

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

April 4, 1985

The 14th meeting of the Senate Finance and Claims Committee met on the above date in room 108 of the State Capitol. The meeting was called to order at 8:02 a.m. by Chairman Regan and roll call was taken.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 203: Representative Bardanouve presented the bill and explained it as the Chief Sponsor. He said this is a series of budget amendments prepared by the agencies. As you know, during the time when the legislature is not in session, the Finance Committee can approve budget amendments but we require an agency to present them during the Legislative session. 203 consists of all the agency budget amendments plus a few that have accumulated since we passed the bill out of the House. He walked through the bill with some explanation of the appropriations. He said there are no general fund monies in this bill. A copy of Representative Bardanouve's explanation is attached to the minutes as Exhibit 1, HB 203.

Representative Bardanouve mentioned amendments that would be presented to the committee that had not had a chance to go through the subcommittees, House Appropriations, nor the House. He explained that they have to present them if they occur before the end of the session, or they cannot apply for a budget amendment. He said the agencies would present these amendments. He said they would be from the Department of Commerce, on the West Yellowstone Air port, a propeller for the Baron, Rabies vaccine for the Dept of Health, a grant from the Montana Arts Council for the Folks Life Project, and a grant for the cultural & Asthetic Projects. He also said there had been a fire at Boulder last night and that would also be coming in.

PROPONENTS for House Bill 203: Curt Chisolm, Deputy Director, Department of Institutions, said there was a fire in Boulder last night in cottage 10. We will be reimbursed from the insurance but will need spending authority. They do not have the amount of money yet so we cannot now certify as to the amount but can for the need.

Jim Flynn, Director, Fish, Wildlife and Parks, said they would support the bill and had some detailed testimony to give the committee in regard to a court settlement, etc. His testimony is attached as exhibit 2, HB 203

Bob Robinson, Deputy Director, Department of Natural Resources and Conservation said they have negotiated an agreement to conduct an analysis on effects of dams that might be needed to supply energy on water ways. His amendment is attached as exhibit 3, H. B. 203.

Explanations were handed in at the request of the committee to be included as part of the minutes. Those received are attached as exhibits 5, 6 and 7. Also Exhibits 8, 9 and 10. Senator Jacobson explained the ones from the Department of Health and Senator Bengtson talked about the ones from the Historical Society for the cultural and aesthetic programs.

There were no opponents, and Chairman Regan asked if there were questions from the committee.

Senator Himsl: I would like to refer to the break down of funds. It is confusing because of the "special revenue" funds. The special revenue--is that the \$7.7 million?

Representative Bardanouve: Yes.

Senator Himsl: State, Federal and other revenue? Proprietary?

Representative Bardanouve: Proprietary funds are like the \$1 million in the Department of Administration in the Central Stores. They have saved the state a lot of money by buying in large quantities and re-selling to the departments and agencies.

Senator Himsl: You can't tell by looking at this as to whether they deal with earmarked funds or from where.

Representative Bardanouve: You have to review them very carefully. The budget office will be happy to break them out or the LFA office can do this, too.

Senator Aklestad: I would like to address this to Representative Bardanouve. You stated a couple of things. There is no general fund money in these appropriations?

Representative Bardanouve: They have assured me that is true. The Departments are resigned to our way of doing business and have given us very good cooperation in the last couple of years.

Senator Aklestad: Were the subcommittees apprised of these figures when they were going through the budget?

Representative Bardanouve: The subcommittees did not act on any of these.

Senator Manning: Do you have any idea, Curt, of the cost of what the fire is?

Curt Chisolm: No, just a guess.

Senator Keating: I would address this to Bob Robinson. Your amendment is to do energy planning--the \$29,000 and the \$11,000?

Bob Robinson: The first one for \$29,000 was a transfer of that amount to our department from the North West Planning Council for the study we did for them.

Senator Keating: That work has been done and this is the reimbursement?

Bob Robinson: The energy planning appropriation--the money has been spent and we are given the authority for an appropriation last year. The Legislative Auditor said it would be better to do it this way and go through the committee.

Senator Keating: The \$29,000. You said that was for a study of rivers for hydroelectric dams?

Bob Robinson: The Fish, Wildlife and Parks has entered into a contract with Montana Power to analyze the impact on the major water ways if hydroelectric was put on it. They are trying to identify places for dams if the energy is needed. This study is doing the base line analysis to find out if it would be a show stopper that would have a serious negative impact.

Senator Keating: With the surplus of energy now there seems to be a bit of prematurity here. The Historical Society money, \$465,000 for preservation sites. Does any of that money get included in the historical markers on the highway.

A gentleman (unidentified) answered and said, no. That comes from the Historical Society. No. It has nothing to do with the Highway markers program.

Representative Bardanouve: In regard to the fire--we did not have any research on this and the fire just occurred last night.

Curt Chisholm: I would like to ask the committee to please leave something in the record to give us the authority to use the insurance money to repair the damage from the fire.

Senator Regan announced the hearing on House Bill 203 closed and called for the sponsor of HB 490 to present his bill.

CONSIDERATION OF HOUSE BILL 490: Representative Bardanouve, chief sponsor of HB 490 said this is a relatively small bill. According to the budget and law, you will have to have the prison industry revert the money at the end of the biennium. This will allow the prison industry and the prison ranch to retain their balances at the end of the year. It would be quite difficult, if not impossible to close out the accounts and begin all over again at the beginning. For many years the prison ranch was questionable. The legislature a few years ago put the money into a revolving account and said, live with it! They now have a few legislators as an advisory committee on the ranch to advise on the ranch operation. We have kept close tabs and the advisory committee mainly came out of the House, Senator Lane, Representatives Donaldson and Marks the former legislator Jensen and myself. We have put in a considerable amount of time in securing a very fine manager. We have had

other members make considerable contributions. The ranch has been making money in the last couple of years. The major change was in the feed lot. The high quality of meat we have put in a policy of the prison selling our prime yearlings at the public sales and we have required the prison to buy their slaughter cattle 2 or 3 year old cattle for use in the institutions. We are buying 2 and 3 year old cattle and we are making more on the market on the prime yearlings and buying the other cattle for less money. The only place we are losing a little money is in the slaughter house. \$200,000 a year before and we are now down to about \$25,000 as of the last report. We have the prison down to a very small loss. We have to hire some civilians to help to supervise at the slaughter house.

Proponents for House Bill 490. Curt Chisolm, Deputy Director, Dept of Institutions, said it has passed all the audit recommendations. The auditor suggested it raised the problem of ending fund balance and that it would include all assets of the industry. That would include our supplies, etc. and it does go over the limited requirement of the law. They suggest we come in for legislation that would clarify our dilemma. We are making enough income to keep ourselves in business. If there are ever any profits, they could easily be monitored by the legislature. They could then be reverted.

There were no further proponents, no opponents, and Senator Regan asked if there were any questions from the committee.

Senator Keating: None of this money can be expended without appropriation?

Senator Regan: Yes, you have to give spending authority.

Senator Regan declared the hearing closed on House Bill 490 and suggested since HB 779, 676 and 766 had been pulled from the Senate and brought down for the LFA to check since there seemed to be a question of financing, that they could probably be handled quickly. She said the LFA office had checked them all out and said they were okay and that she had assured the Senate that was the only reason they were to be brought to the committee. She asked Curt Nichols, Legislative Fiscal Analyst to address these bills.

