

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - SPECIAL SESSION**

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN TOM ZOOK**, on December 10, 1993, at
1:00 P.M.

ROLL CALL

Members Present:

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

Members Excused: None

Members Absent: None

Staff Present: Sandy Whitney, Legislative Fiscal Analyst
Cathy Kelley, Committee Secretary

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

Committee Business Summary:

Hearing:	HB 71	
Executive Action:	HB 19	Tabled
	HB 20	(not final)
	HB 54	Do Pass As Amended
	HB 60	Do Pass
	HB 61	Tabled
	HB 63	Tabled
	HB 71	Tabled
	SB 2	Tabled
	SB 4	Be Concurred in

HEARING ON HOUSE BILL 71Opening Statement by Sponsor:

REP. BILL TASH, House District 73, Dillon, said that his bill provided authority for lump-sum appropriations to agencies and required an agency that receives a lump-sum appropriation to adopt goals and objectives and performance measures for the agency that can be objectively evaluated in a performance audit. The bill provides an opportunity for cost-effective administration.

Proponents' Testimony:

REP. DUANE GRIMES, House District 75, Clancy, said this bill provides an opportunity for long-term, deep-rooted structural reform. He stated that it is possible to consolidate agencies and never cut an FTE. The main problem is duplication, i.e. whether it exists, how extensive it is, etc.

REP. GRIMES said that part of his job in state government is to work with all the accountants in state government. The accountants have told him that there is a monetary disincentive to do the right thing, because at the end of the year they must try to spend any excess money. Lump sum funding linked with performance budgeting could help solve this problem.

REP. GRIMES referred to a recent seminar he had attended on strategic budgeting which provided helpful information. He quoted from Joseph Kelly, seminar speaker, who said that from a purely practical standpoint, the strategic planning process forces management to shift its thinking from the day to day short-term crisis management mode to a long-term strategic mission oriented mode. Management is forced to look at and evaluate its relationships with both external and internal forces, the resources it has available, and the strengths and weaknesses within the organization.

REP. GRIMES said that agencies that propose to go to lump sum funding will have to bring their particular proposals for measurable criteria to the legislature. For example, a measurable criterion for the Department of Highways would be so many miles of roadway paved per thousand dollars. He stated that Texas has had good success in implementing this concept which gets to the root of the problem.

Jane Hamman, Office of Budget and Program Planning, said that her office believes that this legislation helps to implement the actions of last session. She quoted from HB 2 which stated that the Governor has encouraged and fostered the development of a mission-driven budget system, including the development of a flexible unified budget and the development of an incentive system to encourage agencies to generate cost savings and reduce

expenditures. This incentive should work toward including the development of a results-oriented system for budget, including budgeting by performance and outcome measures.

Ms. Hamman stated that there is a widespread trend to re-invent government at all levels. She said that the technology is now available to put together the informational data bases which are required to make this possible.

REP. DAVID EWER, House District 45, Helena, co-sponsor, said that most true bureaucrats try not to end the fiscal year by reverting money back. One of his concerns with the bill is that the legislature not abdicate oversight responsibility by giving a lump sum. He felt the bill was a step in the right direction.

John Alke, Montana-Dakota Utilities Co., stated his support for this bill and the proposed amendments, EXHIBIT 1, dealing with fees. He stated that there are certain taxes, the PFC tax and the MCC tax, which are specifically designed to allow for a reversion. If too much money is budgeted in a given year and is not spent, those tax structures provide that the amounts not spent go the next year as a credit to taxpayers.

Opponents' Testimony:

None

Questions from Committee Members and Responses:

REP. COBB asked Ms. Hamman what was defined as lump sum. Ms. Hamman said there was no definition in the bill. She had assumed that as OBPP worked with the agencies in preparation of the next executive budget, personnel in her office would come in with recommendations for items in the budget that would be included as lump sum. They would still present the details in the executive budget for the current level base and the modifications.

REP. COBB asked if this process would stop agencies from not reverting money. Ms. Hamman said it would not.

REP. COBB said that the legislative auditor did financial compliance audits every two years. He asked if this legislation would require performance audits. Ms. Hamman said she felt that was quite a way in the future. She said that states entering into this process have started with one or two agencies. Their experience has been that it takes a minimum of four years to refine the performance measures before performance audits can be put together.

REP. COBB asked if the lump sum appropriations would be for next session. Ms. Hamman said as the bill is written now, as OBPP personnel developed the executive budget, they would be working with four pilot agencies mentioned in HB 2, i.e. the Departments of Administration, Revenue, Military Affairs, and Transportation.

REP. QUILICI said that during the last session there was a comparable bill for a lump sum appropriation for the university system and it was rejected. He asked if the lump sum was put in before the fact. Ms. Hamman said she didn't think so. Her office was looking at publishing the executive budget with the same agency totals, program information, etc. with current level and modifications. A subcommittee of the Appropriations Committee would work on the details and their recommendations would include recommendations for six or seven primary items they believe should be looked at as performance measures. At that point, the committee may want to combine items in HB 2 into a lump sum and include performance measures. OBPP may recommend ways funds could be appropriated.

REP. QUILICI expressed his concern that the appropriations process not be diluted in any way. He wants the legislature to look at every budget. Ms. Hamman said OBPP would agree.

REP. WANZENRIED asked if there could be done what the bill provides without passage of the bill. Ms. Hamman said that was correct. She felt this bill clarified last session's HB 2 language.

REP. WANZENRIED said that page 9 seemed to imply that the executive branch selects the criteria and measurement of that criteria that drives the appropriation, binding the legislature to criteria that it didn't actually participate in developing. Ms. Hamman quoted from page 8 where an agency requesting a lump-sum appropriation shall work with the appropriations committee to adopt performance measures related to funding levels. Those performance measures must provide criteria that can be evaluated. The appropriation for the agency must be based on the performance measures. Funding adjustments must be tied to revised performance measures.

REP. WANZENRIED asked how that process was different from the present process. Ms. Hamman said what is missing now are specific, primary, measurable criteria. Goals and objectives are published, but that is more related to the mission and work of an agency.

REP. WANZENRIED asked, assuming that performance measures and criteria had been agreed upon, whether the next legislature would be bound by those criteria to set the appropriation level. Ms. Hamman said she didn't read it that way. Her understanding is that an agency would be held accountable to a performance measure for its appropriated amount of money, recognizing that over the first four years, the measures will have to be refined. The agency would submit the same kind of current level detailed budget again for the next biennium, entering into a new negotiation process for the next biennium.

