

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

APRIL 18, 1985

The 22nd meeting of the Senate Finance and Claims Committee met on the above date in Room 108 of the State Capitol. Chairman Regan called the meeting to order to continue House Bill 500 at 7:05 a.m. Following Roll Call Chairman Regan said we had hearing set at 8:00 and should finish up HB 500 before that.

ROLL CALL: All members were present.

(Amendment #110 is still im limbo.) Senator Regan turned the gavel over to Senator Jacobson.

MOTION ON AMENDMENT # 111, Senator Regan, Page 43, line 8.

Senator Regan: This would require the counties to pay the mill levy to SRS rather than depositing these funds as revenue directly into the general fund. It is really a wash to the state, and is only a technicality.

Senator Hims1: Does that mess up the SBAS accounting in any way if it goes directly through the state accounting system, or just goes in as received in and out of the department?

Judy Ripplingale, Director, Legislative Fiscal Analyst Department: This will come in to the state as revenue and state special revenue. In SRS. There will be a total account and it will all be on SBAS.

QUESTION was called, voted, and passed unanimous.

MOTION ON AMENDMENT # 112, Senator Regan, Page 25, line 16.

Senator Regan: I would like to have Cliff explain this.

Cliff Roessner: This switches funding from general fund in '87 to state special revenue fund. The language for switching the funding in case bill passed is also removed.

Senator Smith: Anytime you switch to another account the general fund will not receive the interest, will it?

Judy Ripplingale: Unless specifically stated no, it does.

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Senator Christiaens: It specifically does stay in the general fund.

QUESTION was called on Amendment # 112, voted and passed.

MOTION on AMENDMENT # 113, Senator Regan, Page 23, line 20.

Senator Regan: This is in regard to SB 242 which transfers the Building Codes Division from the Department of Administration to the Department of Commerce. This amendment transfers the budget from the Department of Administration to the Department of Commerce.

Senator Gage: Is this on amendments already passed?

Cliff Roessner: Administrative costs.

Senator Smith: This was one I had. They said there would still be some left.

Senator Aklestad: The figures don't jibe, but they will all be taken care of?

Judy Rippingale: Yes.

QUESTION was called on Amendment # 113, voted and passed.

MOTION ON AMENDMENT # 114, Senator Regan, Page 20, line 16.

Senator Regan: This is for the mine auditors. It reduces general fund and there is a corresponding increase in the federal funds.

Senator Christiaens: These are all federal funds?

Senator Regan: Yes.

QUESTION was called, voted, passed.

MOTION ON AMENDMENT # 115, page 4, line 7 etc., Senator Regan.

Senator Regan: This is just a bookkeeping item so the totals are right.

QUESTION was called, voted, passed.

MOTION ON AMENDMENT # 116, Senator Regan, page 55, line 13.

Senator Regan: I would like Curt to explain this.

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Curt Nichols: I have handed out a sheet (attached) on the RIT Interest Account showing the amounts, and if you take the Legacy Projects and HB 922 you would leave an unappropriated balance of \$171,749 in the fund.

Senator Regan: How vulnerable does the state become on this? I know there are several individuals upset on the raid of the RIT funds.

Lee Heiman, Legislative Council: It is set forth in the constitution all use will be (read from a sheet) -----, etc. The interpretation is so broad-----. The court can say it is much narrower. It is a Legislative determination.

Senator Regan: We are using RIT monies then throughout the bill and this is just one that we are acting on individually. That could jeopardize us on the whole thing.

Senator Smith: First---it was my amendment in the House Bill 477 last session. Because I thought that it was set aside for a purpose. This time there were more requests than money available and we have several projects not approved. They did not think because of the uncertainty that we had better spend it down. Now we are going to go ahead of those who felt there should be some cushion there. I think we are doing something that is unethical.

Senator Story: That RIT bill has not come to this committee and there will be a list of priorities. It just switches the priorities around.

Senator Stimatz: Make this # 1.

Senator Smith: That is not fair.

