

MINUTES

MONTANA SENATE 53rd LEGISLATURE - SPECIAL SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By Senator Judy Jacobson, on December 8, 1993, at 3:35 p.m., Room 108.

ROLL CALL

Members Present:

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

Members Excused: Senator Fritz

Members Absent: None

Staff Present: Clayton Schenck, Legislative Fiscal Analyst
Lynn Staley, Committee Secretary

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

Committee Business Summary:

Hearing: None
Executive Action: HB 6, SB 28, HB 9, SB 36, SB 39, SB 11

EXECUTIVE ACTION ON HOUSE BILL 6

Discussion: Senator Jacobson said HB 6 deposits to the general fund a portion of the DUI reinstatement fee.

Motion/Vote: Senator Beck moved that House Bill 6 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY. Senator Lynch will carry the bill.

EXECUTIVE ACTION ON SENATE BILL 28

Discussion: Senator Jacobson said Senate Bill 28 would establish a toll free number for reporting waste in state government.

Motion: Senator Franklin moved Senate Bill 28 DO PASS.

Discussion: Senator Jergeson said he thinks the public wants to have the opportunity to report what they see as waste, which is why he sponsored the bill.

Senator Jacobson said before the session began she received a call from someone working for Montanans for Better Government and United We Stand, and one specific thing he asked was if a toll free number could be established. She thinks people are frustrated with trying to call in and report what they see as waste, etc. in state government and getting passed from one agency to another.

Senator Devlin said he thinks it will be worthwhile looking into it and added he would be willing to join Senator Jergeson next session in investigating the idea of having one toll free number and the call going to the appropriate agency from there.

Senator Bianchi said he thought it would be a good idea to have a toll free number.

Senator Waterman supports the concept of the phone line, but questions the addition of an FTE and the establishment of another line. She thinks the same thing could be accomplished by having another line into the governor's hot line and have it advertised as the toll free number for reporting fraud, waste, etc.

Senator Beck asked if Senator Jergeson had looked at incorporating this with the Citizen's Advocacy Office. He said it may be best to eliminate other 800 numbers and only have one that could direct the various calls to the right agency.

Senator Weeding asked Judy Browning if someone had been taken out of the Advocacy office and if it was manned by the governor's secretary now.

Judy Browning said there are 1.5 FTE's in that office; it was not cut back from last session. She thought they got 550 calls last month. They charge the agency for which the complaint comes in. When they are answering the phone, they are also doing other types of clerical jobs.

Senator Jergeson said if SB 28 is approved, there would be a line item in the budget and if there were 63 calls, only the amount of

personnel time for those 63 calls would be charged against the appropriation and the remainder would revert. He also said there is a difference between the Citizens Advocacy phone, which is manned by a living person, and this procedure which anticipates an answering device. A person would get a message when they call in, asking them to state the issue and give a name and phone number for a follow-up call. He said if the opportunity arose, he would be willing to work on it further in the 1995 session. He said the public wants to be involved in reporting waste, fraud, etc.

Senator Aklestad questioned whether the people would be willing to pay this cost if they are aware that there are already several toll free numbers and people they can talk to.

Vote: The motion FAILED on a roll call vote.

Senator Jergeson asked that the vote be reversed and an Adverse Committee Report prepared.

EXECUTIVE ACTION ON HOUSE BILL 9

Motion: Senator Christiaens moved House Bill 9 BE CONCURRED IN.

Discussion: Senator Jacobson said there were amendments proposed, but the committee would have discussion before addressing the amendments.

Senator Christiaens spoke in favor of HB 9 because the 19 states that have one license plate show more arrests than Montana. He also does not believe that one license plate for commercial vehicles is as big a problem as the committee was led to believe.

Senator Swysgood said he is opposed to the motion as he does not believe the taxpayers should be paying the same price for one license plate as for two.

Senator Tveit said the 19 states are southern states without the snow problems Montana has. He also does not believe Montanans should be paying the same price for one plate as they do for two.

Motion: Senator Lynch made a substitute motion that House Bill 9 BE TABLED.

Vote: The motion to TABLE HB 9 CARRIED on a roll call vote.

EXECUTIVE ACTION ON SENATE BILL 36

Motion: Senator Aklestad moved Senate Bill 36 DO PASS.

Motion: Senator Lynch made a substitute motion that Senate Bill

36 BE TABLED.

Vote: The motion to TABLE Senate Bill 36 CARRIED with Senator Aklestad opposed.

EXECUTIVE ACTION ON SENATE BILL 39

Motion: Senator Waterman moved the amendment to SB 39. (Exhibit 1) She explained the amendment would eliminate subsection 4(c) in its entirety.

Discussion: Senator Aklestad asked if this would be an expense rather than a savings.

Senator Waterman said it does not affect the savings projected in SB 39.

Vote: The motion on the amendment CARRIED.

Motion: Senator Waterman said the other amendment clarifies the language of section 6, page 17 (Exhibit 1a).

Senator Waterman MOVED the amendment.

Vote: The motion CARRIED on the amendment (Exhibit 1a).

Motion: Senator Waterman moved Senate Bill 39 AS AMENDED DO PASS.

Discussion: Senator Devlin asked about the 36 month time period.

Senator Waterman said it is a federal mandate, and asked Greg Gould to answer further.

Greg Gould, Department of Social and Rehabilitation Services (SRS), said the previous Montana statute specified a particular period of time. Congress keeps changing the period of time, so SRS has left it flexible and directed the Department to follow the federal length of time to give them flexibility to continue implementing federal changes as they come down.