REP. WANZENRIED asked how this system was different from the zero-based budgeting system authorized by the legislature in

1979. Ms. Hamman the state was not going to zero-based budgeting. She said a lot of time had been spent during the last two sessions with goals and objectives. An agency manager needs goals and objectives. The legislature needs, for most agencies, 6-12 measurable performance outcome-based criteria. This system boils down all the goals and objectives into some very specific criteria.

REP. PECK asked REP. GRIMES for more details on the conference he attended. REP. GRIMES said that state budget analysts and accountants have a professional group that hosted Joseph Kelly from the east coast and an expert from Texas. REP. PECK asked if this system was presented as a new concept. REP. GRIMES said that some of the agencies have been working on the concept. REP. PECK asked if the materials from the seminar listed any disadvantages of this particular approach to budgeting. REP. GRIMES said there were some disadvantages and he would provide the committee with a hand-out.

REP. PECK asked Ms. Hamman to repeat the list of agencies she had in mind for a pilot program. She said that this program was listed as one of the options for innovative budgeting for the 1995 session. OBPP was to include the Departments of Administration, Revenue, Military Affairs, and Transportation.

REP. PECK pointed out that some of those agencies received a lot of federal funds. He said that the federal funds usually have fairly stringent requirements attached. Ms. Hamman said that the reporting required by the federal government is moving more and more in the direction of specifics.

REP. PECK reiterated REP. WANZENRIED'S point that OBPP could do all the things it was talking about without the bill. He asked Ms. Hamman if this bill would increase her office's workload in making the budget presentation. Ms. Hamman said there may well be some increases, but there was at least one decrease on page 7, lines 11-13.

REP. PECK said he thought the paragraph in the bill on the bottom of page 2 was basically rewritten on the bottom of page 3, so current law allowed for this budget approach. OBPP had the authority, when sending budget materials to agencies, to instruct any or all of them to proceed in whatever fashion in terms of information they present to OBPP. REP. PECK wanted to know how long it would take to negotiate performance measures with the agencies in subcommittee.

REP. JOHN JOHNSON asked, regarding oversight by the legislature, who established the evaluation criteria. Ms. Hamman said the agencies would be asked to propose criteria in conjunction with OBPP and the LFA. REP. JOHNSON clarified that up to that point, the legislature would have had no oversight. Ms. Hamman said up to that point, the agencies, OBPP, and the LFA were preparing recommendations that they were comfortable with.

REP. JOHN JOHNSON asked, then, if the next step, the first step of legislative oversight, would be the Appropriations subcommittee. Ms. Hamman said that was correct. REP. JOHNSON said that the agencies, then, would bring in their budgets based on these criteria. He asked who had done the evaluation at that point. Ms. Hamman said at that point the criteria and the budget have not been put in place; they're still planning for the next biennium's appropriations criteria. In January of 1995, the Appropriations subcommittee will start discussing with a couple of pilot agencies evaluation measures and funding level. The agency would start working with those measures in FY96 and report back in FY97 what worked and what didn't.

REP. JOHN JOHNSON asked if the report in 1997 would be evaluated by someone other than the department head or the bureau chief. Ms. Hamman said she felt that in 1997 we would be talking about making adjustments in performance standards. She stated that if a pilot program were started now, it would be the 1999 session before appropriations could be tied to specific performance criteria with any level of comfort and understanding between legislators, the general public, and the agencies.

REP. BARDANOUVE said that several years ago, there was a magic solution to all Montana's budget problems, i.e. PPB, Prioritized Performance Budget, or something like that. It was passed by the legislature, who gave OBPP three or four more people to carry it out. He said that legislation required the departments to outline their goals and set priorities. It generated a tremendous amount of paperwork and, after one session, the legislature didn't hear another thing about it. He asked if this would be a similar program. Ms. Hamman said that he was referring to zero-based budgeting, but three things were different now. First, there is a federal governmental accounting standards board saying that they will be mandating this type of system by the end of this decade. Secondly, there are data base systems to assist in the transition. Thirdly, the deletion on page 7, lines 11-13 of this bill will help to provide for less paperwork of higher quality.

REP. BARDANOUVE asked Ms. Hamman why zero-based budgeting failed. Ms. Hamman said previous discussions on current level were applicable to that question. REP. BARDANOUVE asked Ms. Hamman if her office would need more personnel if this bill were passed. She said no.

REP. PETERSON said the general government subcommittee heard certain questions over and over: what would happen if you didn't have this program? where are the duplications? where are all your FTEs? She asked if that committee would still be able to ask those questions and get answers. Ms. Hamman said yes. They would still build the budget from third level detail at a minimum program level. There are 760 budget building blocks.

REP. PETERSON asked if the agencies presenting their materials or

OBPP would be able to tell the committee who else is doing a similar thing. Ms. Hamman said that would take some time. Data bases continue to be developed.

CHAIRMAN ZOOK said it was his understanding that the man responsible for Texas' experiment with this type of budgeting had been brought to Washington, D.C. by President Clinton to work on the federal budget with the same type of approach. The Texas legislature accomplished their goal basically by doing it in secret. He asked Ms. Hamman if that was what was going on here. Ms. Hamman replied that Texas did it in secret. She added that we have been doing it in Montana for over 20 years. Texas had over 600 boards and commissions, each established as a separate agency.

Closing by Sponsor: REP. TASH closed.

EXECUTIVE ACTION ON HOUSE BILL 20

Discussion: CHAIRMAN ZOOK stated his concern that \$1.6 million had been taken out of HB 2 contingent upon passage of HB 20. He stated that REP. PECK had done a lot of work trying to improve that bill, and there was also another bill drafted that could be used as a committee bill.

REP. BERGSAGEL asked if CHAIRMAN ZOOK wanted to pursue the committee bill. CHAIRMAN ZOOK deferred to REP. PECK, who said that he had looked at the amendments to HB 2 and couldn't decide what the Senate did. REP. PECK said he would confer with SEN. JACOBSON.

EXECUTIVE ACTION ON HOUSE BILL 71

Motion/Vote: REP. QUILICI MOVED AMENDMENT EXHIBIT 1. Motion carried unanimously.

Motion: REP. ROYAL JOHNSON MOVED HB 71 DO PASS AS AMENDED.

Discussion: REP. PECK said this bill was based on the idea that everything can be boiled down to numbers. He also felt that the legislative branch, under this bill, would be giving direction beyond what was appropriate to the executive branch. He felt it was often too difficult to come up with measurable criteria.