Senator Story: How much maximum will be available?

Senator Haffey: But that is \$133,000 of the \$171,000 left after they will be looked on and neither the subcommittee or the House has looked or worked on it.

Curt Nichols: 152 and 922 are reflected. Some left to reduce the general fund.

Senator Haffey: The second sheet of the handout--on projects approved -- it should have HB 922 in there. That is the 922 from the totals of the list. If you add this in it would still leave about \$54,999 unappropriated balance in there. (Someone corrected this to be \$38,000.)

Senator Hammond: I am more concerned with the project. They tried to get the soil conservation to do this. It looks ridiculous to have them look after this.

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Senator Story: The RIT. Does anyone know---Curt, what is the corpus of the RIT? Can you answer that?

Lee Heiman: \$1 million corpus. \$45 million.

Senator Hims1: That includes all other type of revenue in there--not just RIT.

Curt Nichols: Yes. That is right, but I think it is generally known what account it is.

Senator Hims1: We are appropriating money from the special revenue fund. From federal and private grant information proceeds. Involving the account system, etc. on the value of the special revenue account.

Senator Regan: Is there any problem you see in the way this amendment is drawn up? Should we be more specific and say it must come out of RIT? It is a procedure we have used in the past numerous times.

Senator Haffey: Tomarrow morning when we hear HB 922, Mr. Fasbender will bring in a proposed addition to the list under the Legacy Programs for some sewer treatment programs that they can cover and his staff has worked on this with EPA -- around \$70,000 and \$38,000 -- the balance would be "0" if this amendment should pass.

Senator Smith: I think it would be unwise for the committee to make this decision now -- let's do it on the floor.

Senator Story: You can't do it that way. The time frame is too short. If we could recommend on the floor that it be introduced in a conference committee, that might work.

QUESTION was called on Amendment # 166, voted, failed, roll call vote.

MOTION ON AMENDMENT # 117, page 4, line 9, Senator Christiaens.

Senator Christiaens: This has to do with the pay plan.

Senator Keating: Will the changing of the figures be done in the first year or go in for changing the figures between now and the floor time?

Senator Regan: It is done on the computer. There is 24-hour turn around on it.

Senator Keating: We will not be hearing the pay plan on the floor yet.

Senator Regan: The pay plan is out of the House, there is a problem. You are correct, you will not be able to roll this in until after the pay plan has passed and it cannot pass until after 500. The problem becomes one of planning and only after 500 and passed 3rd reading in the Senate and that you can do the rolling into the bill. There will be another boiler plate change after that.

Judy Rippingale: They might do that and give the LFA instruction to roll it in and adjust the totals.

Senator Regan: You cannot do the computations until after it has passed. It can affect the amounts.

Dave Hunter, Director of the Office of Budget and Program Planning: Senate Bill 375 requires the Budget Office to do the work of allocation, etc. If you adopt this amendment there is trouble.

Senator Aklestad: We would wait until the pay plan is finalized then plug it in. Is this wise at this stage?

Senator Regan: In order for her to have it and be able to do it. It does not instruct her to do it--it instructs her to do it after the passage of 500.

Senator Haffey: If I could ask whatever one might know--suppose this amendment is put in the bill. If the amount in regard to the pay plan is in the bill now and House Bill 500 goes up and passes 2 and 3 read no matter what the House Bill 375 has in it, then after it passes 3rd reading and returns to the House -- HB 375 will be taken up by the Senate. Whatever number ends up--this language will allow that to be incorporated and appropriated to each agency within 500. There is no more conference. It is in absolute that it is there and be that result. Whatever 375 passes with, this language will insure that the proper amounts are in.

Judy Rippingale: Yes.

Senator Regan: I think what Dave is referring to says the Department of Administration. There is nothing to prevent us from saying this is how much goes to the Mental Health System. This much to go to--etc.

Judy Rippingale: The individual legislator who brought this and asked to have it drafted was concerned about the administration and felt the legislature should be sure the money went to each agency. Senator Pinsoneault was worried about the procedure.