Senator Lynch said although he agrees with the intent, there should be something to do with one's income rather than the value of their home. He thinks a person that owns a \$25,000 home, and is on a limited income, is not a rich person. He does not like the word "affluent" in the bill. He thinks the intent is that no one gets a free ride when they can afford to pay, but he doesn't think that person should have to liquidate that home and wait until the proceeds are used up before medicaid takes over. Everything is being lumped into the definition of affluent senior.

Senator Jacobson felt their intent is that the cost of the home is not necessarily an indicator of how much wealth a person has. Some people live in modest homes and are very wealthy. The income limit comes into play when the person reaches a spend down, as for every other medicaid program. When they get to the level of income that they become eligible, then medicaid pays. This bill is trying to make sure they don't get there by transferring their assets to their children, etc. She said it would be difficult to put an income level on the price of the home; it would have to be put on the assets as a whole.

Senator Lynch felt SB 39 should have gone to the Judiciary Committee since it refers to liens. He said when an individual goes to a rest home, their children or relatives usually keep the place up and pay the taxes in the hopes the individual will some day get out of the rest home. He said if the person dies in the rest home and has been receiving medicaid because of lack of income, he wondered what would happen to the home. He questioned what incentive there would be to maintain the home if as soon as you go to the rest home the understanding is that it belongs to the state.

Senator Keating said as soon as the individual asks to qualify for medicaid and is eligible, then the state puts a lien on the property so what they are doing is using the assets to pay for the services gotten through medicaid.

Senator Lynch said that doesn't answer his question about maintenance on the home and who is going to pay the taxes.

Senator Jacobson said as an example, her mother had a stroke, has all her faculties, but is in a nursing home. She doesn't own a home but has a fully furnished apartment. They sublet the apartment and the people subletting are paying the rent and utilities so there is no expense to Senator Jacobson. She said her mother still maintains she is going home someday, while in fact, she never will. If she did own her own home, what would happen, would Sen. Jacobson have to pay the monthly payments and taxes and insurance on that house and then have the state take the house.

Senator Beck asked if the home were financed, would it be forced into foreclosure; he questioned the implications with the banking system.

Senator Jacobson said without SB 39, the house belongs to the person. The children would maintain it and probably inherit it.

Senator Lynch questioned why the relatives should maintain it if the state owns it.

Senator Jacobson said there is a possibility of letting the Judiciary Committee look at the lien portion of the bill. She asked Senator Waterman if she would allow Senate Bill 39 to be

moved to Judiciary Committee if they met on it as soon as possible.

Senator Waterman said she would rather not because this bill has a potential \$13 million in savings in the next biennium and she would like to get it acted on.

Senator Aklestad said he doesn't think the legal technicalities are a big problem. The lien laws are not that complicated and could be discussed and explained on the floor.

After further discussion, Senator Waterman said she would be glad to work with Senator Lynch on an amendment that could be presented on the Senate floor to address his concerns.

Vote: Senator Waterman's motion that Senate Bill 39 AS AMENDED DO PASS carried.

EXECUTIVE ACTION ON SENATE BILL 11

Motion: Senator Jergeson moved a set of amendments which make Senate Bill 11 consistent with House Bill 63 (Exhibit 2).

Discussion: Senator Devlin asked if this now did the same as Rep. Brandewie's bill.

Senator Jergeson said it makes the portion of SB 11 that transfers the Local Government Audit consistent with the Brandewie bill. It doesn't eliminate the rest of the effect of SB 11.

When asked by Senator Devlin if it was a coordinating amendment, Senator Jergeson said it was.

Vote: Senator Jergeson's motion on the amendment CARRIED.

Motion: Senator Jergeson moved an additional set of amendments, (Exhibit 3).

Senator Jergeson presented to the committee data relative to proposed personal services/FTE reductions-SB 11 (Exhibit 4).

Discussion: Senator Jergeson explained the amendments (Exhibit 3) and referred the committee to the fiscal note.

Senator Devlin said it appears Sen. Jergeson is claiming some expenses that have already been taken out in the Department's budget to get savings of \$763,967. He asked if \$400,000-\$500,000 wasn't already taken out of the Department.

Senator Jergeson said there was about \$268,000 that would be refunded due to the transfer of the Local Government Audit. The

subcommittee did achieve some savings which are included as well, but there is a net savings above that. He said the bulk of the general fund savings of \$468,000 is achieved by SB 11 and it is not necessarily represented by those other changes. The \$268,000 savings that is anticipated in the Brandewie bill is proprietary savings and not general fund.

When questioned by Senator Devlin if the old fiscal note would still work, Senator Jergeson said if the committee approves the amendment and concurs in SB 11, he will ask the budget office to prepare a new fiscal note.

Senator Devlin said he has a problem with the \$710,000 savings as he doesn't think it is there. He doesn't see the elimination except for an administrator being taken out.

Senator Jacobson said the fiscal note was not prepared by the subcommittee or by the sponsor; it was prepared by Mr. Lewis' office. It shouldn't change dramatically because all they have done is change from one department to a different department.

Senator Devlin asked if 20 FTE's were taken out.

Senator Jergeson said it is 18.5 net reduction.

Senator Keating asked if the numbers reflect the administrators that have already been let go.

Senator Jergeson said the numbers do include the savings that were adopted by the subcommittee. When the budget office prepares a fiscal note on any bill, they have to start from what is in existence, not what might exist in some other bill or on the basis of some subcommittee recommendation.

Senator Keating asked if the \$700,000 that is reflected has already been reduced by three or four hundred thousand dollars in actions in the Department and that this \$700,000 could be reduced right now because the savings have already been affected.

Senator Jergeson said \$268,000 in proprietary savings that is the result of moving the Local Government Audit to the Legislative Auditor is a part of the \$763,000, and is part of the negative number in proprietary, but is not a part of the general fund savings. The three FTE's that were eliminated by the subcommittee are a part of the general fund savings.