Curt Nichols: In looking at these bills, 779 and 776 have the language to make them a statutory appropriation. H. B. 676 is not a statutory appropriation so there is no problem.

Senator Regan: I would entertain a motion that House Bills 676, 766 and 779 go back up to the floor.

DISPOSITION OF HOUSE BILLS 676, 766 and 779: MOTION by Senator Manning that House Bills 676, 766 and 779 be concurred in and go back on Second Reading in the Senate.

SUBSTITUTE MOTION by Senator Keating to segregate the bills.

CONSIDERATION OF HOUSE BILL 779: Senator Himsl: Is this something different to make a statutory appropriations? 779 refers to House Bill 12 and it establishes statutory appropriations. It has this language that refers to House Bill 12. I think the question of whether 12 is going to get over here and what happens might be something we should know.

Senator Regan: All three of these bills deal with this and we brought this down to look at them along with House Bill 12. We do not have House Bill 12, and may not get it. Curt has looked this over. All three of these bills before us were on 2nd reading when I brought them down here.

Senator Himsl: If we pass this it does not mean anything unless H. B. 12 passes?

Senator Regan: That was the question I had, and I would ask Curt to address this.

Curt Nichols: The two bills, 779 and 766 which are coordinated with H. B. 12. They would have a statutory appropriation and it means these funds under law enforcement, etc., would not need a biennium appropriation by statute. If H. B. 12 fails, then the language in these bills would be legal.

Senator Himsl: Is that what we really want to do?

Senator Regan: These are pass through monies, are they not? Federal monies?

Curt Nichols: Federal and collections that are designated for a special purpose.

Senator Aklestad: These funds could be available for other uses?

Curt Nichols: Some are penalties. They are in the law enforcement assistance account. These are recoveries from drug busts, etc.

Kim Kradofer, Assistant Attorney General, said this would just include properites that are forfeiture from federal acts. The Federal act would require that the use of the funds go exclusively to state and local law enforcement purposes and no money from them unless we can assure them it cannot go or find its way into the general fund. We have to assure them it goes directly into these accounts.

Senator Himsl: I can understand that, but if we give up the right for appropriation--if we want to put the money into a drug appropriation we could do it but we should have the right to do that.

Senator Keating: I understand right now the Feds have close to \$1 million they have confiscated in the state. The money is held up now pending this particular bill under section 1 of the

law, to establish the funding mechanism in order to spend it. Can money be spent from that account without appropriations and does that section provide that any monies have to be appropriated by the state legislature?

Senator Regan: What you are saying is that this is a statutory appropriation. If so, then I agree with Senator Himsel in Section 4. I am a little leary of this too. I would hate to see the A. G. have a permanent authority to use this money as he sees fit.

Senator Haffey: I guess the federal law together with the language in this bill limits the latitude of the A G to use as listed in section 3?

Kim Kradolfer: I think under this, you would not. The Federal statute would allow more latitude.

Senator Haffey: What do you think of the idea of this. Does it take much judgment or knowledge to know how much for one rather than another?

Kim Kradolfer: I would be prejudiced on this. I think you would have to have some insight into what is happening. Sometimes they may not be able to make it public since it could focus on a legal problem.

Senator Gage: Regardless of statutory appropriation, are the various departments limited by no spending authority beyond the total that the appropriation that has been given them by the Finance and Claims and Legislative Appropriation in the budget or is that spending authority limited to the statutory appropriation?

Curt Nichols: I think statutorily the only limit is the amount of money available.

Senator Gage: Could we then say that in no event the statutory and legislative appropriations be in excess of the spending authority given by the legislature?

Curt Nichols: The appropriation is the spending authority. This differs in that we leave an open end on it.

Senator Haffey: House Bill 12 is where the decision is made as to whether brought in for budget amendment or not. If it passes, then it takes effect, if not then the reference drops out when you read it this is nothing more than the creation of an account and the appropriation would have to go through the budgetary process.

Curt Nichols: If House Bill 12 fails this would be the vehicle.

Senator Haffey: On line 23, if not passed and approved etc. It would be void. That bracket material in the bill is the key. If you remove that, this language is permanently appropriated. They would not have to come in to have it appropriated.

Curt Nichols: Yes. It is my understanding that it would be a statutory amendment.

Senator Regan: House Bill 12 was to come here. That is why I had them brought down to look at all three together. Now you are telling us that either way it will be statutory. If so then we are back to Senator Himsl's question--Is that what we want to do?

Senator Manning: More money and more authority to sell. It will put the money in the coffers with the passage of this bill.

Kim Kradolfer: Yes.

Senator Bengtson: The other question. If you get the statutory authority, this is a statutory appropriation and you don't have to budget amend that money and there is no need for additional appropriation for it.

Kim Kradolfer: That is my understanding.

Senator Bengtson: What sort of follow-up do we have.

Curt Nichols: The expenditure of the funds are on SBAS and audited by the auditor.

Senator Regan: If this were not to be a statutory appropriation but an annual one you would have to come in and tell us how much and ask for the authority. What is your objection?

Kim Kradolfer: I don't have any. To meet the federal requirements this may not work. From discussions with the LFA and the Legislative Council, we would not have to convince the federal government that it could not possibly get into the general fund, etc.

Senator Keating: The Feds are trying to say you can't take any of this money. It has to stay in the law enforcement. We are specifying in this bill, the drug task force. The probability of accumulating a large account and not being able to use it for other law enforcement purposes is here. I can foresee other law enforcement purposes other than drugs.

Kim Kradolfer: The kinds of things the A G may use these funds for would be set by law under specific guidelines by the federal government and would go for paying expenses. She said requests for deferral to state forfeiture proceedings, or for transfers of property or proceeds of asset seizures, are to be filed by the requesting state or local agency and should be filed no later than thirty days after the date of seizure (specific procedures and forms for this purpose are being developed). All requests are to be filed with the investigative agency.

Kim Kradolfer continued by reading the policy of the Department of Justice Assets Forfeiture fund. She said the Attorney General will delegate the administration of the Department of Justice Assets Forfeiture Fund to the United States Marshals Service. It will operate under guidelines developed by the Subcommittee on Asset Forfeiture, of the Department's Forum for Cooperative Strategy. The Subcommittee will establish regulations and policies, consistent with legislative intent, to collect proceeds for the fund from the sale of forfeited property (after the payment of non-salary expenses), to determine uses of the fund money, and to resolve differences that may arise.

The following, in order of priority, excluding government salaries, will be the uses of the fund:

1. payment of expenses incurred by the U. S. Marshals Service for the care and custody of the seized and forfeited property;
2. payment of expenses incurred by the investigative agency in the seizure and forfeiture of the property;
3. payment of expenses incurred by state and local agencies which assist in the seizure and forfeiture of the property;
4. payment of liens and mortgages;
5. payment of expenses of remission or mitigation of forfeited property;
6. payment of awards;
7. payment to equip, for law enforcement purposes, conveyances placed into official use; and
8. purchase of evidence.

That would be the actual limit of what it can be used for.

Senator Hims1: In paragraph 4 of the bill. There is a lot of flexibility in that. Payment of over time, etc. It seems to me that covers the whole water front. My objection is that it is a permanent appropriation.

Senator Jacobson: You mentioned earlier that one of the objections might be that if you had to come in and ask for money for specific uses it could destroy the confidentiality of the effort.

Kim Kradolfer: Dissemination of information. You could even be telling them there is going to be a big undercover investigation going on.