REP. QUILICI said he approved of the amendments because the PFC and the Consumer Council are funded in an altogether different way on a percentage of the amount budgeted by the legislature and he didn't want to see that amount go over and above what was budgeted by the legislature. He also didn't want to see an agency funded by fees come in and raise the fees to bring up their budget. He concluded that he could live with the bill, but didn't feel it was that necessary.

REP. JOHN JOHNSON said he thought this bill would just be adding

to paperwork.

REP. COBB said that the goals referred to in the bill were just a reflection of existing law. The lump sum appropriation is the only difference.

REP. BARDANOUVE said the bill smells a lot like zero-based budgeting, and he didn't want the legislature to have to go through that again.

Vote: HB 71 DO PASS AS AMENDED. Motion failed 9-9 with REPS. GRADY, BERGSAGEL, COBB, DEBRUYCKER, FISHER, ROYAL JOHNSON, KASTEN, PETERSON, and WISEMAN voting yes.

EXECUTIVE ACTION ON SENATE BILL 2

Motion: REP. DEBRUYCKER MOVED THAT SENATE BILL 2 BE CONCURRED IN.

Discussion: REP. DEBRUYCKER said this bill proposes to do the least harm possible. The project will not be shut down. SEN. JERGESON has an amendment stating that this project will be a top priority for the department next session. He said he didn't think anyone was really in favor of the bill, but cuts had to be made someplace and this was one place to do it. He stated that no more RIT funds would be used than previously.

REP. WANZENRIED asked what impact it would have on the budget if this bill did not pass. CHAIRMAN ZOOK said there was really no way to tell how close they were to a balanced budget, with a number of education bills yet to be decided.

REP. NELSON stated her opposition to this bill. She said that SEN. GAGE had inferred that some of the senators had changed their vote on the bill, but that was not accurate. She said that the Senate hearing on the bill was the first hearing of the session and that didn't allow enough time for people in eastern Montana to come to testify against the bill. She mentioned her concern about backfilling with RIT money.

MOTION: REP. BARDANOUVE MADE A SUBSTITUTE MOTION TO TABLE SB 2.

Discussion: REP. BARDANOUVE stated that water was the lifeblood of eastern Montana, and putting adjudication of water rights off could jeopardize those rights. He felt there was the likelihood of the state being in worse shape in 1995 than in this special session. He was concerned about the use of RIT money for general fund. He also said he would like to be on the same side as the Farm Bureau for once.

REP. DEBRUYCKER, in responding to REP. NELSON, said this bill was heard in the Natural Resources Subcommittee, in the House Appropriations Committee, in the full House during HB 2, in the Senate Taxation Committee, and in the full Senate. He felt the

bill had definitely had a hearing. He asked the department to respond to the question about backfilling with RIT funds.

Mark Simonich, Director, Department of Natural Resources and Conservation, said the department was not trying to deceive anyone as to where the department's funding comes from. He said it is difficult to manage an agency funded like his is. His single highest priority project is the reconstruction and repair of the Tongue River Dam, a \$52 million project in eastern Montana. Rather than take money from those kinds of projects, the department looked at other programs to cut. In this bill, the department took a low priority program funded by RIT and decided to postpone it and utilize the RIT money to replace general fund money in another program. That frees up \$200,000. He said he had been told that every other director of his department had consistently opposed the funding of the department through RIT monies.

REP. NELSON said that she did not say there was no hearing. She said the people did not have knowledge to come down for pre-session subcommittee hearings. There was a hearing in Senate Taxation, and there was nobody from eastern Montana on the Taxation Committee. The senators who testified against the bill in this committee did not change their vote, as was inferred by **SEN. GAGE**.

REP. BARDANOUVE asked **Mr. Simonich** if there wasn't a serious problem with what is being done with RIT money, i.e. using it for general fund purposes. **Mr. Simonich** said he thought that historically the legislature has approved these kinds of funding switches.

REP. BARDANOUVE said that we couldn't even remotely say that this RIT money is related to conservation and he thought it was stretching the law. **Mr. Simonich** said the department was taking \$200,000 RIT money that was appropriated for water reservations and using that to replace general fund money in another place in the water resources division. The switch would still be water-related.

Vote: TO TABLE SB 2. Motion carried 10-8 with **REPS. GRADY, BERGSAGEL, DEBRUYCKER, FISHER, MENAHAN, PETERSON, WISEMAN,** and **ZOOK** voting no.

EXECUTIVE ACTION ON SENATE BILL 4

Motion: **REP. ROYAL JOHNSON** MOVED SB 4 BE CONCURRED IN.

Discussion: **REP. KADAS** felt the committee needed to deal with this bill and **REP. DEBRUYCKER'S** bill to eliminate the clean coal program. He said his preference would be to use **REP. DEBRUYCKER'S** bill to eliminate the clean coal program.

REP. ROYAL JOHNSON said he agreed with **REP. KADAS**, except if this

bill is passed in this manner, and then REP. DEBRUYCKER'S bill is passed, the committee doesn't have to make those changes; it can pass the bills out as they are.

REP. KADAS said if this bill passes and DEBRUYCKER'S bill doesn't, then the clean coal program is in there indefinitely.

REP. QUILICI said he could vote for SB 4, but he wouldn't vote for DEBRUYCKER'S bill.

Vote: SB 4 BE CONCURRED IN. Motion carried 15-3 with REPS. BERGSAGEL, MENAHAN, and WANZENRIED voting no.

EXECUTIVE ACTION ON HOUSE BILL 60

Motion/Vote: REP. ROYAL JOHNSON MOVED HB 60 DO PASS. Motion carried 14-4 with REPS. GRADY, BERGSAGEL, MENAHAN, and QUILICI voting no.

EXECUTIVE ACTION ON HOUSE BILL 63

Motion: REP. COBB MOVED HB 63 DO PASS.

Discussion: REP. WANZENRIED said that Section 36 of the bill on page 38, line 9, seems to forgive a loan made by the general fund to this program. Carolyn Doering, Chief Administrator, Management Services Division, Department of Commerce, said that there is a \$139,000 general fund loan associated with the program that must be repaid over a 5-year period. Her understanding is that that liability would be transferred to the legislative auditor's office.

REP. WANZENRIED felt that the language seems to forgive the loan. Ms. Doering said the payback language had been stricken, so it did look as if the state was going to forego collection.