Dave Hunter: There is an allocation in there.

Senator Regan: (Read a section from the bill.) "is appropriated to the Budget and Program Planning---to carry out." It went on to say the OBPP is authorized to increase etc. of the agencies.") The appropriation is on page 24 of the bill. Can we or can't we line item the appropriation?

Senator Himsl: Doesn't this complicate this process? If the pay plan goes through the department has made certain commitments as how we do specifically go to each agency.

Senator Regan: The computer should take care of that.

Senator Himsl: There has been negative differences in some areas.

Dave Hunter: I don't think there will be any problem. I think we can handle it even with the appropriating language in 375.

Lee Heiman: You would have to incorporate this and send it back to the House.

Senator Regan: I will ask that the amendment be withdrawn.

Senator Christiaens: Stated that he would withdraw the amendment.

MOTION ON AMENDMENT # 118, Page 4, line 17, Senator Christiaens.

Senator Christiaens: Some of the verbage is rather difficult to monitor. If you want a questionable expenditure it would be. Those things that would take more time and cost more to monitor than the questionable expenditure they may be looking at.

Senator Smith: I don't know what the intent was, however, to put oak doors and plush furniture in the offices---maybe, it is time we do some of this checking on things.

Senator Jacobson: I think the first sentence does it all.

Senator Smith: I guess it does.

Senator Regan: The sentence says a report should be made to the LFA. Maybe a temptation at the end of the biennium when you have a little left over and it would be nice.

Senator Story: Is it necessary to the OBPP or whatever that does the tracking?

Dave Hunter: The admonition that would be left by this amendment clearly our office and LFA try to go through it with year end expenses and try to take it out of the place. I think we can do more productive things for the legislature and in terms of budgeting them than going through there and arguing with the agencies as to whether a certain expenditure is good or bad. There are more important things than writing reports questionable expenditures.

Senator Story: If agencies knew and were warned in advance that it will be called on the carpet and bring the legislature down on them they may not spend it.

Senator Keating: If you deleted the last sentence. I do not like to see them trying to spend the time reporting them.

Senator Haffey: What would you do? Put together a questionable expenditure schedule?

Dave Hunter: I would think we would have to go through May and June on SBAS and try to determine if reasonable, and then make a report.

Senator Haffey: The most has been reasonable people. Would you write rules on it?

Dave Hunter: Develop criteria and develop a report to go to the Finance Committee.

Senator Smith: I will support the amendment. I think it is time we do take a good look. I was told there are about 200 computers that do not fit in with the system. I will certainly support the amendment. If you follow through with the first three lines, I think-----.

Senator Aklestad: What was the last sentence?

Senator Regan: No one has really spoke against the amendment. I don't think it is onerous to ask the state to check into the last expenditure. I think a check on the amount the agencies spend from time to time is a good thing. They would have a tendency to spend it. In schools this happens. "Next year not as much if I wind up short and want that, so I will spend the last of the budget." I think we need to watch so that they don't use them up in order not to be docked the next time around.

Senator Christiaens: I guess I understand where you are coming from, but the last of the sentence where it says a report shall be made to the Legislature's Finance Committee--if the language is clear enough, then you would have to have the trivial reports. 25 to 50 departments and there is someone in each that thinks something is trivial---then we have problems.

Senator Regan: An electric typewriter or something like that.

Senator Christiaens: The question would be what is the reason and what is a prudent manner?

Senator Regan: The expenses of the last three months. Some are reasonable. They have held the money back and then if enough may spend it. Maybe really need something, but held back to see that they would not be short if they got it earlier. I like the idea that if Dave stumbles on something questionable he pursues it.

SUBSTITUTE MOTION by Senator Keating to strike the last sentence on line 16 and 17 on page 4.

QUESTION was called, voted, failed on a tie vote. Roll call vote.

Senator Haffey: The language before you are amending out all together with the report-----it is not to open the language in the preceding sentence as if the report raised and you think the department should do anything, you can call for a check. The latter sentence is redundant at best.