Senator Devlin asked the amount that was in a motion by Senator Jergeson in House Bill 2 that was previously turned down.

Senator Jergeson said it would have been about \$295,000 for the second year of the biennium.

When questioned by Senator Devlin if it was about the same as this, Senator Jergeson said that was correct. He added that it

is interesting that the Department of Commerce offered some cuts as instructed by the governor. Then when the bill was introduced, the Department came into the subcommittee and offered more cuts. The bill is already having an effect in that we are getting some savings out of the department and he felt that more can be gotten in the process.

Senator Beck asked the total of the two figures, what the Governor asked for and what the committee came up with.

Senator Jergeson said they gave up two more FTE's in committee.

Andy Poole, Department of Commerce, said there were two administrators that were in the process of retiring from the Department of Commerce, and the Department came to the subcommittee and offered those positions be eliminated.

Senator Beck asked Mr. Poole what the Department of Commerce has offered in total dollars in House Bill 2.

Mr. Poole said the fiscal note shows approximately \$763,000 savings. House Bill 2 reductions, which have already taken place in subcommittee and also in the bill that the committee previously dealt with, show a savings in the general fund category for the Department of Commerce of about \$144,000. Those are general fund positions in economic development that were eliminated. In the proprietary category there are approximately \$100,000 which is saved in House Bill 2. House Bill 63 reduces the proprietary account by \$268,000 so the total savings for this bill, given what has already happened, is approximately \$250,000.

When asked by Senator Beck if that was general fund, Mr. Poole said yes, the reason general fund is shown as a savings is that it is changed from general fund to proprietary which is an action taken by this committee.

Senator Keating asked if it becomes a proprietary fund which means it has to be self sustaining by selling the information it generates, and it is also the counties and cities that are requesting information and if they don't want to pay for it, the department is out of business.

Mr. Poole said that was true.

Senator Jergeson said there are savings already achieved that are included in the savings number of \$268,000.

Senator Swysgood questioned that we are not gaining more savings.

Senator Aklestad questioned since a majority of the boards are appointed by the Governor why they are not in the Governor's office.

Senator Jacobson said those boards are regulatory to businesses.

People have to go to those boards for their professional license as well as to the Secretary of State for the business license; many of them have to be staffed by attorneys. The Secretary of State's office has a staff of attorneys and the Department of Commerce has a staff of attorneys, and they feel they can do these things in one department.

Vote: Senator Jergeson's motion on the amendments (Exhibits 2, 3) CARRIED.

Motion: Senator Jergeson moved Senate Bill 11 AS AMENDED DO PASS.

Discussion: Senator Jergeson said SB 11 is in answer to the public's demand that state government be reinvented and downsized and added that he knows the citizens do not realize how difficult it is to group departments together and reorganize government. He said he would probably make a further amendment to SB 11 on the floor to change the effective date from July 1, 1994 to July 1, 1995 because he is concerned about the study slated to take place. He thinks the task force will do an excellent job, but he is trying to find some mechanism to empower that task force. Unless something like this is done, the 1995 session will be swamped by agencies that do not want to be changed and the resistance by some people will overwhelm the legislature with consequently nothing done in response to the public's demands to find different ways of doing things in Helena.

Senator Devlin said the proposal wasn't mentioned in the January 1993 session and a project such as this takes long range planning. He does not think there has been that much research put into it.

Senator Aklestad asked if Senator Jergeson would consider putting July 1995 on the bill before it leaves this committee, and then the department would know that they are on call to shut down in July of 1995 which would compel the task force to concentrate on this area in their study. There would have to be a compelling reason in the next session to overturn this statute with an effective date.

Senator Jergeson said he could accept that if it improves the comfort level of the committee.

Motion: Senator Jergeson made a substitute motion that the effective date of Senate Bill 11 be July 1, 1995.

Vote: Senator Jergeson's substitute motion CARRIED.

Motion: Senator Jergeson moved that Senate Bill 11 AS AMENDED DO PASS.

Vote: The motion CARRIED with Senators Devlin, Keating, Tveit opposed.

ADJOURNMENT

Adjournment: The meeting adjourned at 5:10 p.m.


SENATOR JUDY JACOBSON, Chair


LYNN STALEY, Secretary

JJ/lb

ROLL CALL

p.m session

SENATE COMMITTEE FINANCE & CLAIMS

DATE 12/8/93

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

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 9, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 6 (first reading copy -- white), respectfully report that House Bill No. 6 be concurred in.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 10
December 9, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration Senate Bill No. 11 (first reading copy -- white), respectfully report that Senate Bill No. 11 be amended as follows and as so amended do pass.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Title, page 1, line 13.
Strike: "7-6-2203,"

2. Title, page 2, line 5.
Strike: "85-9-611,"

3. Title, page 2, line 7.
Strike: "90-6-503,"

4. Title, page 2, line 8.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "2-15-1801,"
Insert: "7-6-210, AND 85-9-611,"

5. Title, page 2, line 9.
Strike: "AN"
Insert: "A DELAYED"

6. Page 8, line 21.
Strike: "(1)"

7. Page 8, line 25 through page 9, line 6.
Strike: subsection (2) in its entirety

8. Page 13, line 17.
Strike: "secretary of state"
Insert: "department of administration"

9. Page 13, lines 20, 22, and 24.
Strike: "secretary of state"
Insert: "department"

10. Page 14, line 21.
Strike: "health and environmental sciences"
Insert: "administration"

11. Page 16, lines 20 and 21.

Following: the second "~~department~~" on line 20

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

Insert: "department of administration, which"

12. Page 28, line 4.

Page 29, lines 14 and 21.