REP. WANZENRIED spoke against the bill. He said this was one of the programs systematically batted around for the last 12 years. When the Department of Commerce was created, this program was sent to the Department of Administration; the general fund was reduced. Two sessions later, it was transferred to the Department of Commerce; the general fund was further reduced. He said that REP. BRANDEWIE had indicated there would be a \$234,000 general fund savings. REP. WANZENRIED said it would be a proprietary fund savings. The way the bill is written, there would actually be a net drain on the general fund of \$139,000. He said he believed this was the very kind of thing that the Governor's task force on efficiency ought to look at and decide once and for all where the program ought to be.

REP. ROYAL JOHNSON said that provision for funding had already been made and if the savings mentioned are truly in effect, that would be a good place to make some savings.

CHAIRMAN ZOOK said that the LFA says there are no general fund savings in the fiscal note, as **REP. WANZENRIED** pointed out.

REP. FISHER said the back of the fiscal note shows a reduction of nine FTEs.

REP. BARDANOUVE said he was concerned that the people who pay for the service have the strongest opposition to the bill. All the local governments are opposed to the bill. He stated his opposition to the bill.

Motion/Vote: **REP. ROYAL JOHNSON** MOVED AMENDMENT EXHIBIT 4 (12/09/93). Motion carried 11-7 with **REPS. BARDANOUVE, DEBRUYCKER, JOHN JOHNSON, MENAHAN, PECK, QUILICI** and **WANZENRIED** voting no.

REP. WISEMAN stated that most of the cities, towns, and school districts are getting CPA audits and then sending them to the state to be checked, resulting in a double cost for the audits. He was opposed to that procedure.

REP. PECK felt that **REP. WANZENRIED'S** argument that the Governor's task force should be allowed to work first was most persuasive. He also reminded the committee that **Cort Harrington, Alec Hanson, and Gordon Morris**, representing the county treasurer's association, the cities and towns, and the counties, respectively, all wanted more time to consider the proposal.

REP. ROYAL JOHNSON said that this bill was prepared by OBPP in conjunction with the Governor's office, so the Governor was obviously aware of what was happening. He felt that the testimony regarding good relationships with state auditors ignored the fact that auditors were there to do a job. He felt the long term savings could be substantial.

REP. KASTEN felt that employees should not be left hanging before the prospect of downsizing.

REP. WANZENRIED asked **Ms. Whitney** what the general fund impact of the bill as amended was. **Ms. Whitney** said the committee had approved an additional \$67,000 in general fund for the amendment and eliminated repayment of the loan, for a total impact of \$210,000-\$220,000.

REP. COBB said if the bill doesn't pass, people are likely to be fired anyway due to a reduced number of contracts. There will be a downsizing no matter what happens.

REP. KADAS said he thought the purpose of cutting employees was to save money, but this bill wasn't saving money. It was going to cost money.

Motion/Vote: **REP. WANZENRIED** MADE A SUBSTITUTE MOTION TO TABLE HB 63. Motion carried 10-8, with **REPS. COBB, DEBRUYCKER, FISHER,**

ROYAL JOHNSON, KASTEN, NELSON, PETERSON, and WISEMAN voting no.

EXECUTIVE ACTION ON HOUSE BILL 19

Motion/Vote: REP. BERGSAGEL MOVED TO TABLE HB 19. Motion carried 17-1 with REP. DEBRUYCKER voting no.

EXECUTIVE ACTION ON HOUSE BILL 61

Motion: REP. WANZENRIED MOVED HB 61 DO PASS.

Motion/Vote: REP. WANZENRIED MOVED AMENDMENT HB006101.AEM EXHIBIT 2. Motion carried unanimously.

Discussion: REP. QUILICI stated his opposition to the bill because there was nothing in the bill that couldn't already be done by the department. He felt that the provisions dealing with contracts in the bill would mean more work for the department. He felt that the Department of Transportation had been doing a good job and there was no reason for the bill.

Motion/Vote: REP. QUILICI MADE A SUBSTITUTE MOTION TO TABLE HB 61. Motion failed 9-9 with REPS. GRADY, BARDANOUE, JOHN JOHNSON, KADAS, MENAHAN, NELSON, PECK, QUILICI, and WANZENRIED voting yes.

REP. NELSON stated that the amendment made the bill useless.

REP. WANZENRIED asked if there was anything in the bill the department could not already do. No one from the department was there to answer. REP. WANZENRIED felt there was no reason for this "feel good" bill.

Motion: REP. COBB MADE A SUBSTITUTE MOTION TO TAKE AMENDMENT EXHIBIT 2 OFF HB 61.

Discussion: REP. QUILICI said if the amendment was taken off, it would cost the state money.

CHAIRMAN ZOOK said the bill allows the department, when it is practicable, to contract work out unless it is demonstrated that the cost would be greater than having the work done by department employees.

REP. WISEMAN didn't agree that the bill would cost money. The department testified it was already doing the contracting.

REP. PECK didn't agree with REP. WISEMAN, quoting from the bill, "In carrying out its maintenance and repair duties under subsection (1), the department shall, when practicable and unless it is demonstrated that the cost would be greater. . . ." REP. PECK wondered who was going to do the demonstrating. He felt the bill was dictating management.

REP. GRADY said the department already did a lot of contracting

out, so he didn't see any use for this legislation.

REP. WANZENRIED said the department had to contract out unless they could prove that was more expensive. He said there was no mention of the quality of service. He also felt there was a question of liability since the state was forced to grant contracts strictly on the basis of cost.

REP. FISHER said the department can put out specifications for any contract it awards, assuring quality of work.

Vote: TO TAKE AMENDMENT EXHIBIT 2 OFF HB 61. Motion failed 9-9 with REPS. BERGSAGEL, COBB, DEBRUYCKER, FISHER, ROYAL JOHNSON, KASTEN, PETERSON, WISEMAN, and ZOOK voting yes.

Motion: REP. COBB MOVED HB 61 DO PASS AS AMENDED. Motion failed 9-9 with REPS. BERGSAGEL, COBB, FISHER, ROYAL JOHNSON, KASTEN, NELSON, PETERSON, WISEMAN, and ZOOK voting yes.

Motion: REP. KADAS MOVED TO TABLE HB 61. Motion carried 12-6 with REPS. COBB, FISHER, ROYAL JOHNSON, KASTEN, PETERSON, and WISEMAN voting no.

EXECUTIVE ACTION ON HOUSE BILL 71

Motion: REP. DEBRUYCKER MOVED TO TABLE HB 71. Motion carried 10-8 with REPS. GRADY, BERGSAGEL, COBB, FISHER, ROYAL JOHNSON, KASTEN, PETERSON, and WISEMAN voting no.