DISPOSITION OF HOUSE BILL 779: Substitute Motion by Senator Story in section 4, line 10 strike "permanent appropriation" and in line 12 strike "permanently"

Senator Regan: I think the bill needs looking at. The reference to the statute would have to be checked to see if it is in other places in the bill and how it is affected by the law. Would you make this a general motion that says we are not making it a statutory law, even if House Bill 12 passes.

Senator Story: I would agree the language should be cleared up so that this is not a statutory appropriation but we appropriate it for this year.

Senator Manning: If we do this do they have to come in every time they want to pull a drug bust or whatever?

Senator Haffey: No. Only when there is a need for authorization to spend money do they have to come in with a budget amendment to the Finance committee and say we have money and we want to spend it for law enforcement purposes.

Senator Regan: If we clear up this language we are simply appropriating money to use and we will have the auditor to follow it up.

Curt Nichols: If you take out the statutory and permanent you are making an appropriation and they will not need a budget amendment because they have it under this bill.

Senator Manning: I agree. That is fine. If they have to run in here every time they want to make a drug bust or whatever, they are in trouble. I want these people to be able to operate.

QUESTION was called on the amendment, voted, carried.

MOTION by Senator Manning that House Bill 779 as amended be concurred in. Voted, passed, Senator Boylan voting no.

CONSIDERATION OF HOUSE BILL 676: Senator Regan said this bill passed second reading and to address the finances of the bill we took it off and I indicated on the floor that would be what was addressed. If you will address pages 8 and 9, Curt?

Curt Nichols: This bill allocates the junk vehicle funds for purposes of this bill. It does not appropriate these funds, it would be asking appropriation in House Bill 500 for this.

Senator Regan: This is not a permanent statutory appropriation then.

Senator Manning: There is no problem with funding here. I think this bill should be passed and sent back upstairs.

Senator Smith: The additional federal monies they are getting for this purpose. We have had a lot of experience with this. It keeps coming and we take it out of general funds.

Senator Regan: These are the funds gathered out of junk vehicles.

Senator Smith: Federal funds are coming in to start the program.

Senator Aklestad: They are assuming extra funds are available.

Senator Jacobson: This bill went through Public Health and through second reading. The Chairman of this committee asked me if we could bring it down and look at the funding. We did not ask the sponsor to appear since we are only discussing the funding. If not, we need another full blown hearing. We did not bring this bill down to discuss the merits of the bill. That should be done on the Senate floor, we brought it down to look at the financing.

Senator Regan: I think it is a method of betrayal. You have me bring the bill down here to look at the funding and then kill it.

Senator Smith: Will it be back in second reading? My intention is to kill the bill. I opposed the bill up there. My objection is not only the funding.

Senator Regan: You would have an opportunity to send the bill up stairs. I would ask that you support the motion to send it up stairs.

Senator Story: Those of us who oppose the bill do not want to vote for it in this committee.

Senator Regan: All you are asking for and voting for in this committee is a vote on the funding.

Senator Himsl: I agree. I will vote to send the bill back up stairs.

Senator Keating: I will support the motion to move it back to second.

Senator Stimatz: We are voting and this motion deals only with the language on page 8, line 21, etc.

Senator Regan: We brought the bill down to look at the funding and you are now to move it back upstairs to the floor for second reading.

Senator Himsl: We are really appropriating the money from the junk vehicle fund.

Senator Regan: The money has been appropriated.

Curt Nichols: This is an allocation of a fund to set it aside for this purpose. The actual funding is in House Bill 500.

Senator Smith: Line 3, page 9 and also not to exceed \$220,000 federal fund that would have to be authorized in the appropriation bill. When appropriated, the federal government will pull the funds.

Rae Hoffman, Public Health Department, said he would like to answer Senator Smith. The legislation is dead at the end of the biennium. Your question as far as the enabling legislation is that the money is there to allow us to use when 500 comes before this committee. At that time the Department will propose an amendment to you. This is federal EPA funding. We are aware that the money may be coming to us. House Bill 500 is specific and will be brought before you every biennium and there is no commitment for future legislatures or any future program funding.

Senator Smith: I hear this dozens of times and it doesn't always set.

Rae Hoffman: We have brought everything before you from the Health Department and have not started any programs.

Senator Smith: But you often come back and say federal funds are out and we need funds, and it is running out, and it is such a good program, etc.

Rae Hoffman: In regard to what you said. You have over \$3 million in general funds that you do not have to spend in the Health Department. Federal funds have come in and replaced them.

DISPOSITION OF HOUSE BILL 676: Senator Manning's motion that 676 do pass was voted and passed, unanimous vote.

CONSIDERATION OF HOUSE BILL 766: Senator Regan said this is another statutory appropriation. Curt, would you address this?

Curt Nichols: This bill makes a statutory appropriation of the Environmental Protection fund. It coordinates with H. B. 12. If I understand this correctly, it will make a statutory appropriation with or without H.B. 12. If you look at page 8 and 9.

Senator Hims1: Hasn't this bill been amended? This isn't the copy that came out of Public Health, is it?

Senator Regan: There are amendments, but none of the amendments address the funding. I am asking that we look at the funding mechanism only and approve or not that part of it. If you look at pages 3 and 4 and pages 8 and 9.

Curt Nichols: The funds in this Environmental Protection Control are to be put as a statutory appropriation as I read the bill and the language is in the bill to make it statutory. The funding is found in Senate Bill 277.

Senator Christiaens: From what I understand that is probably dead in the House.

Curt Nichols: There are two sources of revenue. One provides part of the funding. Without 277 the penalties and charges would remain.

Senator Regan: What happens if Senate Bill 277 fails. It is in difficulty in the House. Are there still monies collected by fines that would go into the special account and be statutorily appropriated out?

Don Willems, Department of Public Health, said yes.

Senator Aklestad: Through appropriation process now? Legal budget at this time--is there a certain amount of money in the legal budget for enforcement? At the present time does it go back to the general fund?

Rae Hoffman, Public Health, said once you collect a fine, it has the ability in some cases, of collecting its expenses like travel for instance, and the rest goes back to the general fund.

Senator Smith: One part of the bill which bothers me--on page 6, line 23 "If the responsible party fails, without sufficient cause, to properly provide remedial action upon notification by the department pursuant to [section 3(3)(b)], the responsible party may be liable for punitive damages in an amount not to exceed two times the amount of any costs incurred by the department pursuant to [section 6]." Didn't we pass a punitive damage bill that would change this?

Senator Regan: I think this is an issue you can take up upstairs.

DISPOSITION OF HOUSE BILL 766: MOTION by Senator Aklestad that we have Curt clean up the language so that it is not a statutory appropriation and that they come in to the Legislature and come in in that manner. Whatever other places in the bill that would need fixing to make this carry through.

Senator Bengtson: What is your objection to having it a statutory appropriation to use the finances.

Senator Aklestad: I don't think we should lose our authority over many of these funds as to appropriating it out.

Senator Regan: Curt, when we have budgets come in are the statutory funds included as a part of your analysis?

Curt Nichols: Typically not. It is not for consideration by the Legislature and unless a specific problem, we would not.

Senator Regan: It would seem to me that while not a concern it really should be reflected in our ability to appropriate it. It would be of concern to see what they get and could see in effect what they have. Couldn't they do this?

Senator Himsl: This is the first time that I have seen when we come into a committee and put into a statute what the funds are to be. If we are going to statutorily appropriate funds then what is the appropriation for?