Page 30, line 9.

Strike: "secretary of state"

Insert: "office of the governor"

13. Page 31, line 11.

Following: "~~commeree~~"

Insert: "and the legislative auditor"

14. Page 31, line 16.

Strike: "secretary of state"

Insert: "legislative auditor or the auditor's designee"

15. Page 32, line 7.

Strike: "secretary of state"

Insert: "legislative auditor"

Strike: "secretary of state's"

Insert: "auditor's"

16. Page 35, lines 8 and 9.

Following: "office" on line 8

Strike: remainder of line 8 through "verify" on line 9

Insert: "to document that"

17. Page 35, line 10.

Strike: "and may see that they"

18. Page 35, line 13 through page 36, line 3.

Strike: section 35 in its entirety

Renumber: subsequent sections

19. Page 36, line 10.

Strike: "secretary of state"

Insert: "legislative auditor, the auditor's designee"

Following: "~~and~~"

Insert: "the"

20. Page 37, lines 12 and 13.

Strike: "secretary of state"

Insert: "legislative auditor"

21. Page 37, line 14.

Following: "county"

Insert: "as required by 2-7-503"

22. Page 38, line 6.

Strike: "on the"

Insert: "in a"

23. Page 38, line 7.

Strike: "designated"

Insert: "approved"

24. Page 38, line 10.

Strike: ", with the approval of"

25. Page 38, line 11.

Strike: "the"

Strike: "secretary of state,"

26. Page 43, line 19.

Following: "year,"

Insert: "as required by 2-7-503,"

27. Page 44, line 18.

Strike: "prescribed"

Insert: "approved"

28. Page 44, line 21.

Strike: "(1)"

29. Page 44, line 24.

Strike: "secretary of state"

Insert: "legislative auditor"

30. Page 45, lines 2 through 13.

Strike: subsection (2) in its entirety

31. Page 51, lines 23 through 25.

Following: "." on line 23

Strike: remainder of line 23 through "." on line 25

32. Page 53, line 19.

Strike: "It"

Strike: "is the duty of the"

Insert: "The"

33. Page 53, lines 20 and 21.

Following: "commissioners" on line 20

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

Insert: "shall"

34. Page 53, line 22.

Strike: "if"

Insert: "whether"

35. Page 53, line 23.

Strike: the second "the"

Insert: "their"

Strike: "sufficient"

Insert: "insufficient"

36. Page 56, line 24.

Strike: "secretary of state"

Insert: "office of the governor"

37. Page 57, line 4.

Strike: "\"secretary of state\""

Insert: "\"office of the governor\""

38. Page 62, lines 18 and 19.

Following: "." on line 18

Strike: remainder of line 18 through "the" on line 19

Insert: "The"

39. Page 67, line 8.

Strike: "secretary of state"

Insert: "department of administration"

40. Page 68, lines 5 and 6.

Following: "the" on line 5

Strike: remainder of line 5 through "state" on line 6

Insert: "office of the governor"

41. Page 68, line 10.

Page 187, line 15.

Page 209, line 15.

Strike: "\"secretary of state\""

Insert: "\"office of the governor\""

42. Page 71, line 2.

Strike: "department of administration"

Insert: "legislative auditor"

43. Page 71, line 8.
Strike: "department of"
Strike: "administration"
Insert: "legislative auditor"

44. Page 71, line 12.
Strike: "department of"

45. Page 71, line 13.
Strike: "administration"
Insert: "legislative auditor"

46. Page 71, line 15.
Strike: "department of"

47. Page 71, line 16.
Strike: "administration"
Insert: "legislative auditor or the auditor's designee"

48. Page 71, line 17.
Strike: "department of"

49. Page 71, line 18.
Strike: "administration"
Insert: "legislative auditor"

50. Page 71, line 22.
Strike: "department"
Insert: "legislative auditor"

51. Page 74, lines 2 and 3.
Following: "~~commerce~~" on line 2
Strike: remainder of line 2 through "state" on line 3
Insert: "department of health and environmental sciences"

52. Page 74, line 17.
Strike: "secretary of state"
Insert: "department of health and environmental sciences"

53. Page 81, line 5.
Strike: "department of"

54. Page 81, line 6.
Strike: "health and environmental sciences"
Insert: "office of state coordinator of Indian affairs"

55. Page 140, line 7.

Following: "and"

Insert: "approval of the department of health and environmental sciences and"

Strike: "and approval of"

56. Page 149, line 12.

Strike: "secretary of state"

Insert: "department of health and environmental sciences"

57. Page 149, line 19.

Strike: "secretary of state"

Insert: "department of health and environmental sciences"

58. Page 149, line 23.

Page 153, line 18.

Strike: "\"secretary of state\""

Insert: "\"department of health and environmental sciences\""

59. Page 150, line 23.

Following: "–"

Insert: "\"Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21."

ReNUMBER: subsequent subsections

60. Page 151, line 22.

Strike: "(9)"

Insert: "(10)"

61. Page 153, line 14.

Strike: "secretary of state"

Insert: "department of health and environmental sciences"

62. Page 153, line 23.

Following: "–"

Insert: "\"Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21."

ReNUMBER: subsequent subsections

63. Page 157, line 18.

Strike: "state"

Insert: "legislative"

64. Page 178, line 2.

Strike: "secretary of state"

Insert: "department of livestock"

65. Page 178, line 6.

Strike: "secretary of state"

Insert: "department of livestock"

66. Page 179, line 8.

Following: "-"

Insert: "Department" means the department of livestock provided
for in Title 2, chapter 15, part 31."