EXECUTIVE ACTION ON HOUSE BILL 54

Motion: REP. ROYAL JOHNSON MOVED HOUSE BILL 54 DO PASS.

Motion/Vote: REP. PETERSON MOVED AMENDMENT HB005401.PCS EXHIBIT 3. Motion carried 16-2 with REPS. WANZENRIED and MENAHAN voting no.

Motion: REP. ROYAL JOHNSON MOVED AMENDMENT EXHIBIT 7 (12/9/93).

Discussion: REP. WANZENRIED asked what the effect of the amendment was. REP. ROYAL JOHNSON said the amendment made the owner responsible if the operator failed to comply.

REP. KADAS asked who had been responsible in the past. REP. ROYAL JOHNSON said the slash operator had been responsible. REP. KADAS asked why REP. JOHNSON wanted to shift liability. REP. JOHNSON said if the owner doesn't hire an operator who will do what needs to be done, they should share in the responsibility.

REP. GRADY said the land owner should be responsible if the contractor doesn't comply.

REP. COBB asked if the landowner would be liable for the operator if the wind came up.

REP. WISEMAN said that under present law, the contractor puts up a \$500 bond, and if he fails to comply, the state keeps the money and it is the state's responsibility to burn the slash and if a fire gets away, it's the state's responsibility.

Vote: AMENDMENT EXHIBIT 7 (12/9/93). Motion failed 7-10 with REPS. GRADY, ROYAL JOHNSON, KADAS, KASTEN, MENAHAN, PECK, and WISEMAN voting yes.

Motion: REP. GRADY MOVED AMENDMENT EXHIBIT 9 (12/9/93), with 75 cents instead of 70 cents.

Discussion: REP. GRADY said this amendment, as prepared, raised the present fee charged by the Department of State Lands to 70 cents. They feel that 70 cents may not be quite enough, but there are still general fund savings. The fee would be raised to cover lost general fund. REP. GRADY said the program is vital as it is. The bonding is leveraged to get operators to clean up after the logging operation is done. He felt without this amendment the program would be too weakened. He asked DSL to comment on the 70 cent figure.

Jeff Jahnke, Deputy Administrator, Forestry Division, Department of State Lands, said the department felt it would take 75 cents.

REP. COBB asked whether the program would stay as is if the bill was tabled. REP. GRADY said he didn't have a problem with raising the fee to pick up some of the general fund loss.

CHAIRMAN ZOOK mentioned that the bill includes a \$10,000 fine for non-compliance.

REP. WISEMAN asked REP. GRADY if the bond was too low. He felt a more substantial bond might insure better compliance. REP. GRADY said the fees for DSL to administer the program are what is being discussed.

REP. KADAS said the bill was introduced to save general fund dollars. He felt that REP. GRADY was proposing a mechanism to save the same general fund dollars but not alter the program substantially.

REP. ROYAL JOHNSON asked why the department requested this bill. He asked the department if it was in favor of the bill.

Mr. Jahnke said DSL looked at ways to reduce expenditures in the forestry division. One of those ways was to eliminate general fund from the slash program. This bill represents how the department proposes to eliminate general fund from the slash program and continue to do as good a job as possible insuring the protection of the slash program. He said that slash agreements have doubled, making it more difficult to administer the present program.

REP. ROYAL JOHNSON pointed out the substantial penalty on page 14 of the bill for not complying with the slash program. He asked if the department was in favor of that. Mr. Jahnke said the main change the bill makes is going from an agreement the department signs with an operator that he bonds in order to assure the job gets done to only having the operator notify the department and then enforcing certain standards under the law. There would no longer be a bond. In order to effectively enforce the law, the department felt the penalty was important.

REP. ROYAL JOHNSON asked what size the bond was under the current program. Mr. Jahnke said the bond was \$6 a thousand. He said the bonds went from \$120 to \$50,000, averaging about \$500.

REP. QUILICI quoted from page 18 of the bill, "in addition to the fee provided for in subsection (1), the department shall charge each person except a large scale operator." REP. QUILICI asked why large scale operators were excluded. Mr. Jahnke said large scale operators pay for the inspections on a real cost basis. They put up a large bond and pay actual costs of inspection to the department.

REP. GRADY stated that DSL proposed this legislation in response to the request to set a priority list for cuts. It still remains the choice of the legislature to decide what programs might be eliminated. He said that he is trying to save the general fund portion of the money by replacing it with a higher fee.

REP. WISEMAN asked Mr. Jahnke why the department was abandoning the requirements for operators to post a bond. Mr. Jahnke said the department operates the program as it is now as a contract administrator. The bond is generally sufficient to do the work. Right now the department writes the initial agreement and then inspects compliance. If the department does not inspect compliance, then there will be potential hazards. This new bill controls how the job will be done.

REP. WANZENRIED said if a funding switch does not replace the money taken out of the program, the department would not have the money to actually inspect to insure compliance. Mr. Jahnke said the bill changes the whole process. The department would no longer be the contract administrator, but would become an enforcer of standards adopted. REP. WANZENRIED asked how the department was going to enforce the law. Mr. Jahnke said they would be limited to making random visits to the extent the money was available.

REP. WANZENRIED asked REP. BOB REAM, House District 54, Missoula, to explain policy changes that were being made. REP. REAM said he thought Mr. Jahnke had done a good job. The bonding monies collected in almost all cases goes back to the person who posted the bond after the inspection is done. In order to fund the inspections, the department is spending approximately \$360,000 per year. Of that, \$70,000 is general fund money. This bill is

a departure from a system that has been in place for about 40 years of slash disposal. This bill sets up rules and regulations that will be enforced on a spot basis, like a game warden checking licenses. The penalties would be stronger. REP. REAM felt this policy change should be debated in the regular session.

REP. BARDANOUVE said that the inspection monies should never have come from the general fund in the first place.

REP. KADAS said that the basic trade-off being discussed was replacing the bond with a higher fine. Mr. Jahnke said there were fines, injunctions and orders, and the ability to prohibit future activity. Under the present law, bond money went to the department who arranged for clean-up if the operator did not comply. REP. KADAS asked if there would be any money for clean-up costs under the proposed legislation since the fine money went to the general fund. Mr. Jahnke said there would not.

REP. KADAS said that people who were making a very large cut might have a financial incentive to forego clean-up and just pay the \$10,000 fine. Mr. Jahnke said that was true, but the department could prevent any future logging until the clean-up was done.

Motion: REP. FISHER MADE A SUBSTITUTE MOTION DO NOT PASS AMENDMENT EXHIBIT 9.