Rae Hoffman: Maybe I can give a little insight into this. The Department of Health is directly responsible for this. Two years ago on the budget amendment bill there was clear language that says the Department of Health can spend any funds they receive. They sent through the A.G. office and asked for his opinion as to what that means. The A.G. says it is statutory--the Department of Health would not use that but could have. We felt that you folks should have the ability to look at it. This would limit it. If we were to come to you before each action--what happens if you give us \$1 million worth of authority for "enforcement of" a law or rule and you give us a limited authority. The department is responsible to the public and they have to certify an emergency problem.

Senator Regan: If we do that we have expanded your spending authority and you could have fun and games.

Rae Hoffman: If you line item that even at 10% the transferability cannot--only enforcement ability and you would have the tracking authority on SBAS.

Senator Himsl: Maybe I am not hearing very well. Would you run that by again? The A.G. gave you an opinion that you don't have to go through budget amendment for federal fund or special revenue funds and the only case would be for state general funds?

Rae Hoffman: In the Department of Health the Montana Codes Annotated, the Department of Health can accept, receive or expend. We have never used that. H.B. 766 eliminates the language in that.

Senator Keating: Wherever we expand their spending authority, we are dealing only with the federal funds and the limitation is the amount of federal dollars for the purpose.

Senator Bengtson: The federal government lays out some guidelines for what you can spend the money for.

Rae Hoffman: That is true. The legislation the Department of Health has takes into consideration the timely action in case of epidemics, etc. If we have to wait for permission, we could put life and limb in danger. We would want to know what could happen if we did. We did not use the authority.

Senator Story: That is all good and well, but in Article 8, sections 12 and 14 they deal with this. (He read from the Montana Codes.) I think if you put it in the statutes permanently we would be exceeding what the constitution says.

Senator Bengtson: That is what House Bill 12 tries to do. We are constantly coming up with "what is a statutory appropriation" etc. Where is House Bill 12?

Senator Aklestad: I was going to ask a question. Getting back to my motion, I would like to see H. B. 766 have language put in like the language in the other one so that we could still see the figures. We could ask Curt to clean up the language.

Senator Aklestad asked Rae Hoffman to work with Curt Nichols to work out the amendment so that if the money becomes available you can spend it.

MOTION was voted, passed, unanimous.

The original motion to pass, was changed to pass as amended, voted and passed, unanimous.

DISPOSITION OF HOUSE BILL 490: MOTION by Senator Bengtson that we concur in House Bill 490. Voted, passed, unanimous.

DISPOSITION OF HOUSE BILL 203: MOTION by Senator Jacobson that on page 4, line 17 we strike "955,000 and insert \$1,755,000. It adds \$800,000 to the account. This is Dr. Drynan's Child Nutrition amendment on WIC. amendment attached as exhibit 9.

Senator Aklestad: What are the other special revenues in this Federal and other?

Curt Nichols: Federal and other is the title of a fund. There may not be other funds in the account.

Senator Regan: Senator Himsl has a sheet that shows a transfer of the language. We will get those sheets for you.

QUESTION was called on the Jacobson amendment, voted, passed, unanimous.

MOTION by Senator Jacobson on page 4, line 20 following line 20 to insert "Rabies Vaccine \$40,000. Federal and other revenue" amendment attached, exhibit 6. She then read the reason which is given on the exhibit.

Senator Aklestad: Is this additional money for rabies? There are already monies in there. There are some of those in the general fund?

Rae Hoffman: The last session gave us up-front money. \$10,000 in general fund to start the rabies account. This amount does not increase any general fund right now and there is general fund here.

Senator Aklestad: On the other one, did we have the same situation there where we had general fund money in before for start-up?

Senator Jacobson: No.

Senator Regan: With the \$40,000 and \$10,000 -- did they go back into the general fund?

Rae Hoffman: The appropriation died. The state had bought a supply of vaccine and it is available to get to the areas where it is needed.

Senator Smith: There was some general fund for control of Rabies but that is in the Department of Livestock, not in here.

Question was called, the amendment was voted, passed, unanimous.

Senator Regan: There was an amendment by the Department of Commerce. After line 10, insert "Aeronautics 29,890 Special Revenue" She said this is realized from settlement of a tax protest and the money will go to pay for the Yellowstone Airport fund. Amendment and explanation attached as exhibit 8.

Senator Manning moved the amendment, voted, passed, unanimous.

Senator Regan: There is another amendment handed in by Mr. Robinson that would amend page 5, line 24 "strike 11,000 and insert 32,750", page 6, line 2, "strike 11,000 and insert \$32,750" and Page 6, line 3 "following LIBRARY insert In the amount of \$11,000 and for the Montana river study in the amount of \$21,000."

Motion by Senator Manning, voted and passed with Senators Keating, Aklestad and Hammond voting no.

Senator Regan: On page 2, line 21 on the Montana Arts Council I believe there is an amendment. This would change the figures and I believe Esther has them.

Senator Bengtson: I would move we strike the figure here and add 12,010 to spend the grant and also 38,748 for cultural and asthetic program. Curt can get the figures.

Voted, passed, unanimous.

Senator Aklestad: On the folk life project did we have an audit on the monies we program in?

Senator Bengtson: We did not deal with it in our budget. We turned it over to LRP. I odn't think they got any money.

Representative Bardanouve: Some.

Senator Bengtson: This must be in addition then?

Representative Bardanouve: This appropriation will be for this biennium. What you were dealing with was the 87 biennium. This is in addition to what they got in '83.

Senator Bengtson: How does it interphase with the other?

Representative Bardanouve: This had nothing to do with the present coming biennium.

Senator Bengtson: Did you have a list of what the projects were on the amendment?

Representative Bardanouve: I never saw them before I came into this room.

Senator Regan: These are Natural Endowment of Arts grants. I understand there is a committee that grants it on a local level.

Senator Hammond: We went through about 90 of them before.

Senator Regan: I think this is some that were from before.

Senator Himsl: Before we move the bill, aren't we looking at the Boulder issue?

Senator Regan: I would ask Curt to address this.

Curt Nichols: They have brought the issue before us so that they don't get caught up with the question of authority and by coming to this committee they can budget amend.

Senator Himsl: Just so there is an understanding.

Curt Nichols: There should be an understanding in the bill.

Senator Haffey: If we ask to just pass some language to put it in to allow the Department of Institutions to spend what comes because of the fire that takes care of it.

Curt Chisholm: That, or just a statement from the committee that we can spend it.

Curt Nichols: I think if you just have it in the minutes that will be enough. It will make it clear that they can ask for the authority to spend it on a budget amendment.

Senator Jacobson: MOTION to concur in H. B. 203 as amended. Passed.

Senator Bengtson: I would want to be sure that the minutes reflect that the Department of Institutions can make a budget amendment to have the authority to spend the insurance money from the fire. Voted and passed.

The Jacobson amendment and the Bengtson amendment were both unanimous votes.