Renumber: subsequent subsections

67. Page 179, line 20.

Strike: "secretary of state"

Insert: "department"

68. Page 181, line 7.

Strike: "secretary of state"

Insert: "department"

69. Page 181, line 10.

Strike: "secretary of state's"

Insert: "department's"

70. Page 184, line 25.

Following: "records"

Insert: "and audits"

71. Page 185, lines 10 through 12.

Following: "control" on line 10

Strike: remainder of line 10 through "offices" on line 12

Following: line 12

Insert: "(3) The accounting records of boards of control must be
audited in accordance with 2-7-503."

72. Page 186, lines 2 through 5.

Following: "~~commerce~~" on line 2

Strike: remainder of line 2 through "presenting the" on line 4

Following: "records" on line 4

Strike: remainder of line 4 through "examination" on line 5

Insert: "of irrigation districts are subject to audit in
accordance with 2-7-503"

73. Page 186, line 23 through page 187, line 6.

Strike: section 154 in its entirety

Renumber: subsequent sections

74. Page 187, lines 9 and 13.

Strike: "chapters"

Insert: "chapter"

Strike: "and 3"

75. Page 187, lines 10 and 11.

Following: "development" on line 10

Strike: remainder of line 10 through "technology" on line 11

76. Page 187, line 11.

Strike: "secretary of state"

Insert: "office of the governor"

77. Page 187, line 16.

Following: line 15

Insert: "NEW SECTION. Section 156. Functions transferred --
name change. (1) The functions of the department of commerce
contained in Title 90, chapter 3, that relate to science and
technology are transferred to the department of
administration.

(2) In the provisions of the Montana Code Annotated in
Title 90, chapter 3, the term "department of commerce" or
"department", meaning department of commerce, is changed to
"department of administration".

ReNUMBER: subsequent sections

78. Page 188, line 8.

Following: "-"

Insert: "Department" means the department of administration
provided for in Title 2, chapter 15, part 10."

ReNUMBER: subsequent subsections

79. Page 191, lines 16, 17, and 23.

Strike: "secretary of state"

Insert: "office of the governor"

80. Page 191, line 21.

Strike: "Secretary of state"

Insert: "Office of governor"

81. Page 192, line 19.

Strike: "secretary of state"

Insert: "department of administration"

82. Page 192, line 23.

Strike: "\"secretary of state\""

Insert: "\"department of administration"

83. Page 193, line 12.

Following: "-"

Insert: "\"Department\" means the department of administration
provided for in Title 2, chapter 15, part 10."

Renumber: subsequent subsections

84. Page 205, line 6 through page 206, line 3.

Strike: section 164 in its entirety

Renumber: subsequent sections

85. Page 209, lines 6 and 7.

Following: "~~commerce~~" on line 6

Strike: remainder of line 6 through "sciences" on line 7

Insert: "administration"

86. Page 209, line 11.

Strike: "secretary of state"

Insert: "office of the governor"

87. Page 210, lines 13 and 14.

Following: "~~department~~" on line 13

Strike: remainder of line 13 through "state" on line 14

Insert: "office of the governor"

88. Page 212, line 20.

Strike: "Section"

Insert: "Sections"

Following: "2-15-1801,"

Insert: "7-6-210, and 85-9-611,"

89. Page 212, line 21.

Strike: "is"

Insert: "are"

90. Page 212, line 22.

Following: line 21

Insert: "NEW SECTION. Section 170. Coordination instruction.

If House Bill No. 63 is passed and approved transferring certain local government audit functions to the legislative auditor, the provisions of House Bill No. 63, to the extent of any conflict, supersede the provisions of [this act] transferring local government audit functions to the legislative auditor. The provisions of House Bill No. 63 do not apply to the transfer of certain functions to the secretary of state."

Renumber: subsequent section

91. Page 212, line 23.
Strike: "January"
Insert: "July"
Strike: "1994"
Insert: "1995"

-END-

MAJORITY


SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 9, 1993

MR. PRESIDENT:

We, a majority of your committee on Finance and Claims having had under consideration Senate Bill No. 28 (first reading copy -- white), respectfully report that Senate Bill No. 28 do not pass.

Signed:


Senator Judy H. Jacobson, Chair

MINORITY

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 9, 1993

MR. PRESIDENT:

We, a minority of your committee on Finance and Claims having had under consideration Senate Bill No. 28 (first reading copy -- white), respectfully report that Senate Bill No. 28 do pass.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson

Signed: Greg Jergason
Senator Greg Jergason

Signed: Don Bianchi
Senator Don Bianchi

Signed: Chris Christiaens
Senator Chris Christiaens

Signed: Gary Forrester
Senator Gary Forrester

Signed: Eve Franklin
Senator Eve Franklin

Signed: Harry Fritz
Senator Harry Fritz

Signed: Bob Hockett
Senator Bob Hockett

Signed: Daryl Toews
Senator Daryl Toews

Signed: Eleanor L. Vaughn
Senator Eleanor Vaughn

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 9, 1993

MR. PRESIDENT:

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

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Page 5, line 22 through page 7, line 5.
Strike: subsection (4)(c) in its entirety.

