

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN TOM ZOOK**, on February 21, 1995, at 8:00 a.m.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Edward J. "Ed" Grady, Vice Chairman (Majority) (R)
Rep. Joe Quillici, Vice Chairman (Minority) (D)
Rep. Beverly Barnhart (D)
Rep. Ernest Bergsagel (R)
Rep. John Cobb (R)
Rep. Roger Debruycker (R)
Rep. Gary Feland (R)
Rep. Marjorie I. Fisher (R)
Rep. Don Holland (R)
Rep. Royal C. Johnson (R)
Rep. John Johnson (D)
Rep. Mike Kadas (D)
Rep. Betty Lou Kasten (R)
Rep. Matt McCann (D)
Rep. William T. "Red" Menahan (D)
Rep. Steve Vick (R)
Rep. William R. Wiseman (R)

Members Excused: None.

Members Absent: None.

Staff Present: Clayton Schenck, Legislative Fiscal Analyst
Marjorie Peterson, Committee Secretary

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

Committee Business Summary:

Hearing: None.
Executive Action: HB 4 DO PASS AS AMENDED, HB 11 DO PASS,
HB 226 DO PASS AS AMENDED, HB 305 DO
PASS AS AMENDED, HB 29 TABLED, HB 172
TABLED, HB 400 TABLED

EXECUTIVE ACTION ON HB 4

Motion: REP. COBB MOVED HB 4 DO PASS.

Discussion: REP. COBB said this was the budget amendment bill, which intended to provide necessary expenditures to various state agencies until June 30, 1995. There were two amendments, one by CHAIRMAN ZOOK which specified minor changes in some agencies and one from the Budget office. They decided to move them together.

Motion/Vote: REP. KADAS MOVED HB 4 AMENDMENTS DO PASS. Motion carried unanimously.

Vote: Motion that HB 4 Do Pass As Amended carried unanimously.

EXECUTIVE ACTION ON HB 11

Motion/Vote: REP. BERGSAGEL MOVED HB 11 DO PASS. CHAIRMAN ZOOK said this was the Treasure State Endowment bill. Motion carried 17 - 1, with REP. DEBRUYCKER voting no.

EXECUTIVE ACTION ON HB 29

Discussion: REP. BERGSAGEL said this was the Department of Commerce bill that would take 16% of public contractor fees for a special revenue account to administer the program. He said he indicated to the sponsor and contractors that he wasn't interested in starting a new program and this bill would, in effect, do just that.

Motion/Vote: REP. BERGSAGEL MOVED HB 29 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 172

Motion: REP. DEBRUYCKER MOVED HB 172 BE TABLED.

Discussion: REP. DEBRUYCKER said the bill just had language in it and he would have a committee bill that would require the

Department of Fish, Wildlife and Parks to use \$100,000 for maintenance and weed control, but does not include acquisition. He felt they could possibly merge this bill with the other one. **REP. GRADY** asked if they could just line-item for weed control and **REP. DEBRUYCKER** said that they did not want to include acquisition of fishing access sites. **CHAIRMAN ZOOK** and **REP. KADAS** expressed concern on the number of acres involved and will get that information from the department.

Vote: Motion that HB 172 Be Tabled carried unanimously.

EXECUTIVE ACTION ON HB 226

Motion: **REP. VICK** MOVED HB 226 AMENDMENTS DO PASS.

Discussion: **REP. VICK** said the bill grants the Department of Corrections and Human Services the authority to retain and spend money forfeited from criminal acts. His amendment puts that money into an account they already have instead of setting up a new one. **CHAIRMAN ZOOK** said he had a question about the money they received from the federal government and this amendment addresses that concern.

Vote: Motion that HB 226 Amendments Do Pass carried unanimously.

Motion/Vote: **REP. VICK** MOVED HB 226 DO PASS AS AMENDED. Motion carried 17 - 1, with **REP. KADAS** voting no.

EXECUTIVE ACTION ON HB 304

Motion: **REP. FISHER** MOVED HB 304 AMENDMENT #1 DO PASS.

Discussion: **REP. FISHER** said this amendment deals with language of the general obligations bonds that should be in the bill. The bill authorizes the Department of Corrections to contract for designing, financing, constructing or operating correctional facilities. **Clayton Schenck, Legislative Fiscal Analyst**, clarified that neither amendment came from the LFA or Budget offices. **REP. WISEMAN** said he was concerned about Section 5, line 13, where it states that a contract would not exceed 30 years and the amendment that deals with the same line, but has different language. **REP. FELAND** said that **Dave Lewis** wrote the amendments to allow flexibility to extend the contracts.

CHAIRMAN ZOOK noted that the amendments were confusing and they would like to have some clarification. He suggested to set the bill aside for the present time.