The meeting was adjourned



Senator Pat Regan, Chairman

ROLL CALL

SENATE FINANCE AND CLAIMS COMMITTEE

49th LEGISLATIVE SESSION - - 185

Date 4-4-85

NAME	PRESENT	ABSENT	EXCUSED
<u>SENATOR REGAN</u>	✓		
<u>SENATOR HAFFEY</u>	✓		
<u>SENATOR JACOBSON</u>	✓		
<u>SENATOR AKLESTAD</u>	✓		
<u>SENATOR HAMMOND</u>	✓		
<u>SENATOR LANE</u>	✓		
<u>SENATOR CHRISTIAENS</u>	✓		
<u>SENATOR GAGE</u>	✓		
<u>SENATOR HIMSL</u>	✓		
<u>SENATOR STIMATZ</u>	✓		
<u>SENATOR BOYLAN</u>	✓		
<u>SENATOR STORY</u>	✓		
<u>SENATOR SMITH</u>	✓		
<u>SENATOR MANNING (Dick)</u>	✓		
<u>SENATOR BENGTON</u>	✓		
<u>SENATOR KEATING</u>	✓		

VISITORS' REGISTER

SENATE AND HOUSE COMMITTEE _____

BILL _____

DATE _____

SPONSOR _____

NAME	REPRESENTING	RESIDENCE	SUPPORT	OPPOSE
Carleen Ramin	Int Arts Council	Helena		
Jim Williams	DSL	Helena		
Bob Kuchel (FOI)	JUSTICE	HELENA		
SUSAN HANSEN	✓	—		
Al Geffe	High Safety - Justice	"	HB 203	
Laurie Ekanger	Purchasing/Admin	"	HB 203	
Heane Blanton	General Services	Helena	HB 203	
JD May	OBPD	"	203-	
John Skufca	Livestock	"	HP 203	
Les Graham	"	"	"	
Mary Evans	Agriculture	"	"	
Nora Ross (FOI)	OBPD		49702	
Gene Fisher	State Library	Helena	HB 203	
Clyde Maerheid	DDPAC	HLA	HP 203	
Don Williams	Dept. of Health	"	676476	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

March 28, 1985

HB 203 BUDGET AMENDMENTS
REFERENCE THIRD READING COPY

21
HB 203
4-4-85

<u>AGENCY</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
TRAFFIC SAFETY		
Traffic Safety Page 2, line 5	94,650 F.F.	To purchase computer equipment and technical advice for a traffic safety record keeping system. This would correlate data between drivers, vehicles and roadways.
Traffic Safety Page 2, line 7	125,300 F.F.	To educate the public as to the hazards of drinking and driving and the benefits of seat belts through statewide mailing of informational brochures.
JUSTICE		
Highway Patrol Page 2, line 13	54,500 F.F.	To allow the Highway Patrol to (1) conduct two specialized traffic accident investigation schools, (\$32,000), (2) to replace an aircraft propeller per manufacturers requirement (\$16,000), (3) purchase a seat belt convincer.
Criminal Investigation Page 2, line 15	63,853 F.F.	To continue to staff the criminal information section with 1.5 FTE's from December 1 to June 30, 1985 to support the Rocky Mountain Information Network. (States)
Forensic Service Page 2, line 17	4,949 F.F.	To purchase lab equipment for analysis of driving under the influence samples. This will increase the accuracy of the analysis.
Agency Legal Services Page 2, line 19	98,432 P.F.	To cover additional personal services costs because of personnel turnover. Positions had to be filled at once to generate revenue to support the program. Therefore, vacancy savings were not generated.
ARTS COUNCIL		
Promotion of the Arts Page 2, line 21	6,255 O.F.	To expend community match funds received in excess of the FY 84 appropriation for the promotion of the arts.

STATE LIBRARY

Library Development
Page 2, line 24 204,231

To allow the expenditure of unanticipated federal library services and construction funds in the construction of public libraries throughout the state.

ADVISORY COUNCIL FOR VO-ED

Vo-Ed Advisory Council
Page 3, line 4 8,772 F.F.

To pay increased operating costs due to increased services provided in FY 85. Such as additional publications, additional travel, supplies, etc., as related to research efforts to evaluate vocational education.

HISTORICAL SOCIETY

Library
Page 3, line 7 10,000 O.F.

To microfilm older issues of Montana newspapers. Funds will come from private sources including the Lee Foundation.

Museum
Page 3, line 9 25,924 F.F.

To restore the kitchen and pantry at the old Governor's mansion (\$11,000 other funds) and survey the collections and environmental conditions of the old Governor's Mansion. (\$14,924 federal funds).

Magazine
Page 3, line 11 25,000 P.F.

To allow pay for the costs of printing five issues of Magazine Montana in FY 85 instead of four issues because of printing delays which occurred in FY 84.

Education
Page 3, line 12 10,000 F.F.

To participate in the National and Montana History Day by sponsorship of a statewide history project contest for grades 6 through 12.

Historical Sites Preservation
Page 3, line 14 465,000 F.F.

To allow for the reclassification by the Accounting Division of agency funds to Federal and Other Special Revenue funds. This requires that these funds be appropriated where they were not before.

FIRE SERVICES

Fire Services Training
Page 3, line 17 14,000 F.F.

To allow expenditure of a federal grant for the development of a plan of improvements in the existing Fire Services Training School (\$12,000) and the purchase of audio visual aids (\$2,000).

FISH, WILDLIFE & PARKS

Enforcement
Page 3, line 21 70,000 S.S. To pay an out of court settlement as damages for a warden's unlawful retirement.

Wildlife
Page 3, line 23 19,000 S.S. To pay for extinguishing a fire on the Mount Haggin Wildlife Management area.

Field Services
Page 4, line 3 100,000 S.S. To pay for increased game damage complaints by private land owners.

Page 4, line 4 Language: This allows purchasing parks as required by the legislature from Fish, Wildlife, and Parks license monies until coal taxes are collected. Loans cannot be extended beyond June 30, 1985 without legislative approval.

HEALTH

Director's Office
Page 4, line 10 1,282 F.F. To allocate additional health block grant funds to rape crisis per legislative intent. Previously it was \$10,260 but the new federal grant requires \$11,970.

Management Services
Page 4, line 12 163,294 S.S. To comply with statute to deposit lab fees in the state special revenue account rather than the Federal Special Revenue Account. The federal appropriation will be reduced in like amount by the included language.

Health Services
Page 4, line 17 955,000 F.F. To allow the expenditure of additional federal funds for meals for children from low income families (\$386,000).

Page 4, line 19 To allow the expenditure of additional federal funds for food supplement packages for pregnant women or women with small children. (\$569,000)

Page 4, line 19 Language: This language is needed to increase the block grant cap to allow the amount mandated by the federal government to be spent on rape crisis. Without this language all funds above \$607,264 would pass through to counties and leave rape crisis short.

HIGHWAYS

General Operations
Page 4, line 22 314,368 F.F. To administer the disadvantaged business Enterprise program (\$189,368) and to provide rural technical assistance on roads, bridges and public transportation in non-urbanized areas (\$125,000). The disadvantaged business is one at least 51% owned by a bonafide minority.

HIGHWAYS (continued)

Construction

Page 4, line 24 6,206,501 S.S. To allow for increased contractor payments
Page 5, line 2 10,955,460 F.F. in FY 85.

LANDS

Central Management

Page 5, line 6 50,000 P.F. To provide necessary aircraft maintenance including \$23,584 for a transmission support replacement. Caused by extensive useage.

Reclamation

Page 5, line 7 2,300,000 F.F. To provide additional abandoned mine reclamation construction in FY 85 because of project delays and the need for an early spring start.

LIVESTOCK

Page 5, line 10 17,961 S.S. Delete

Predator Control

Page 5, line 12 233,600 S.S. To purchase a more efficient helicopter which will replace two Bell 47 helicopters. Funding from federal government, sale of two helicopters and \$88,600 from the Predator Control special revenue account.