2. Page 17, line 19.
Following: "holds"
Strike: "unused"

3. Page 17, line 22.
Following: "shall"
Insert: ", after paying for the disposition and related
expenses,"
Following: "pay"
Strike: "those"
Insert: "all remaining"

-END-

TABLED BILL REPORT

SENATE COMMITTEE Finance & Claims

TABLED BILL(S) HB 9 SB 36

DATE 12/8/93

Lynn Staley 4885 303
COMMITTEE SECRETARY PHONE ROOM

F12

TABLE.F12

carried

Amendments to Senate Bill No. 39
First Reading Copy

Requested by Senator Waterman
For the Senate Finance & Claims Committee

Prepared by Roger Lloyd
December 8, 1993

SENATE FINANCE AND CLAIMS
EXHIBIT NO. _____
DATE 12/8/93
BILL NO. SB 39

1. Page 5, line 22 through page 7, line 5.
Strike: subsection (4)(c) in its entirety.

{ Office of Legislative Fiscal Analyst

444-2986}

Committee Report of Senate Finance and Claims
on Senate Bill No. 39

December 9, 1993

Exhibit 1a

Mr. President:

We, your Committee on Senate Finance Claims, met and considered Senate Bill 39 and recommend that Senate Bill No. 39 (first copy -- white) be amended as follows:

1. Page 5, line 22 through page 7, line 5.

Strike: subsection (4)(c) in its entirety.

2. Page 17, line 19.

Following: "holds"

Strike: "unused"

3. Page 17, line 22.

Following: "shall"

Insert: ", after paying for the disposition and related expenses,"

Following: "pay"

Strike: "those"

Insert: "all remaining"

{Office of Legislative Fiscal Analyst

444-2986}

Amendments to Senate Bill No. 11
First Reading Copy

Requested by Senator Jergeson
For the Committee on Finance and Claims

Prepared by Greg Petesch
December 4, 1993

carried

1. Title, page 1, line 13.
Strike: "7-6-2203,"

2. Title, page 2, line 5.
Strike: "85-9-611,"

3. Title, page 2, line 8.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "2-15-1801,"
Insert: "7-6-210, AND 85-9-611,"

4. Page 8, line 21.
Strike: "(1)"

5. Page 8, line 25 through page 9, line 6.
Strike: subsection (2) in its entirety

6. Page 31, line 11.
Following: "~~commerce~~"
Insert: "and the legislative auditor"

7. Page 31, line 16.
Strike: "secretary of state"
Insert: "legislative auditor or the auditor's designee"

8. Page 32, line 7.
Strike: "secretary of state"
Insert: "legislative auditor"
Strike: "secretary of state's"
Insert: "auditor's"

9. Page 35, lines 8 and 9.
Following: "office" on line 8
Strike: remainder of line 8 through "verify" on line 9
Insert: "to document that"

10. Page 35, line 10.
Strike: "and may see that they"

11. Page 35, line 13 through page 36, line 3.
Strike: section 35 in its entirety
Renumber: subsequent sections

12. Page 36, line 10.

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 2

DATE 12/8/93

BILL NO. SB 11

Strike: "secretary of state"
Insert: "legislative auditor, the auditor's designee"
Following: "and"
Insert: "the"

13. Page 37, lines 12 and 13.
Strike: "secretary of state"
Insert: "legislative auditor"

14. Page 37, line 14.
Following: "county"
Insert: "as required by 2-7-503"

15. Page 38, line 6.
Strike: "on the"
Insert: "in a"

16. Page 38, line 7.
Strike: "designated"
Insert: "approved"

17. Page 38, line 10.
Strike: ", with the approval of"

18. Page 38, line 11.
Strike: "the"
Strike: "secretary of state,"

19. Page 43, line 19.
Following: "year,"
Insert: "as required by 2-7-503,"

20. Page 44, line 18.
Strike: "prescribed" .
Insert: "approved"

21. Page 44, line 21.
Strike: "(1)"

22. Page 44, line 24.
Strike: "secretary of state"
Insert: "legislative auditor"

23. Page 45, lines 2 through 13.
Strike: subsection (2) in its entirety

24. Page 51, lines 23 through 25.
Following: "." on line 23
Strike: remainder of line 23 through "." on line 25

25. Page 53, line 19.
Strike: "It"
Strike: "is the duty of the"
Insert: "The"

26. Page 53, lines 20 and 21.
Following: "commissioners" on line 20
Strike: remainder of line 20 through "to" on line 21
Insert: "shall"
27. Page 53, line 22.
Strike: "if"
Insert: "whether"
28. Page 53, line 23.
Strike: the second "the"
Insert: "their"
Strike: "sufficient"
Insert: "insufficient"
29. Page 62, lines 18 and 19.
Following: "." on line 18
Strike: remainder of line 18 through "the" on line 19
Insert: "The"
30. Page 71, line 2.
Strike: "department of administration"
Insert: "legislative auditor"
31. Page 71, line 8.
Strike: "department of"
Strike: "administration"
Insert: "legislative auditor"
32. Page 71, line 12.
Strike: "department of"
33. Page 71, line 13.
Strike: "administration"
Insert: "legislative auditor"
34. Page 71, line 15.
Strike: "department of"
35. Page 71, line 16.
Strike: "administration"
Insert: "legislative auditor or the auditor's designee"
36. Page 71, line 17.
Strike: "department of"
37. Page 71, line 18.
Strike: "administration"
Insert: "legislative auditor"
38. Page 71, line 22.
Strike: "department"
Insert: "legislative auditor"
39. Page 157, line 18.

Strike: "state"
Insert: "legislative"

40. Page 184, line 25.
Following: "records"
Insert: "and audits"

41. Page 185, lines 10 through 12.
Following: "control" on line 10
Strike: remainder of line 10 through "offices" on line 12
Following: line 12
Insert: "(3) The accounting records of boards of control must be audited in accordance with 2-7-503."