EXECUTIVE ACTION ON HB 279

Motion: REP. BERGSAGEL MOVED HB 279 DO PASS.

Discussion: REP. BERGSAGEL said the bill was requested by the Department of Natural Resources and authorizes creation of state debt by issuing general obligation bonds. This bill requires a two-thirds vote of the legislature and would loan money to private enterprise for renewable resource programs. REP. KADAS said he had looked at the amendments to change the limit on the total bonds issued rather than the cycle limit. The department did a lot of work on the amendments. CHAIRMAN ZOOK suggested to set the bill aside until they get the amendments. REP. BERGSAGEL withdrew his motion.

EXECUTIVE ACTION ON HB 305

Motion: REP. KADAS MOVED HB 305 AMENDMENTS DO PASS.

Discussion: REP. KADAS said this was the litigation money for the Department of Justice. The amendment deletes the Department of Health from the bill.

Vote: Motion that HB 305 Amendments Do Pass carried unanimously.

Discussion: REP. COBB asked if the money was going to be taken out of the coal trust. REP. KADAS said his preference would be the general fund. REP. WISEMAN asked if there was a different in interest rates between the two funds and there was not.

Motion/Vote: REP. KADAS MOVED TO USE COAL TRUST MONEY. For the sake of saving time, and because the committee was interested in getting this bill moved along in the process, he offered to use the same language from last session's bill. He also suggested that he will make an amendment later to use general fund money. Motion carried unanimously.

Motion/Vote: REP. KADAS MOVED HB 305 DO PASS AS AMENDED. Motion carried 17 - 1, with REP. FELAND voting no.

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EXECUTIVE ACTION ON HB 330

Motion: REP. COBB MOVED HB 330 DO PASS.

Discussion: REP. COBB said this was the bill that required general fund encumbrances to be treated as expenditures for accounting purposes. At the end of the fiscal year, there is money left over and most state agencies use it in small amounts by buying sometimes unnecessary equipment, etc. REP. KADAS said that for management purposes, there are probably some instances where they should have the flexibility to encumber money for the next fiscal year. They should set a dollar limit so any encumbrances required over a certain amount would have to be approved by the Budget office. REP. COBB said he had tried that in an earlier session and the Budget office did not want that; they don't have the personnel to review all the state agencies budgets before fiscal year end. He also said they should plan for their purchases, rather than see what was left at the end of the year and just use it on anything. REP. KADAS suggested doing it in such a way that the legislature could keep an eye on the large dollar amounts, but the smaller amounts would probably be spent as they are now. CHAIRMAN ZOOK said they could set the bill aside until more research was done on what to do with these funds. REP. COBB withdrew his motion.

EXECUTIVE ACTION ON HB 400

Motion/Vote: REP. COBB MOVED HB 400 BE TABLED. Motion carried 17 - 1, with REP. ROYAL JOHNSON voting no.

EXECUTIVE ACTION ON HB 4

Discussion: Clayton Schenck suggested for the committee to reconsider the Budget office amendment that provides substituting review of private funds done by the legislative finance committee, substituting that action by this committee and approving the bill. This is an appropriation bill which can't override statute; it calls for review of private funds by the finance committee and the action of this committee can't override those statutes. The Budget office wanted to simplify the process

and avoid a finance committee meeting. He clarified that HB 4 Amendment #2 is not valid. **CHAIRMAN ZOOK** asked for a motion to reconsider.

Motion/Vote: REP. QUILICI MOVED TO RECONSIDER HB 4. Motion carried unanimously.

Motion/Vote: REP. KADAS MOVED TO DELETE HB 4 AMENDMENT #2. Motion carried unanimously.

Discussion: REP. ROYAL JOHNSON asked if he was correct in that the amendment would affect the Kellogg grants and Historical Society and he wanted to make sure those funds were appropriated. **Mr. Schenck** said that private funds did not have to be appropriated, but the intent of the Budget office was to get approval for those by not having the finance committee meet. He said it couldn't be accomplished with this method. The finance committee would have to meet and review them. They can't disapprove them, but they can recommend they not be approved. **Mr. Schenck** explained that private funds were appropriated until the last two bienniums. At that time, there was a legal opinion from the Attorney General's office that private funds do not need to be appropriated. That is why the statute refers to just a review process. **CHAIRMAN ZOOK** said they should have the language approved by the finance committee or the legislature. **REP. BARNHART** said that she was concerned about the Kellogg grants, and she would like to make sure this is coordinated with the other foster care bills.

Motion/Vote: REP. KADAS MOVED HB 4 DO PASS AS AMENDED. Motion carried unanimously.

Motion/Vote: REP. QUILICI MOVED THAT THE COMMITTEE WRITE A BILL TO CHANGE THE LANGUAGE IN BUDGET AMENDMENTS. Motion carried unanimously.