NATURAL RESOURCES

Conservation Districts

Page 5, line 16 3,600 F.F. To purchase equipment needed by the Corps of Engineers which will be located in the Department of Natural Resources offices. The federal government is providing the funds. There will be two Corp of Engineer personnel.

Energy Planning

Page 5, line 18 29,602 F.F. To conduct a study of the options planning concept for utility planning and siting under a contract with the Pacific Northwest Power Planning Council. The funds were originally expended from an agency account. This will allow them to be correctly recorded in a special revenue account.

Water Resources

Page 5, line 20 909,525 S.S. To correctly account for bond proceeds and the fees for selling bonds (\$881,211). This will allow for the proper recordation of the bond proceeds and fees. To properly account for Rock Creek Water users payments to the federal government (21,940). To allow for proper recordation of funds received from water users associations. (\$28,314).
Page 5, line 22 21,940 F.F.

Energy Planning

Page 5, line 24 11,000 F.F. To provide for a blue print loan library for energy efficient housing blueprints.

ADMINISTRATION

Central Stores Page 6, line 6	1,000,000 P.F.	To allow central stores to increase inventory to meet the increasing supply needs of requesting agencies.
Mail & Distribution Page 6, line 8	30,225 P.F.	To allow for the increased cost of postage by over 13%.
Investments Page 6, line 9	30,500 P.F.	To provide for the operating costs of the newly developed computer system being installed in the Board of Investments for improved record keeping.

AGRICULTURE

Plant Industry Page 6, line 13	7,617 F.F.	To use federal funds to inspect medicated feed establishments.
Environmental Mgt. Page 6, line 16	1,600 O.F.	To use Northern Cheyenne Indian Tribe money in cooperation with the EPA to provide training in pesticide enforcement to the tribe.

INSTITUTIONS

Mental Health Page 6, line 18	2,000 F.F.	To expend these funds from the National Institute of Mental Health in planning and participation in the regional conference on mental health.
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MOUNTAIN VIEW SCHOOL

Care & Custody Page 6, line 21	1,217 F.F.	To expend these federal funds received from federal commitments to purchase track and field equipment.
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PINE HILLS SCHOOL

Care & Custody Page 7, line 2	2,147 F.F.	To use these federal funds to purchase remedial English materials, VCR's, etc. to enable students to obtain skills in the world of work.
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STATE HOSPITAL

Treatment Services Page 7, line 4	5,086 F.F.	To use federal funds for .18 FTE teachers at the State Hospital for increased educational efforts for school aged residents.
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COMMERCE

- Page 7, line 9 793,554 F.F. To use additional federal funds to provide increased rental assistance payments for low income rental housing.
- Page 7, line 10 150,000 P.F. To allow the establishment of an appropriation for \$150,000 of proprietary spending that was not clear in the language of H.B. 1 to allow borrowing \$150,000 from the general fund.

SOCIAL & REHABILITATIVE SERVICES

- D.D. Advisory Council
Page 7, line 13 46,874 F.F. To allow expenditures of additional federal funds made available for the Developmental Disabilities Planning and Advisory Council.
- Vocational Rehabilitation
Page 7, line 16 340,000 F.F. To expend unanticipated additional federal funds for job training, diagnostic services, work adjustment, vocational evaluations, medical services, etc. for client rehabilitation.
Page 7, line 18 60,000 F.F.
- Social Services
Page 7, line 20 670,713 F.F. To spend federal refugee funds for relocation and placement services, etc. (\$106,439). To spend federal Title III aging funds to provide supportive services (such as transportation, homemaker services, legal services) and, nutrition services (such as home-delivered meals) to senior citizens (\$564,274)
- Social Services
Page 7, line 22 86,008 F.F. To spend available federal funds to address the abuse in child care centers by establishing policies and procedures for criminal record checks of child care workers.
- Page 7, line 24 925,574 F.F. To allow the expenditure of additional federal funds from the Low Income Energy Assistance Program (LIEAP) to help low income clients to meet their home heating costs (\$494,110). To allow the expenditure of additional Department of Energy funds for weatherization of low income client homes.

HB 203

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

April 4, 1985

The department is proposing to augment three division budgets and provide special language to continue an inter-account loan in a fourth division. The additional funds would come from the license account. I will briefly explain each request.

Within the Enforcement Division, we are completing the implementation of a Supreme Court decision of July 1983. That decision rendered the department's mandatory retirement age of 60 as invalid for enforcement officers.

Because of the court decision, we settled with a number of wardens who did retire under the old law, and while the court action was pending. Those settlements were addressed by budget amendment before the Joint Fiscal Review Committee this past year.

The request you have before you is the result of the settlement reached with the plaintiff in the case of Mr. Courtney Taylor. This negotiated settlement arrived at by the parties involved represents the final requirement to complete the settlement for this court action. This was not submitted with the others because no settlement had been made at that time.

Listed under the Wildlife Division is a request in the amount of \$19,000 to cover the unexpected costs associated with a department slash burning operation which went out of control on September 19-21, 1984 on the Mt. Haggin Wildlife Management Area near Anaconda.

The department acquired this property in 1976. As part of this acquisition, the department assumed an existing timber harvest contract with Louisiana Pacific Corporation in which a percentage of the profits are returned to the department in the form of regular stumpage payments. Also, as part of this contract slash disposal became the responsibility of the department. Slash disposal is typically done through piling and burning in this area.

During slash burning operations on September 19, 1984, a fire went out of control and burned several acres. The fire was put out by a joint effort between the Beaverhead and Deer Lodge National Forests and the Montana State Division of Forestry, incurring combined expenses of \$19,000.

The Department of Fish, Wildlife & Parks pays for fire insurance as part of mill levy taxes paid to the county tax assessor's office, similar to other county landowners. However, this fire insurance covers only fires set by lightning and other unforeseen sources. It does not

cover activities of the department. Therefore, this fire was not covered by department fire insurance.

Within the Field Services Division is a request for \$100,000 for game damage abatement.

\$100,000.

Game damage abatement is an important program for this agency. Our efforts are committed to assisting landowners with problems that may be experienced from game animals, particularly deer and elk. This program has become increasingly important in recent years because of the large numbers of game animals within the state.

In anticipation of this, we requested and received from the 1983 legislature an increased appropriation for this program of from \$60,000 per year to \$104,000 per year. Unfortunately, we found our estimates were short of the mark. Last year our expenses ran \$122,000 and this year we expended \$173,000 in the first eight months. We would anticipate the activities of March through June to put this figure well over \$200,000.

When faced earlier this year with the reality of game damage beyond our expectations and thus beyond our budget, I determined that we should continue to respond to landowner requests and needs. With the game numbers in the field and the general condition of agricultural economics, it did not seem reasonable to turn our backs on those requests and needs which are valid.

The request in the Parks Division is not for more appropriations authority, but to seek legislative permission to extend a loan through June 30, 1985 with the understanding that it will be repaid before June 30, 1986. The loan will be made to the Coal Tax Account (02408) from the License Account (02409) in the amount of \$100,000.

The 1983 legislature amended Section 17-2-107, MCA, to require legislative approval for loans that extend beyond June 30. To comply with that law, this request is before you.