Discussion: REP. KADAS asked Mr. Jahnke what had happened to timber prices over the past year. Mr. Jahnke said prices for state timber have gone from \$150-180 a thousand to \$220 a thousand. REP. KADAS said he didn't think a 15 cent increase on the slash fee would put anyone out of business.

REP. GRADY opposed the substitute motion. He said he had dealt with a lot of loggers and was thankful for the DSL to back him up. Logging was big business which was getting bigger. He said this program saves the state money in the long run. He felt department expertise was needed to help enforce the law. The dollar savings was still in the bill with this amendment.

REP. MENAHAN said it was possible that a fire where slash hadn't been cleaned up could cost more than would be saved under this legislation.

Vote: SUBSTITUTE MOTION DO NOT PASS AMENDMENT EXHIBIT 9. Motion failed 5-13 with REPS. BERGSAGEL, COBB, FISHER, KASTEN, and PETERSON voting yes.

Vote: AMENDMENT EXHIBIT 9 (12/9/93), with 75 cents instead of 70 cents. Motion carried 12-6 with REPS. BERGSAGEL, COBB, DEBRUYCKER, FISHER, KASTEN, and PETERSON voting no.

Motion: REP. KADAS MOVED HB 54 DO PASS AS AMENDED.

Discussion: REP. GRADY said that the bill with his amendment still contains the \$140,000 biennial savings, still has the program which is now privately funded, and still has the department doing everything it did under present law.

REP. BERGSAGEL said that the committee had now raised fees and fines and made a major policy change as well.

Motion: REP. BERGSAGEL MADE A SUBSTITUTE MOTION TO TABLE HB 54.

Discussion: REP. KADAS said that they had not raised fines; they were stricken by the amendments.

Vote: SUBSTITUTE MOTION TO TABLE HB 54. Motion failed 7-11 with REPS. BERGSAGEL, COBB, DEBRUYCKER, FISHER, ROYAL JOHNSON, KASTEN, and PETERSON voting yes.

Vote: HB 54 DO PASS AS AMENDED. Motion carried 11-7 with REPS. BERGSAGEL, COBB, DEBRUYCKER, FISHER, ROYAL JOHNSON, KASTEN, and PETERSON voting no.

EXECUTIVE ACTION ON HB 20

REP. PECK said that he had asked Curt Nichols, OBPP, to explain the status of HB 20 as a committee bill, LC 91.

Mr. Nichols said that LC 91 takes the fines and forfeitures that are earmarked to the driver's education account, approximately \$1,008,000, and earmarks them to the general fund. It takes license fees, approximately \$520,000, earmarked to the driver's education account and earmarks those to the general fund. It thus takes approximately \$1.6 million that was going into the driver's education account and puts it in the general fund.

The bill leaves the responsibility for certifying teachers and driver's education programs with the Office of Public Instruction. It eliminates payments to school districts to subsidize those programs at the district level.

The coordinating language and actions in HB 2 have left \$100,000 in the department that they were going to save through elimination of vacant positions. They will hold those funds in 1995 to partially offset the reduction in these fees that they will use for the administration functions. In addition, the bill contains another \$100,000 general fund appropriation to carry forward. The total expenditure of OPI for the driver's education program is about \$400,000 per year, including bicycle safety, motorcycle safety, driver's education, etc. The bill also leaves in place about \$70,000 from motorcycle registrations and motorcycle workshop fees that will go to OPI for administering the motorcycle program. About \$330,000 has been taken out of OPI and replaced with \$200,000 general fund.

REP. PECK asked how this had figured into the bottom line of HB

2. **CHAIRMAN ZOOK** said a reduction of \$1.6 million had been figured in, contingent upon passage of **REP. MILLS'** bill.

CHAIRMAN ZOOK felt the committee bill accomplishes the desire of driver's ed teachers to leave some money so the program wasn't totally eliminated.

REP. MENAHAN said a few years ago, the legislature supported raising fines, because they were going to go to this program. Now we're increasing fines for another cause. **REP. MENAHAN** thought fines should be reduced.

REP. KADAS said since HB 20 has not cleared any committee, the cuts had not been incorporated into HB 2.

CHAIRMAN ZOOK said the topic under discussion was whether this possible committee bill would be more acceptable than HB 20. The underlying reason was the need for \$1.6 million monies in general fund.

REP. MENAHAN asked if the committee bill was going to be incorporated into **REP. MILLS'** bill. **REP. PECK** said that was what was under discussion.

CHAIRMAN ZOOK said he wasn't sure the committee bill could be incorporated into **REP. MILLS'** bill.

REP. QUILICI said he would like to think about the bill over the weekend.

REP. PECK said the problem with that was the time element.

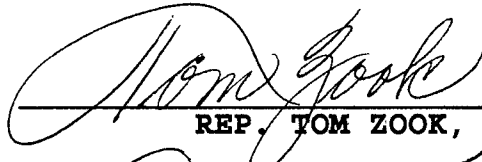
REP. WANZENRIED asked if it was possible that **REP. MILLS** would carry the bill. **CHAIRMAN ZOOK** said he hadn't spoken to **REP. MILLS** about that. He thought **Greg Petesch, Code Commissioner, Legislative Council**, was going to work on the bill, but the next day, he brought **CHAIRMAN ZOOK** amendments that had been drafted for **REP. MILLS'** bill back during the first part of December.

REP. KADAS said a committee bill was not needed. **CHAIRMAN ZOOK** said if action was taken through **REP. MILLS'** bill, it could go out of committee today if it were going to go out.


The committee decided to consider its action further.

ADJOURNMENT

Adjournment: 4:50 p.m.



REP. TOM ZOOK, Chairman



Cathy Kelley, Secretary

TZ/cek

HOUSE OF REPRESENTATIVES
APPROPRIATIONS COMMITTEE

ROLL CALL

DATE 12/10/93

NAME	PRESENT	ABSENT	EXCUSED
REP. ED GRADY, VICE CHAIRMAN	X		
REP. FRANCIS BARDANOUVE	X		
REP. ERNEST BERGSAGEL	X		
REP. JOHN COBB	X		
REP. ROGER DE BRUYCKER	X		
REP. MARJORIE FISHER	X		
REP. JOHN JOHNSON	X		
REP. ROYAL JOHNSON	X		
REP. MIKE KADAS	X		
REP. BETTY LOU KASTEN	X		
REP. WM. "RED" MENAHAN	X		
REP. LINDA NELSON	X		
REP. RAY PECK	X		
REP. MARY LOU PETERSON	X		
REP. JOE QUILICI	X		
REP. DAVE WANZENRIED	X		
REP. BILL WISEMAN	X		
REP. TOM ZOOK, CHAIRMAN	X		



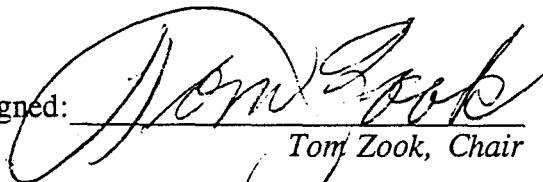
HOUSE STANDING COMMITTEE REPORT

December 11, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that Senate Bill 4 (third reading copy -- blue) be concurred in.

