Section 28. Section 53-3-205, MCA, is amended to read:

"53-3-205. Eligibility for general relief. (1) Except as otherwise provided under this chapter, a person may receive general relief if the household is determined to be eligible under the provisions of this section.

(2) A person is eligible for general relief if ~~his~~ the person's total household income, including presumptive income but exclusive of the earned income disregard provided in subsection (4), does not exceed the amount established by the department by

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DATE 3/18/93
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rule. The department shall establish eligibility and the amount of benefits to be granted, taking into account the size of the household and the estimated number of eligible households. Eligibility and the amount of benefits to be granted must be ~~based on a percentage set at 32% of the federal poverty index. The percentage is established in the state general appropriations act.~~

(3) The maximum benefit amount to be granted to a person new to Montana must be reduced by \$50 per month for each of the first 2 months of the person's residency.

(4) For 4 consecutive months, the first \$30 plus one-third of the remainder of the total income earned each month by each household member who is a current recipient must be disregarded in determining a household's eligibility for general relief. If the total household income, exclusive of this amount, exceeds the amount established by the department under subsection (2), the household is not eligible for general relief. A current recipient is one who has been receiving general relief for at least 1 complete calendar month.

(5) (a) If a person's household income exceeds the monthly income standard provided in subsection (2) because of receipt of lump-sum income, ~~he~~ the person is ineligible for general relief for the full number of months, beginning with the month of receipt, derived by dividing the total of the lump-sum income and other income by the monthly income standard. Any income remaining from this calculation ~~will be~~ is considered as income in the first month following the period of ineligibility.

(b) The period of ineligibility may be recalculated if the household size changes or if a portion of the lump-sum income was used to pay medical bills for a serious medical condition.

(6) All applicants for and recipients of general relief who reside in the same residence are considered as one household.

(7) Eligibility for general relief must be determined prospectively, based on household income and other relevant circumstances reasonably certain to exist in the month in which assistance is to be provided. Once eligibility is determined, general relief ~~will~~ must be provided in accordance with 53-3-310 and 53-3-311.

(8) (a) Except as provided in subsection (8)(b), the equity value of all household resources must be considered available to meet the needs of the individual applying for general relief.

(b) The following resources of a household must be excluded from consideration of resources for eligibility purposes:

(i) the domicile of the household, including necessary appurtenant land not exceeding 10 acres;

(ii) a motor vehicle that has no more than \$1,500 in equity value;

(iii) personal items, clothing, household furniture, appliances, and other essential household items, the total equity value of which does not exceed resource eligibility limits established by rule; and

(iv) tools of a trade that are essential to the current or future employment of a household member.

(9) A person who is committed or sentenced by legal process to a state institution or a secure facility or who is

EXHIBIT 1
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HB 427

incarcerated in a secure facility pending resolution of legal process is not eligible for general relief.

(10) A person who resides for a period of 1 day or more in any state or federally operated institution or residence is not eligible for general relief for the period of that residency.

(11) For the purposes of an eligibility determination, an applicant for or recipient of general relief may be requested to produce all financial and other information concerning the household.

(12) A household is ineligible to receive general relief if the household is ineligible for either of the public assistance programs commonly referred to as medicaid and aid to families with dependent children because of overpayment, fraud, or failure or refusal to comply with requirements for continued participation in either program. The period of ineligibility for the household or individual household members is the same as the period of ineligibility for medicaid or the aid to families with dependent children program or, if ineligible for both programs, whichever period of ineligibility is longer.

(13) Whenever practical, an eligibility determination must be made within 30 days of the date of application and the applicant must be notified in writing of the eligibility determination and the reasons for the determination."

Renumber: subsequent sections

50. Page 41, line 22 through page 42, line 13.

Strike: sections 29 and 30 in their entirety

Renumber: subsequent sections

51. Page 42, line 15.

Following: "53-3-110,"

Insert: "53-3-112,"

52. Page 42, line 16.

Following: "53-3-205,"

Insert: "53-3-207,"

53. Page 42, line 17.

Following: "53-3-215,"

Insert: "53-3-303,"

54. Page 42, line 18.

Following: "53-3-308,"

Insert: "53-3-309,"

Following: "53-3-311,"

Insert: "53-3-313,"

55. Page 42, line 20.

Strike: "and"

Following: "53-3-328,"

Insert: "and 90-4-211,"

56. Page 42, lines 22 and 24.

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Strike: "21"
Insert: "24"

57. Page 43, line 1.
Strike: "18, 19, 28, and 32"
Insert: "28, 29, and 31"

58. Page 43, lines 3 and 4.
Following: "1 through" on line 3
Strike: remainder of line 3 through "31" on line 4
Insert: "27 and 30"
Strike: "January 1, 1994"
Insert: "July 1, 1993"

HOUSE OF REPRESENTATIVES

ADDITIONAL COMMITTEE

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 427 NUMBER ACTION: Rep. Cobb moved to amend the proposed amendments and
put 25 mills back in.Motion carried unanimously.