42. Page 186, lines 2 through 5.
Following: "~~commerce~~" on line 2
Strike: remainder of line 2 through "presenting the" on line 4
Following: "records" on line 4
Strike: remainder of line 4 through "examination" on line 5
Insert: "of irrigation districts are subject to audit in accordance with 2-7-503"

43. Page 186, line 23 through page 187, line 6.
Strike: section 154 in its entirety
Renumber: subsequent sections

44. Page 212, line 20.
Strike: "Section"
Insert: "Sections"
Following: "2-15-1801,"
Insert: "7-6-210, and 85-9-611,"

45. Page 212, line 21.
Strike: "is"
Insert: "are"

46. Page 212, line 22.
Following: line 21
Insert: "NEW SECTION. Section 170. Coordination instruction.
If House Bill No. 63 is passed and approved transferring certain local government audit functions to the legislative auditor, the provisions of House Bill No. 63, to the extent of any conflict, supersede the provisions of [this act] transferring local government audit functions to the legislative auditor. The provisions of House Bill No. 63 do not apply to the transfer of certain functions to the secretary of state."
Renumber: subsequent section

Amendments to Senate Bill No. 11
First Reading Copy

Requested by Subcommittee
For the Committee on Finance and Claims

Prepared by Greg Petesch
December 4, 1993

same
SENATE FINANCE AND CLAIMS
EXHIBIT NO. 3
DATE 12/8/93
BILL NO. SB 11

1. Title, page 2, line 7.
Strike: "90-6-503,"
2. Page 13, line 17.
Strike: "secretary of state"
Insert: "department of administration"
3. Page 13, lines 20, 22, and 24.
Strike: "secretary of state"
Insert: "department"
4. Page 14, line 21.
Strike: "health and environmental sciences"
Insert: "administration"
5. Page 16, lines 20 and 21.
Following: the second "~~department~~" on line 20
Strike: remainder of line 20 through "who" on line 21
Insert: "department of administration, which"
6. Page 28, line 4.
Page 29, lines 14 and 21.
Page 30, line 9.
Strike: "secretary of state"
Insert: "office of the governor"
7. Page 56, line 24.
Strike: "secretary of state"
Insert: "office of the governor"
8. Page 57, line 4.
Strike: "\"secretary of state\""
Insert: "\"office of the governor\""
9. Page 67, line 8.
Strike: "secretary of state"
Insert: "department of administration"
10. Page 68, lines 5 and 6.
Following: "the" on line 5
Strike: remainder of line 5 through "state" on line 6
Insert: "office of the governor"
11. Page 68, line 10.
Page 187, line 15.

Page 209, line 15.
Strike: "secretary of state"
Insert: "office of the governor"

12. Page 74, lines 2 and 3.
Following: "~~commerce~~" on line 2
Strike: remainder of line 2 through "state" on line 3
Insert: "department of health and environmental sciences"

13. Page 74, line 17.
Strike: "secretary of state"
Insert: "department of health and environmental sciences"

14. Page 81, line 5.
Strike: "department of"

15. Page 81, line 6.
Strike: "health and environmental sciences"
Insert: "office of state coordinator of Indian affairs"

16. Page 140, line 7.
Following: "~~and~~"
Insert: "approval of the department of health and environmental sciences and"
Strike: "and approval of"

17. Page 149, line 12.
Strike: "secretary of state"
Insert: "department of health and environmental sciences"

18. Page 149, line 19.
Strike: "secretary of state"
Insert: "department of health and environmental sciences"

19. Page 149, line 23.
Page 153, line 18.
Strike: "secretary of state"
Insert: "department of health and environmental sciences"

20. Page 150, line 23.
Following: "-"
Insert: "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21."
Renumber: subsequent subsections

21. Page 151, line 22.
Strike: "(9)"
Insert: "(10)"

22. Page 153, line 14.
Strike: "secretary of state"
Insert: "department of health and environmental sciences"

23. Page 153, line 23.

Following: "-"

Insert: "Department" means the department of health and
environmental sciences provided for in Title 2, chapter 15,
part 21."

Renumber: subsequent subsections

24. Page 178, line 2.

Strike: "secretary of state"

Insert: "department of livestock"

25. Page 178, line 6.

Strike: "secretary of state"

Insert: "department of livestock"

26. Page 179, line 8.

Following: "-"

Insert: "Department" means the department of livestock provided
for in Title 2, chapter 15, part 31."

Renumber: subsequent subsections

27. Page 179, line 20.

Strike: "secretary of state"

Insert: "department"

28. Page 181, line 7.

Strike: "secretary of state"

Insert: "department"

29. Page 181, line 10.

Strike: "secretary of state's"

Insert: "department's"

30. Page 187, lines 9 and 13.

Strike: "chapters"

Insert: "chapter"

Strike: "and 3"

31. Page 187, lines 10 and 11.

Following: "development" on line 10

Strike: remainder of line 10 through "technology" on line 11

32. Page 187, line 11.

Strike: "secretary of state"

Insert: "office of the governor"

33. Page 187, line 16.

Following: line 15

Insert: "NEW SECTION. Section 156. **Functions transferred --
name change.** (1) The functions of the department of commerce
contained in Title 90, chapter 3, that relate to science and
technology are transferred to the department of
administration.

(2) In the provisions of the Montana Code Annotated in
Title 90, chapter 3, the term "department of commerce" or

"department", meaning department of commerce, is changed to
"department of administration".
Renumber: subsequent sections

34. Page 188, line 8.
Following: "-"
Insert: "Department" means the department of administration
provided for in Title 2, chapter 15, part 10."
Renumber: subsequent subsections

35. Page 191, lines 16, 17, and 23.
Strike: "secretary of state"
Insert: "office of the governor"

36. Page 191, line 21.
Strike: "Secretary of state"
Insert: "Office of governor"

37. Page 192, line 19.
Strike: "secretary of state"
Insert: "department of administration"

38. Page 192, line 23.
Strike: "\"secretary of state\""
Insert: "\"department of administration\""

39. Page 193, line 12.
Following: "-"
Insert: "Department" means the department of administration
provided for in Title 2, chapter 15, part 10."
Renumber: subsequent subsections