Signed: _____


Tom Zook, Chair

Carried by: Rep. Kadas

Committee Vote:
Yes 15, No 3.

121000SC.Hcr



CA 7-11

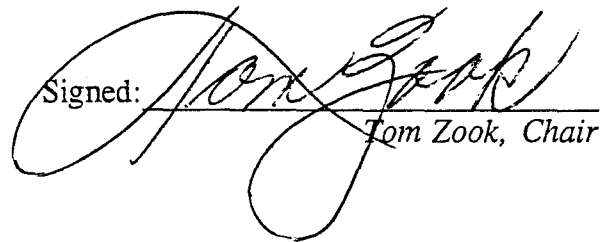
HOUSE STANDING COMMITTEE REPORT

December 11, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 54 (first reading copy -- white) do pass as amended.

Signed:


Tom Zook, Chair

And, that such amendments read:

1. Title, lines 6 through 14.

Following: "ENTITLED:"

Strike: the remainder of line 6 through line 14 in their entirety

Insert: "AN ACT TO INCREASE THE FEE FOR ENFORCEMENT AND ADMINISTRATION OF THE FIRE HAZARD REDUCTION PROGRAM; AMENDING SECTION 76-13-414, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

2. Pages 1 and 2.

Strike: line 16 on page 1 through line 7 on page 2 in their entirety

3. Pages 2 through 23.

Strike: everything after the enacting clause

Insert: "Section 1. Section 76-13-414, MCA, is amended to read:

"76-13-414. Fees. (1) In addition to any bond, the department shall charge the contractor fees for administration, inspections, and enforcement work conducted in the exercise of its duties under this part. The fees must be deposited in the state special revenue fund to the credit of the department.

(2) (a) The fee for a fire hazard reduction agreement is \$25 and must be collected by the department upon issuance of the agreement.

(b) In addition, a fee of ~~60~~ 75 cents for each 1,000 board feet (log scale) must be charged or an equivalent fee must be charged if products other than logs are cut. This fee must be withheld by the purchaser as provided in 76-13-409(2), except

Committee Vote:
Yes 11, No 7.

121007SC.Hcr

J.D.
12-11-93
11:00

that any fee money withheld for product volumes exceeding 500,000 board feet per agreement in a calendar year must be returned to the contractor by the department.

(3) (a) The fee for master fire hazard reduction agreements must be equal to 100% of the department's actual costs incurred in the administration, inspection, and enforcement of each agreement, and the department shall bill the contractor annually to collect such fees.

(b) In addition, each contractor with a master fire hazard reduction agreement shall pay to the department 15 cents for each 1,000 board feet (log scale) or an equivalent measure if forest products other than logs are cut. The assessment may not exceed \$20,000 a year for each master fire hazard attachment. The full amount of this money must be deposited in the forestry extension service account provided for in 76-13-415.

(c) The fee required under subsection (3)(b) must be paid annually in conjunction with the fee paid under subsection (3)(a). The board may, in its discretion, conduct an audit to determine the volume of forest products harvested by a contractor. If the board conducts an audit, the contractor shall cooperate and make available to the board all requested records, inventories, and other information relevant to the audit."

NEW SECTION. Section 2. Termination. [This act] terminates September 30, 1995.

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

-END-



HOUSE STANDING COMMITTEE REPORT

December 11, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that **House Bill 60** (first reading copy -- white) do pass.

Signed: _____

A large, stylized handwritten signature in black ink, appearing to read "Tom Zook".

Tom Zook, Chair

Committee Vote:
Yes 14, No 4.

121006SC.Hcr

HOUSE OF REPRESENTATIVES
 APPROPRIATIONS COMMITTEE
 ROLL CALL VOTE

DATE 12/10/93 BILL NO. HB 71 NUMBER 1

MOTION: REP. ROYAL JOHNSON MOVED HB 71 DO PASS AS AMENDED.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN	X	
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DE BRUYCKER	X	
REP. MARJORIE FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. "RED" MENAHAN		X
REP. LINDA NELSON		X
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENRIED		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIRMAN		X

HR:1993
 wp:rlclvote.man
 CS-11

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE
ROLL CALL VOTE

DATE 12/10/93

BILL NO. SB 2

NUMBER 2

MOTION: REP. BARDANOUE MADE A SUBSTITUTE MOTION TO TABLE SB 2.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN		X
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEL		X
REP. JOHN COBB	X	
REP. ROGER DE BRUYCKER		X
REP. MARJORIE FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. "RED" MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIRMAN		X

HR:1993

wp:rlclvote.man

CS-11

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE
ROLL CALL VOTE

DATE 12/10/93

BILL NO. SB 4

NUMBER 3

MOTION: REP. ROYAL JOHNSON MOVED SB 4 BE CONCURRED IN.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN	X	
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEL		X
REP. JOHN COBB	X	
REP. ROGER DE BRUYCKER	X	
REP. MARJORIE FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. "RED" MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENRIED		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIRMAN	X	

HR:1993

wp:rlclvote.man

CS-11

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE
ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 60

NUMBER 4

MOTION: REP. ROYAL JOHNSON MOVED HB 60 DO PASS.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN		X
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEL		X
REP. JOHN COBB	X	
REP. ROGER DE BRUYCKER	X	
REP. MARJORIE FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. "RED" MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIRMAN	X	

HR:1993

wp:rlclvote.man

CS-11

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE
ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 63

NUMBER 5

MOTION: REP. ROYAL JOHNSON MOVED AMENDMENT EXHIBIT 4 (12/09/93)

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN	X	
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DE BRUYCKER		X
REP. MARJORIE FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. "RED" MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENRIED		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIRMAN	X	