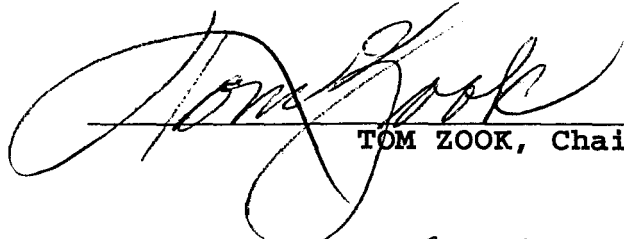
HOUSE APPROPRIATIONS COMMITTEE


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ADJOURNMENT

Adjournment: 9:45 a.m.


TOM ZOOK, Chairman


MARJORIE PETERSON, Secretary

TZ/mp

HOUSE OF REPRESENTATIVES

Appropriations

ROLL CALL

DATE 2-21-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Tom Zook, Chairman	✓		
Rep. Ed Grady, Vice Chairman, Majority	✓		
Rep. Joe Quilici, Vice Chairman, Minority	✓		
Rep. Beverly Barnhart	✓		
Rep. Ernest Bergsagel	✓		
Rep. John Cobb	✓		
Rep. Roger DeBruycker	✓		
Rep. Gary Feland	✓		
Rep. Marj Fisher	✓		
Rep. Don Holland	✓		
Rep. John Johnson	✓		
Rep. Royal Johnson	✓		
Rep. Mike Kadas	✓		
Rep. Betty Lou Kasten	✓		
Rep. Matt McCann	✓		
Rep. Red Menahan	✓		
Rep. Steve Vick	✓		
Rep. Bill Wiseman	✓		



HOUSE STANDING COMMITTEE REPORT

February 28, 1995

Page 1 of 4

Mr. Speaker: We, the committee on Appropriations report that House Bill 4 (first reading copy -- white) do pass as amended.

Signed: _____

Tom Zook
Tom Zook, Chair

And, that such amendments read:

1. Page 1, lines 7 and 8.

Strike: "YEARS" on line 7

Insert: "YEAR"

Following: "1996" on line 8

Strike: "AND 1997"

2. Page 2

Strike: lines 4, 5, 9, 10 and 11 in their entirety.

3. Page 2, line 6.

Following: line 5

Insert:

"One-Stop Career Center SYS	1995	199,780	Federal Special
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TAA Additional Authority	1995	1,170,288	Federal
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Special"

4. Page 2, line 12.

Following: "year"

Insert: "1994 and fiscal year"

5. Page 2, line 12.

Following: "the"

Insert: "one-stop career center SYS, TAA additional authority,"

6. Page 2, line 18.

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2/28
Committee Vote:
Yes 18, No 0.

471234SC.Hbk

Strike: "200,000"
Insert: "600,000"

7. Page 2, line 25.
Following: line 24
Insert:

"DEPARTMENT OF LIVESTOCK"

Predator Control	1995	60,000	State Special
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All remaining fiscal year 1995 state special budget amendment authority for predator control is authorized to continue into fiscal year 1996."

8. Page 3, line 9.
Strike: "years"
Insert: "year"
Following: "1996"
Strike: "and 1997"

9. Page 3, line 18.
Following: line 17
Strike: line 18 in its entirety

10. Page 3, line 19.
Strike: "1996"
Insert: "1995"

11. Page 3, line 20.
Following: line 19
Strike: line 20 in its entirety

12. Page 3, line 21.
Strike: "1996"
Insert: "1995"

13. Page 3, lines 23 and 24.
Strike: "years" on line 23
Insert: "year"
Following: "1996"
Strike: "and 1997"

14. Page 3, line 28.
Strike: "years"
Insert: "year"
Strike: "and 1997"

15. Page 4, line 1.

Following: "Reads"
Strike: "1996"
Insert: "1995"

16. Page 4, line 2.

Following: line 1

Insert: "All remaining fiscal year 1995 federal budget amendment
authority for the literacy-Montana reads program is
authorized to continue into fiscal year 1996."