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 WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 427 NUMBER ACTION: Rep. Cobb moved to adopt the amendments, Exhibit 1

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	x	
REP. FRANCIS BARDANOUVE	x	
REP. FOREST 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 WANTZENBEIN	x	
REP. BILL WISEMAN	x	
REP. TOM ZOOK, CHAIR	x	
	18	0

PROPOSAL FOR DEASSUMPTION OF COUNTIES AND REPEAL OF STATE
MANDATED WELFARE PROGRAMS
HOUSE BILL 427

3/17/93

EXHIBIT 2
DATE 3/18/93 8:30
427

BACKGROUND:

Federally mandated welfare programs and state/county General Assistance and Medical Assistance programs are operated by both the 12 state assumed counties and the 44 counties that are non-assumed. The state assumed counties include: Cascade, Deer Lodge, Flathead, Lake, Lewis and Clark, Lincoln, Mineral, Missoula, Park, Powell, Ravalli, and Silver Bow. State assumed counties are those counties which have opted to turn over to the state full responsibility for administration and financial support of all welfare programs. In exchange for assuming total responsibility for administration of the welfare programs, the state (through the department of Social and Rehabilitation Services, SRS) receives as revenue 12 mills of the county poor fund from each of the assumed counties. While the federally mandated programs are matched with federal funds, the General Assistance and State Medical programs in the assumed counties are paid with 100 percent general fund and are operated consistent with legislative direction.

The 44 non-assumed counties must also provide the federally mandated programs such as AFDC, Medicaid, and Food Stamps under the direction and supervision of SRS. However, these programs are directly supported with county poor fund revenue which is then paid to the state for the purpose of leveraging federal funds and covering personnel costs. In the non-assumed counties, the General Assistance and County Medical programs are designed, administered, operated and funded at the discretion of local county welfare offices, according to state statutes and administrative rules.

Federally mandated programs are operated in all counties, regardless of "assumption" status, in compliance with federal regulations and with generally similar staffing patterns. Federally mandated programs (AFDC, Medicaid, Food Stamps) are administered and staffed by employees who are hired according to the state pay plan, governed by state personnel policies and paid by state warrants.

RATIONALE:

Over the 10 years since state assumption of the 12 county welfare programs was established, costs to the state for operation of the local welfare programs has significantly exceeded the revenue generated from the 12 mills assessed. Cost increases have been most significant in the State Medical programs. Because federal programs are mandated and operated under federal rules and regulations, fiscal and program flexibility only exists within the programs of General Assistance and State Medical. By eliminating General Assistance and State Medical, House Bill 427 would free

EXHIBIT - 2
DATE 3/18/93
HB 427

counties to manage resources according to the needs of their own population and within the budgetary limits imposed by the values of their own mill levies.

All counties would provide poor fund revenue to the state for federally mandated programs. The state would then use these funds, as it does presently, to leverage federal matching funds to cover personnel and operating costs associated with administration of the federally mandated welfare programs (AFDC, Medicaid, Food Stamps).

ASSUMPTIONS:

1. All statutory language with regard to General Relief/General Assistance and General Relief Medical/County Medical would be repealed.
2. All counties would be treated similarly with regard to the administration of human services programs. The state (SRS) would operate the federally mandated programs (AFDC, Medicaid and Food Stamps) as is current practice; the counties would control and operate any additional local programs they choose.
3. For the 12 counties which were state assumed during fiscal 1993, those counties would levy and contribute to the state an amount equal to the county's expenditures during the previous year up to 9 mills for the operation of federally mandated (AFDC, Medicaid & Food Stamp) and Department of Family Services programs. The state would manage the expenditure of those funds and determine the resources necessary to operate the programs. An initial county expenditure limit would be established at or below the 9 mill cap at the FY 93 level with provision only for justifiable inflationary, caseload-related and/or federally mandated increases.
4. The state would continue to supplement those counties whose costs for the federally mandated or DFS programs exceed the 9 mill threshold.
5. After their state obligation is met (in no case will the state obligation exceed the 9 mill threshold), the 12 counties which were state assumed during fiscal 1993 could, at their discretion, levy up to their full Poor Fund Mill authority (13.5 mills). Mills levied in excess of those required by the state could be used at the county's discretion for any related activities it might deem necessary.
6. The state would continue to pay the non-federal share for the AFDC enrolled Indian cases.

7. On May 1, 1993 General Assistance rates would drop to 32% of poverty and State Medical services would be limited to physician, prescription, x-ray and laboratory costs. The effective date for all other changes listed would be July 1, 1993.