The loan is necessary for primarily two reasons:

1. The 1983 legislature mandated Parks System acquisitions which, to pursue in good faith cause cash-flow problems in the account due to the size of the transactions. For example, the first legislative priority for acquisitions was for Lake Elmo at Billings at a cost of \$956,000. Another acquisition at Glen Lake in Bozeman will cost \$420,000 and a third, Les Mason Park at Whitefish Lake at \$350,000. In addition, there were appropriations for other miscellaneous acquisitions, park improvements, and routine operations.

2. Earned revenue for the biennium will be less than originally estimated by the 1983 legislature. \$2,660,000 was appropriated for acquisitions, improvements, and routine operations, whereas our present estimate of funds available during the biennium is \$2,100,000, creating a \$560,000 shortfall.

This difficulty was perceived as early as June 1983, and we began adjusting our spending in an effort to balance income with outgo. At that time we planned to defer \$465,000 of acquisition and construction activity in order to keep the account in the black.

We thought we had the problem solved, only to discover in July 1984 that an error had been made to our account which, after correction, redistributed \$135,000 of previously deposited earnings to other accounts. By that time we had already deferred as much discretionary spending as was possible without severely curtailing Coal Tax Parks maintenance or defaulting on good-faith negotiations with sellers of properties that the legislature mandated that we buy.

If we are allowed to extend an inter-entity loan into fiscal 1986, we can resolve our problems. Additionally, I should stress that our budget proposals for the fiscal 1986-87 biennium take this revenue shortfall into account and are in balance.

In summary, we have done our best to carry out the legislative mandates of the 1983 session, and did have in place a spending plan which would manage the anticipated shortfall without need of extending a loan beyond fiscal year end. The unanticipated withdrawal of earnings we thought were available to us would cause further adjustments which, I believe, are drastic and are unnecessary if this request to extend a \$100,000 loan into fiscal year 1986 is approved.

We trust the committee can accept the merit of these requests and we seek your approval.

Colvin
4/3-4-4-85

AMENDMENTS HB 203 (BLUE COPY)

Page 5, line 24

Strike: "11,000"

Insert: "32,750"

Page 6, line 2

Strike: "\$11,000"

Insert: "\$32,750"

Page 6, line 3

Following: "LIBRARY"

Insert: "IN THE AMOUNT OF \$11,000 AND FOR THE MONTANA RIVER
STUDY IN THE AMOUNT OF \$21,750"

APK 5
PROPOSED AMENDMENT TO HB 203

1. Page 1, following line 13 insert:

Montana Folklife Project	\$12,010.00
FEDERAL & OTHER SPECIAL REVENUE	

DESCRIPTION: Authority to expend a grant from the National Endowment for the Arts to the Folklife Project for interim operating support plus the Basic State Operating Grant match for this project.

When the project was funded out of Cultural & Aesthetics Projects money for the 84-85 biennium, it was funded at approximately \$15,000 below current level with the understanding that the Council would seek other grant support for the project. The Council received notification of this grant award on April 1, 1985.

2. Page 1, following above insert:

MAC Grants	\$38,748.00
FEDERAL & OTHER SPECIAL REVENUE	

DESCRIPTION: Authority to expend additional grant support from the National Endowment for the Arts for re-grant purposes.

This is a one year grant increase from the NEA, due in part to the increased state support (Cultural & Aesthetic Projects funds). There have been virtually no increases from the NEA for five years, and we have been informed that there will be cuts in future years. This budget amendment is in addition to the current authority of \$154,645.

PROPOSED AMENDMENT TO
HOUSE BILL 203

1. Page 4, following line 20

Insert: "RABIES VACCINE \$40,000 Federal & Other Special Revenue"

The purpose of the Amendment is to give the Department of Health and Environmental Sciences spending authority to purchase additional rabies vaccine. The rabies vaccine account acts essentially as a revolving account to purchase rabies vaccine which is distributed to doctors as needed throughout the state. Due to the increased demand for rabies vaccine in the last four months, the authority granted to the Department of Health and Environmental Sciences in FY 1985 is not adequate.



STATE OF MONTANA
OFFICE OF BUDGET AND PROGRAM PLANNING
OPERATIONAL PLAN/BUDGET
AMENDMENT

EXPLANATION/JUSTIFICATION
(SEE REVERSE FOR INSTRUCTIONS)

Agency Request No.	85-28	Page	2	of	3
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AGENCY	CODE	NAME
	5706	Department of Natural Resources and Conservation

THE INFORMATION FOLLOWING IS TO SUPPORT THE ATTACHED OPERATIONAL PLAN/BUDGET AMENDMENT REQUEST

This budget amendment is for \$21,750 in federal funds to be spent in fiscal years 1985 and 1986.

Background

In 1984 the Bonneville Power Administration initiated the Pacific Northwest Rivers Study to assess the significance of river segments and systems for a variety of fish, wildlife, natural, cultural, and recreational resource values. The Montana Department of Fish, Wildlife and Parks (DFWP) has been designated the lead agency in assessing the value of rivers for natural features in Montana.

1. DFWP desires to contract with the Department to conduct an inventory of natural features along Montana rivers. The Bonneville Power Administration (BPA) is providing the funding for the Montana Rivers Study.

2. The Department has been negotiating with DFWP and BPA for this study over the past three months and has just reached an agreement to do this study. DFWP has a signed agreement with BPA funding approximately one-half of the Montana study. BPA is processing an agreement to provide the remainder of the funding and DFWP expects to sign the second agreement by April 8, 1985.

3. The Department will conduct an inventory of natural features along Montana Rivers to provide DFWP with the following products: (1) a map showing the location of identified natural features; (2) a tabular summary of the features identified, by river basin; and (3) documentation of the value classes assigned to each feature. All work is scheduled to be completed by November 15, 1985. (See NOTE on the succeeding page; page 3)

4. The study will rely on existing data and expertise within the cooperating agencies to the greatest extent possible. The Department has the expertise and data required for this part of the study.

5. The Department can not provide part or all of this service within our existing appropriation. The staff that will provide this service are normally funded by filing fee applications under MFSA and MEPA.

6. This budget amendment will not commit any present or future general fund support; it is a one time study.

7. This budget amendment does not request authority to spend money in the state special revenue fund. No emergency exists that requires expenditure of these funds.

Evaluation

1. The additional services provided as a result of this budget amendment will be judged effective by:

- a. a map showing the location of identified natural features;
- b. a tabular summary of the features identified, by river basin; and
- c. documentation of the value classes assigned to each feature.



STATE OF MONTANA
OFFICE OF BUDGET AND PROGRAM PLANNING
OPERATIONAL PLAN/BUDGET
AMENDMENT

EXPLANATION/JUSTIFICATION
(SEE REVERSE FOR INSTRUCTIONS)

Agency Request No.	85-28	Page	3	of	3
--------------------	-------	------	---	----	---

AGENCY	CODE	NAME
	5706	Department of Natural Resources and Conservation

THE INFORMATION FOLLOWING IS TO SUPPORT THE ATTACHED OPERATIONAL PLAN/BUDGET AMENDMENT REQUEST

2. The Department will submit a written evaluation of the services provided by this budget amendment to the Legislative Fiscal Analyst by December 30, 1985.

Staffing Pattern

<u>Position No.</u>	<u>Grade/Step</u>	<u>Title</u>	<u>F.T.E.</u>
91005	14/04	Environmental Specialist	.36

NOTE: The information that DNRC and DFWP will produce under this study will benefit all future Major Facility Siting Act (MFSA) applicants by summarizing and consolidating inventory and baseline data that would otherwise have to be assembled by the applicant in preparing its application. This should reduce their costs.