40. Page 205, line 6 through page 206, line 3.
Strike: section 164 in its entirety
Renumber: subsequent sections

41. Page 209, lines 6 and 7.
Following: "~~commerce~~" on line 6
Strike: remainder of line 6 through "sciences" on line 7
Insert: "administration"

42. Page 209, line 11.
Strike: "secretary of state"
Insert: "office of the governor"

43. Page 210, lines 13 and 14.
Following: "~~department~~" on line 13
Strike: remainder of line 13 through "state" on line 14
Insert: "office of the governor"

44. Page 212, line 23.
Strike: "January"
Insert: "July"

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 4DATE 12/8/93BILL NO. SB 11

Proposed Personal Services/FTE Reductions...Senate Bill 11

PERSONAL SERVICES BUDGETS...FY '95

Department/Agency	FY 1995 Appropriation	SB 11 Proposal	FY 1995 Savings
Department of Commerce	\$11,399,041		\$0
Secretary of State*	\$881,556	\$7,054,724	
State Auditor	\$0	\$787,472	
Legislative Auditor	\$0	\$531,107	
Office of the Governor	\$0	\$718,841	
Department of Health	\$0	\$49,949	
Department of Administration	\$0	\$1,215,445	
Department of Revenue	\$0	\$1,100,945	
Department of Justice	\$0	\$111,125	
TOTAL	\$12,280,597	\$11,569,608	\$710,989

* FY 1995 personal services amount included here due to FTE reductions
included as part of SB 11 reorganization (see FTE chart below).

FTE REDUCTIONS

Function	SB 11 Agency Responsible	Authorized FY 1995	SB 11 Proposal	Change
Secretary of State	S.O.S.	34.30	32.30	-2.00
Public Safety Division	Eliminated	1.00	0.00	-1.00
Weights and Measures	S.O.S.	10.00	10.00	0.00
Financial Division	State Auditor	25.25	25.00	-0.25
Milk Control	S.O.S. <i>Livestock</i>	6.00	6.00	0.00
Prof. and Occupational Licensing	S.O.S.	43.03	42.03	-1.00
Business Development Division	S.O.S. <i>Governor</i>	19.00	15.00	-4.00
Montana Promotion Divison	Governor	19.33	19.33	0.00
Community Development Bureau	S.O.S. <i>Governor</i>	26.50	26.50	0.00
Office of Research and Info.	S.O.S. <i>Governor</i>	6.83	6.83	0.00
Local Government Services - Audit	Leg. Auditor	29.00	20.50	-8.50
Local Government Services - Systems	N/A	0.00	0.00	0.00
Local Government Services - Admin.	S.O.S.	2.50	2.50	0.00
Building Codes Bureau	S.O.S. <i>Health</i>	35.00	35.00	0.00
Indian Affairs Coordinator	Governor	4.00	4.00	0.00
Health Facilites Authority	Health Administration	1.00	1.00	0.00
Mt. Science and Tech. Alliance	S.O.S. <i>Administration</i>	7.00	7.00	0.00
Board of Housing	S.O.S. <i>Administration</i>	14.00	14.00	0.00
Investments Division	Administration	28.00	28.00	0.00
Montana Lottery	Revenue	35.00	35.00	0.00
Board of Horse Racing	S.O.S.	3.78	3.78	0.00
Management Services	S.O.S.	22.59	18.84	-3.75
TOTAL		373.11	352.61	-20.50

SB 28

ROLL CALL VOTE ①

SENATE COMMITTEE FINANCE AND CLAIMSBILL NO. SB 28DATE 12/8/93 TIME _____ A.M. P.M.

NAME	YES	NO
SENATOR JACOBSON	✓	
SENATOR JERGESON	✓	
SENATOR AKLESTAD		✓
SENATOR BECK		✓
SENATOR BIANCHI	✓	
SENATOR CHRISTIAENS	✓	
SENATOR DEVLIN		✓
SENATOR FORRESTER	✓	
SENATOR FRANKLIN	✓	
SENATOR FRITZ	✓	
SENATOR HARDING		✓
SENATOR HOCKETT	✓	
SENATOR KEATING		✓
SENATOR LYNCH		✓
SENATOR TOEWS	✓	
SENATOR SWYSGOOD		✓
SENATOR TVEIT		✓
SENATOR VAUGHN	✓	
SENATOR WATERMAN		✓
SENATOR WEEDING		✓

Lynn Stealey
 SECRETARY

CHAIR

MOTION: Senator Franklin moved
SB 28 Do Pass. Motion Failed

ROLL CALL VOTE ⁽²⁾

HB 9

SENATE COMMITTEE FINANCE AND CLAIMS

BILL NO. HB 9

DATE 12/8/93

TIME _____ A.M. P.M.

NAME	YES	NO
SENATOR JACOBSON		✓
SENATOR JERGESON		✓
SENATOR AKLESTAD		✓
SENATOR BECK	✓	
SENATOR BIANCHI		✓
SENATOR CHRISTIAENS		✓
SENATOR DEVLIN	✓	
SENATOR FORRESTER		✓
SENATOR FRANKLIN	✓	
SENATOR FRITZ	✓	
SENATOR HARDING	✓	
SENATOR HOCKETT		✓
SENATOR KEATING	✓	
SENATOR LYNCH	✓	
SENATOR TOEWS	✓	
SENATOR SWYSGOOD	✓	
SENATOR TVEIT	✓	
SENATOR VAUGHN		✓
SENATOR WATERMAN		✓
SENATOR WEEDING	✓	

Lynn Staley
SECRETARY

CHAIR

MOTION: Sen. Lynch moved HB 9 Be
Tabled. Carried