EXHIBIT 2
DATE 3/18/93
HB 427 P3

FISCAL IMPACT FY 1993:

Savings from State Medical restrictions	\$524,454
Savings from General Assistance reduction	<u>\$108,546</u>
Total savings FY 1993	<u>\$633,000</u>

FISCAL IMPACT FY 1994:

Revenue lost due to reduction in mill levy contribution	(\$2,040,557)
Savings from elimination of State Medical and State General Assistance at LFA current level benefits	<u>\$7,664,823</u>
Total savings FY 1994	\$5,624,266

FISCAL IMPACT FY 1995:

Revenue lost due to reduction in mill levy contribution	(\$2,040,557)
Savings from elimination of State Medical and State General Assistance at LFA current level benefits	<u>\$7,664,823</u>
Total savings FY 1994	\$5,624,266

Total Fiscal 1995 Biennium Savings	<u>\$11,248,532</u>
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HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 427 NUMBER MOTION: Rep. Cobb moved HB 427 DO PASS AS AMENDED

Motion carried 14 - 4

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	x	
REP. FRANCIS BARDANOUVE	x	
REP. FOREST 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	
	14	4

HOUSE OF REPRESENTATIVES

ADDITIONAL COMMITTEE

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 585 NUMBER ACTION: Rep. Cobb moved to reconsider action and take HB 585
off the table.

Motion carried 10 - 7

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		x
REP. FRANCIS BARDANOUVE	x	
REP. FOREST BERGSAGE	x	
REP. JOHN COBB	x	
REP. ROGER DEBRUYKER		x
REP. MARJ. FISHER	x	
REP. JOHN JOHNSON		
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
	10	7

Amendments to House Bill No. 585
Third Reading Copy

Requested by Rep. Cocchiarella
For the Committee on Appropriations

Prepared by Todd Everts
March 18, 1993

EXHIBIT
DATE 3/18/93
HB 585

1. Title, lines 18 through 20.
Strike: "ASSESSING" on line 18 through "PROCEEDS;" on line 20
Insert: "PROVIDING AN APPROPRIATION;"
2. Title, page 1, line 25 through page 2, line 1.
Strike: "AMENDING" on page 1, line 25 through "MCA;" on page 2,
line 1.
3. Title, page 2, line 2.
Strike: "IMMEDIATE"
4. Page 9, line 19.
Following: "department."
Insert: "The department shall provide the bureau of mines and
geology with all information received by the department
under subsection (1) for conducting legitimate scientific
studies."
5. Page 12, line 8 through page 14, line 6.
Strike: Sections 8, 9, 10, and 11 in their entirety
Renumber: subsequent section
6. Page 14, line 13 through 14.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections
7. Page 16, line 10 through page 17, line 8.
Strike: Section 13 in its entirety
Renumber: subsequent sections
8. Page 18.
Following: line 15
Insert: "NEW SECTION. Section 9. Appropriation. There is
appropriated from the reclamation and development grants
state special revenue fund \$50,000 for the biennium ending
June 30, 1995, to the department of health and environmental
sciences for the purpose of administering and contracting
with the bureau of mines and geology for the implementation
of [sections 1 through 8]. The department shall contract
with the bureau of mines and geology for purposes of
implementing the provisions of [sections 1 through 8]."
Renumber: subsequent sections

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 585 NUMBER ACTION: Rep. Cobb 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 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 WANTZENREIN	x	
REP. BILL WISEMAN		x
REP. TOM ZOOK, CHAIR	x	
	12	6

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 585 NUMBER ACTION: Rep. Cobb Moved HB 585 DO PASS AS AMENDED.

Motion carried 11 - 7

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		x
REP. FRANCIS BARDANOUVE	x	
REP. FOREST 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 WANTZENREID	x	
REP. BILL WISEMAN		x
REP. TOM ZOOK, CHAIR	x	
	11	7

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

Appropriations

COMMITTEE

BILL NO.

681

DATE 3/18 p.m. SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
STEVEN TEPLITZ	SEN. CONRAD BURNS	✓	
BARBARA RANF	U S WEST	✓	
DAVID L. TOPPER	U. System	✓	
MIKE TREVOR	Dept. of Admin	✓	
BRIAN TAGNEY	INTERMOUNTAIN AU.	✓	
JOHN GASS	INTERMOUNTAIN COMMUNICATIONS	✓	
TOM GLENDENNING	TCT CABLEVISION of MT	✓	
ZACHARY S. WOODHOK	NURTURE INC.		
DICK SOLBERG	U. Mont. - Retired	✓	

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

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

COMMITTEE

BILL NO. 585

DATE 3/18/93 p.m. SPONSOR(S) Cacchiarella

PLEASE PRINT

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Kate Miller	MBMG		

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