17. Page 4, line 6.

Following: line 5

Insert: "Corrections Program
Ind. Complex 1995 300,000 Proprietary"

18. Page 4, line 7.

Following: line 6

Insert: "Assess Studies 1995 148,914 Federal
Special

ADAD Communities 1995 165,000 Federal
Special"

19. Page 4, line 11.

Strike: "690,000"

Insert: "988,164"

20. Page 4, line 19.

Following: line 18

Insert:

"MONTANA SCHOOL FOR THE DEAF AND BLIND
Education

IDEA Pt B Grant 1995 40,154 Federal Special

OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION

School to Work Grant 1995 177,777 Federal Special

UNIVERSITY OF MONTANA - MISSOULA

Additional Tuition 1995 906,623 Other

COLLEGE OF TECHNOLOGY, UNIVERSITY OF MONTANA - MISSOULA

Additional Tuition 1995 25,000 Other

WESTERN MONTANA COLLEGE OF THE UNIVERSITY OF MONTANA

Additional Tuition 1995 8,141 Other

MONTANA STATE UNIVERSITY - BOZEMAN			
Additional Tuition	1995	1,250,000	Other
MONTANA STATE UNIVERSITY - BILLINGS			
Additional Tuition	1995	123,000	Other
COLLEGE OF TECHNOLOGY, MONTANA STATE UNIVERSITY - GREAT FALLS			
Additional Tuition	1995	90,000	Other
AGRICULTURAL EXPERIMENT STATION			
Additional Hatch Funds	1995	15,558	Federal
Special"			

-END-



HOUSE STANDING COMMITTEE REPORT

February 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that **House Bill 11** (first reading copy -- white) do pass.

Signed: _____

Tom Zook
Tom Zook, Chair

Committee Vote:
Yes 17, No 1.

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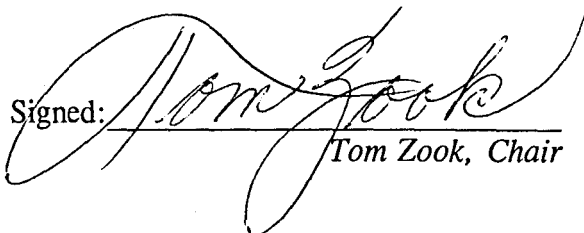


HOUSE STANDING COMMITTEE REPORT

February 28, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 226 (first reading copy -- white) do pass as amended.

Signed: 
Tom Zook, Chair

And, that such amendments read:

1. Page 1, lines 12 and 13.

Strike: "There is a department of corrections and human services account in the federal special revenue fund."

2. Page 1, line 14.

Following: "deposited in"

Strike: "the"

Insert: "an"

Following: "account"

Insert: "in the federal special revenue fund"

3. Page 1, line 15.

Following: "Money"

Insert: "from federal forfeiture funds deposited"

-END-


Committee Vote:

Yes 17, No 1.

471227SC.Hbk

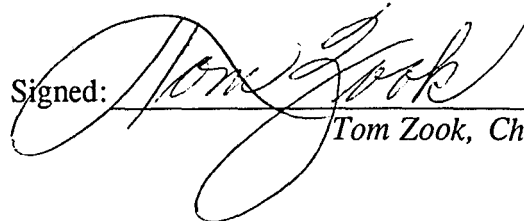


HOUSE STANDING COMMITTEE REPORT

February 28, 1995

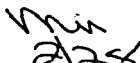
Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 305 (first reading copy -- white) do pass as amended.

Signed: 
Tom Zook, Chair

And, that such amendments read:

1. Title, line 5.
Following: "OF"
Strike: "AN INTERENTITY"
Insert: "A"
2. Title, line 6.
Following: "JUSTICE"
Strike: "FROM THE GENERAL FUND"
3. Page 1, line 15.
Following: "from the"
Strike: "general"
Insert: "coal severance tax permanent"
4. Page 1, line 16.
Strike: "an interentity"
Insert: "a"
5. Page 2, line 3.
Following: "were"
Insert: "or are"
6. Page 2, lines 3 and 4.
Following: "fund"
Strike: "or are transferred from the general fund"


Committee Vote:
Yes 17, No 1.

471229SC.Hbk

7. Page 2, line 5.

Following: "section"

Insert: "and the transfer of the program from the department of health and environmental sciences to the department of justice. All obligations of the department of health and environmental sciences referenced in Chapter 354, Laws of 1993, and not completed by the time of transfer of the program to the department of justice must be transferred to the department of justice"

8. Page 2, line 6.

Insert:

"New Section. **Section 4. Loan contract.** In order to make the loan authorized in [section 1] and extend the previous loans authorized in Chapter 354, Laws of 1993, the board of investments shall enter into a revised contract with the department of justice pledging the amount recovered in the litigation to the repayment of the loans to the full extent allowable under the law. The contract must provide that loan repayments must be deposited in the coal severance tax permanent fund. To the extent possible, the board shall make the loan from the portion of the coal severance tax permanent fund invested in the short-term pool. The loan authorized in [section 1] may not be made until the contract required by this section has become effective.

New Section. **Section 5. Three-fourths vote.** Because [section 1] appropriates money from the coal severance tax permanent fund, Article IX, section 5, of the Montana constitution requires a vote of three-fourths of the members of each house of the legislature for passage."

Renumber: subsequent section

END