HR:1993

wp:rlclvote.man

CS-11

HOUSE OF REPRESENTATIVES
 APPROPRIATIONS COMMITTEE
 ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 63

NUMBER 6

MOTION: REP. WANZENRIED MADE A SUBSTITUTE MOTION TO TABLE HB 63.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB		X
REP. ROGER DE BRUYCKER		X
REP. MARJORIE FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. "RED" MENAHAN	X	
REP. LINDA NELSON		X
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIRMAN	X	

HR:1993
 wp:rlclvote.man
 CS-11

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE
ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 61

NUMBER 7

MOTION: REP. QUILICI MADE A SUBSTITUTE MOTION TO TABLE HB 61.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEL		X
REP. JOHN COBB		X
REP. ROGER DE BRUYCKER		X
REP. MARJORIE FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. "RED" MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIRMAN		X

HR:1993

wp:rlclvote.man

CS-11

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE
ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 61

NUMBER 8

MOTION: REP. COBB MADE A SUBSTITUTE MOTION TO TAKE AMENDMENT
EXHIBIT 2 OFF HB 61.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN		X
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DE BRUYCKER	X	
REP. MARJORIE FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. "RED" MENAHAN		X
REP. LINDA NELSON		X
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENRIED		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIRMAN	X	

HR:1993
wp:rlclvote.man
CS-11

HOUSE OF REPRESENTATIVES
 APPROPRIATIONS COMMITTEE
 ROLL CALL VOTE

DATE 12/10/93 BILL NO. HB 61 NUMBER 9
 MOTION: REP. COBB MOVED HB 61 DO PASS AS AMENDED.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN		X
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DE BRUYCKER		X
REP. MARJORIE FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. "RED" MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENRIED		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIRMAN	X	

HR:1993
 wp:rlclvote.man
 CS-11

HOUSE OF REPRESENTATIVES
 APPROPRIATIONS COMMITTEE
 ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 61

NUMBER 10

MOTION: REP. KADAS MOVED TO TABLE HB 61.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN	X	
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB		X
REP. ROGER DE BRUYCKER	X	
REP. MARJORIE FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. "RED" MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIRMAN	X	

HR:1993
 wp:rlclvote.man
 CS-11

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE
ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 71

NUMBER 11

MOTION: REP. DEBRUYCKER MOVED TO TABLE HB 71.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN		X
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEL		X
REP. JOHN COBB		X
REP. ROGER DE BRUYCKER	X	
REP. MARJORIE FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. "RED" MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIRMAN	X	

HR:1993

wp:rlclvote.man

CS-11

HOUSE OF REPRESENTATIVES
 APPROPRIATIONS COMMITTEE
 ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 54

NUMBER 12

MOTION: REP. ROYAL JOHNSON MOVED AMENDMENT EXHIBIT 7 (12/9/93).

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN	X	
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEL		X
REP. JOHN COBB		X
REP. ROGER DE BRUYCKER		X
REP. MARJORIE FISHER		X
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. "RED" MENAHAN	X	
REP. LINDA NELSON		X
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI		X
REP. DAVE WANZENRIED		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIRMAN		X

HR:1993
 wp:rlclvote.man
 CS-11

HOUSE OF REPRESENTATIVES
 APPROPRIATIONS COMMITTEE
 ROLL CALL VOTE

DATE 12/10/93 BILL NO. HB 54 NUMBER 13

MOTION: REP. FISHER MADE A SUBSTITUTE MOTION DO NOT PASS
 AMENDMENT EXHIBIT 9.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN		X
REP. FRANCIS BARDANOUE		X
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DE BRUYCKER		X
REP. MARJORIE FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON		X
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. "RED" MENAHAN		X
REP. LINDA NELSON		X
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENRIED		X
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIRMAN		X

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE
ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 54

NUMBER 14

MOTION: REP. GRADY MOVED AMENDMENT EXHIBIT 9 (12/9/93), with 75 cents instead of 70 cents.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEL		X
REP. JOHN COBB		X
REP. ROGER DE BRUYCKER		X
REP. MARJORIE FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. "RED" MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIRMAN	X	

HR:1993
wp:rlclvote.man
CS-11

HOUSE OF REPRESENTATIVES
 APPROPRIATIONS COMMITTEE
 ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 54

NUMBER 15

MOTION: REP. BERGSAGEL MADE A SUBSTITUTE MOTION TO TABLE HB 54.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN		X
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DE BRUYCKER	X	
REP. MARJORIE FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. "RED" MENAHAN		X
REP. LINDA NELSON		X
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENRIED		X
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIRMAN		X

HR:1993
 wp:rlclvote.man
 CS-11

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE
ROLL CALL VOTE

DATE 12/10/93

BILL NO. HB 54

NUMBER 16

MOTION: REP. KADAS MOVED HB 54 DO PASS AS AMENDED.

NAME	AYE	NO
REP. ED GRADY, VICE CHAIRMAN	X	
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEL		X
REP. JOHN COBB		X
REP. ROGER DE BRUYCKER		X
REP. MARJORIE FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. "RED" MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIRMAN	X	

HR:1993

wp:rlclvote.man

CS-11

EXHIBIT 1
DATE 12/10/93
HB 71

PROPOSED AMENDMENTS TO HB 71

1. Page 8, line 5, following "(2)":

STRIKE: "The"

INSERT: "Subject to the provisions of subsection (3), the"

2. Page 8, line 6, following "agency"

STRIKE: "."

INSERT: "except the Department of Public Service Regulation and the Consumer Counsel"

3. Page 8, after line 9

INSERT: "(3) No agency administering a program funded by fees established to raise the amount appropriated for the program may include the appropriations for that program in its request for a lump sum appropriation. All appropriations for such programs must be separately made in accordance with this act."

pass

John Alki

EXHIBIT 2
DATE 12/10/93
HB 41

Amendments to House Bill No. 61
First Reading Copy

Requested by Representative Wanzenried
For the Committee on House Appropriations

Prepared by Eddy McClure
December 9, 1993

1. Title, lines 4 and 5.
Following: "AUTHORIZING"
Strike: "AND REQUIRING"
2. Page 2, line 5.
Following: "department"
Strike: "shall"
Insert: "may"
3. Page 2, lines 6 and 7.
Strike: "and" on line 6 through "employees" on line 7

Pass

EXHIBIT 03
DATE 12/10/93
HB 54

Amendments to House Bill No. 54
First Reading Copy

Requested by Rep. Benedict
For the Committee on Appropriations

Prepared by Paul Sihler
December 10, 1993

1. Page 4, line 18.
Strike: "unabated"
Insert: "unresolved"

2. Page 5, line 13.
Strike: "abatement"
Insert: "resolution"

Pars