W 8
H-5-85

AMENDMENT TO HB 203

Page 5

Department of Commerce

Insert after line 10:

"Aeronautics 29,890 Special Revenue"

Department of Commerce

Amendment to HB 203-Aeronautics Division

This authority is necessary to transfer tax revenue received from commercial airlines to the account that operates the West Yellowstone Airport. These taxes were paid under protest based on a lawsuit against the Department of Revenue alleging that certain airline property taxes are in violation of federal law. The funds owing to the West Yellowstone Airport will be released from protest for use by the airport due to a provision in the same law that specifically allows such taxes if the proceeds are used solely for aviation purposes.

edit 9
4-4-85

PROPOSED AMENDMENT TO
HOUSE BILL 203

1. Page 4, following line 17

Strike: "Health Services 955,000"

Insert: "*WIC, Child Nutrition 1,755,000"

In the last four months, the Department of Health and Environmental Sciences has experienced significant increases in both the Child Nutrition and Women, Infant and Children (WIC) programs. The programs are 100% funded from the U. S. Department of Agriculture. The additional authority will be used to purchase food commodities and/or reimburse programs for increased client loads.

Will need to update
the current B212

24610
4-4-85
JB 203

PURCHASE OF NEW HELICOPTER

New Helicopter Price		\$233,600
New Income:		
Sale of Helicopter	\$50,000	
" "	<u>52,000</u>	
Sale Total	\$102,000	
Cost of Sale	<u>2,800</u>	
Net	99,200	
U.S. Fish & Wildlife	<u>50,000</u>	
Total New Income	\$149,200	
		<u>(149,200)</u>
*Remaining Balance to be funded from Predator Special Revenue Fund		84,400
F.Y. 85 Reversion		<u>(50,000)</u>
To be funded in F.Y. 86		34,400
*(100,000 self insurance fund)		

PKT
(from)
Budget Office

April 3, 1985

AMENDMENTS TO HB 203

The Department of Commerce, Aeronautics Division, needs authority to spend \$29,890 of special revenue funds which has been released from tax protest. The funds will be spent on operations of the West Yellowstone Airport.

The Department of Health needs increased authority to spend additional federal funds which have become available for the Child Nutrition Program. The additional amount available is \$800,000.

The Department of Health needs authority to spend \$40,000 of Federal and Other Special Revenue funds for additional rabies vaccine.

The Montana Arts Council needs authority to spend a grant from the National Endowment of the Arts. The amount is ~~\$8,300~~ and will be used in the Folks Life Project.

Plus a grant increase from the NEA of ^{\$12,000} \$38,748 for Cultural & Aesthetic Projects.

AMENDMENT TO HB 203

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Amendment to HB 203-Aeronautics Division

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STANDING COMMITTEE REPORT

April 4

1985

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Bill No. 203

third reading copy (blue)
color

APPROPRIATIONS IN LIBU OF BUDGET AMENDMENT - FISCAL YEAR ENDING 6/30/85

BARDANOUVE (Regan)

Respectfully report as follows: That House Bill No. 203,
be amended as follows:

1. Page 2, line 21.

Strike: "6,255"

Insert: "57,013"

2. Page 4, line 17.

Strike: "955,000"

Insert: "1,755,000"

3. Page 4, line 19.

Following: line 18

Insert: "Rabies Vaccine 40,000

Federal & Other
Special Revenue"

4. Page 5, line 24.

Strike: "11,000"

Insert: "32,750"

5. Page 6, line 2.

Strike: "\$11,000"

Insert: "\$32,750"

6. Page 6, line 3.

Following: "LIBRARY"

Insert: "in the amount of \$11,000 and for the Montana river study
in the amount of \$21,750"

XXXX
DO PASS

XXXXXX
DO NOT PASS

(continued)

SENATOR PAT REGAN

Chairman.

April 4

1985

7. Page 7, line 10.
Following: line 10
Insert: "Aeronautics

29,890 State Special Revenue"

AND AS AMENDED
BE CONCURRED IN

SENATOR PAT REGAN, CHAIRMAN

STANDING COMMITTEE REPORT

April 4 19 85

MR. PRESIDENT

Finance and Claims

We, your committee on.....

having had under consideration..... House Bill No. 779

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color

CREATES SPECIAL LAW ENFORCEMENT ACCOUNT - APPROPRIATES PROCEEDS

CONNELLY (Manning)

Respectfully report as follows: That..... House Bill No. 779,
be amended as follows:

1. Title, line 3.
Following: "AND"
Strike: "PERMANENTLY"
2. Page 2, line 10.
Following: "Section 4."
Strike: "Permanent appropriation"
Insert: "Appropriation"
3. Page 2, line 12.
Following: "account"
Insert: "in the biennium ending June 30, 1987"
4. Page 2, line 12 and 13.
Following: "account is"
Strike: "permanently [and statutorily]"
5. Page 2, line 13 and 14.
Following: "appropriated"
Strike: "[as provided in Section 2 of House Bill No. 12]"
6. Page 2, lines 16 through 23.
Strike: Section 5 in its entirety

AND AS AMENDED
BE
BE CONCORDED IN

~~XXXXXX~~

~~XXXXXXXX~~
~~60-NOT-435~~

SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April 4, 1985

..... 19.....

MR. PRESIDENT

Finance and Claims

We, your committee on.....

House Bill

490

having had under consideration..... No.....

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color

NO REVERSION TO GENERAL FUND OF EXCESS PRISON INDUSTRIES PROGRAM FUNDS

SARDANOUVE (Sengtson)

Respectfully report as follows: That..... House Bill..... No. 490.....

BE CONCURRED IN

~~XXXXX~~
DO PASS

~~XXXXXXXXX~~
DO NOT PASS

.....
SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April 4, 1985

19.....

MR. PRESIDENT

Finance and Claims

We, your committee on.....

House Bill

No. 676

having had under consideration.....

third reading copy (blue)
color

REGULATION OF UNDERGROUND STORAGE TANKS

DONALDSON (Towe)

House Bill

No. 676

Respectfully report as follows: That.....

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

.....
SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April 4 19 85

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Bill No. 766

third reading copy (blue)
color

REMEDIAL ACTION FUND TO ALLEVIATE OR PREVENT WATER CONTAMINATION

REAM (Halligan)

Respectfully report as follows: That House Bill No. 766,
be amended as follows:

1. Title, line 14.
Following: "FUNDING"
Insert: "AND APPROPRIATION"
2. Page 3, line 15 through line 19.
Following: "(4)" on line 15
Strike: through "governer." on line 19.
3. Page 3, line 25 through line 2 on page 4.
Strike: line 25 on page 3 through line 2 on page 4 in their entirety
4. Page 8, following line 11.
Following: line 11
Insert: "Section 9. Appropriation. All funds received in the environmental quality protection fund in the biennium ending June 30, 1987, are appropriated for the purposes described in subsection (2) of section 2.
Re-number: Subsequent sections
5. Page 8, line 18; through line 23.
Strike: subsection (1) in its entirety
6. Page 9, line 24.
Strike "(2)"

~~XXXXXX~~

~~XXXXXXXXXX~~

.....
SENATOR PAT REGAN Chairman.

(continued)

HB 766
Finance and Claims
Page 2 of 2

APRIL 4, 1995

7. Page 9, line 4.
Following: "through"
Strike: "10"
Insert: "11"

AND AS AMENDED

BE CONCURRED IN

.....
Senator Pat Regan