Senator Christiaens: I am agreeable.

SUBSTITUTE MOTION by Senator Haffey that line 14, page 4, following, "The office" through line 16 ending with "act" be stricken. It will still say a report should be made by the OBPP to the Legislature.

Senator Himsl: Has there every been many reports? Does it do any good?

Substitute Motion by Senator Haffey voted, passed, roll call vote.

MOTION ON AMENDMENT # 119, page 3, line 4, Senator Christiaens.

Senator Christiaens: Where you are talking about program transfers within each fiscal year---you would strike that part that says you cannot increase a program more than 15% or decrease a program more than 10%. This is a difficult procedure to small agencies. The Governor's airplane in the last 9 months had a problem with the radio and because in the small budget, the money would not have been able to be transferred to repair the radio.

Senator Smith: I guess the question that comes to my mind, I wonder why that particular language was put in. Maybe if we knew why the language is there it would help.

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Judy Rippingale: It was put back by Representative Spaeth and Representative Menehan. They were concerned because all the institutions are under the Department of Institutions and it gave them a very great leniency where they could even remove state programs. Some were small enough so that he could have wiped them out. This would make it limited so that a program could not be wiped out nor expanded. It gave them a 35% latitude and allows the example of SRS 5% of their budget which is \$12 or \$13 million.

Dave Hunter: I think your point well taken. Our concerns is with the small programs and a small work load. It would have been in excess of 10%. This amendment would restore the language to the '83 session. The School for the Deaf and Blind has a transfer also. That language is important given the tightness of the budget.

Senator Regan: The School for the Deaf and Blind has a considerable budget.

Dave Hunter: In '85 the School for the Deaf and Blind made a transfer that exceeded 10% they had to cut more than 10%.

Senator Jacobson: If that concerns if specific with the Departments of Social and Rehabilitation Services and Institutions, can't we just say that?

Senator Keating: The FTE number, 1-5 in their department. A vacancy savings of 1% often in the small staff bureaus that cannot take it without getting rid of the person entirely. They make an 8% in a larger office and none in the smaller ones. They may exceed the 10%. Very specifically authorized 5% in those.

Representative Bardanoue: I believe you would give the agencies more freedom to work within their budgets. It can be desirable with the proper administration. Often they can bring about efficiency if they can move money around. A poor one might not use the money wisely.

Senator Regan: The language "decrease by more than 10%".

Representative Bardanoue: I can't recall who made it.

Judy Rippingale: It was not in either.

Senator Aklestad: The other institutions budget does have this latitude. The other budgets do not have that type of language. We gave that latitude there. We gave them the flexibility there.

Senator Bengston: I think this would really hurt the Institutions budget. It is an unnecessary precaution.

Senator Story: I would address this to Judy Rippingale.

Senator Bengston: I think whether to do this or not depends on the type of control the Legislature wants. They have an ability to change an appropriation by 35%. It originated over some concerns that came out of Institutions subcommittee members. The subcommittee moved all the institutions under the Department of Institutions and you can move money from one to another. Some were uncomfortable leaving it in.

Representative Bardanouve: I guess Mrs. Rippingale pretty well summed it up. If I had been doing it myself I would probably have left it alone.

Senator Stimatz: What is the legal solution within legal means of the Governor's airplane problem? Is there existing framework to do this?

Judy Rippingale: The existing thing they have----if the Governor's airplane program could not be increased more than 25% they could not transfer money in, nor decrease another down to 10% to get the money. They would have to hold back and present the problem to you.

QUESTION was called on Amendment # 119, voted, passed, roll call vote.

Senator Regan announced the committee would take a break on House Bill 500 in order to hear the bills which had been scheduled for hearing at 9 a.m.

CONSIDERATION OF HOUSE BILL 12: Representative Bardanouve explained the bill as its chief sponsor. He said it is a relatively simple bill. It defines what is a statutory appropriation. One that the Finance Committee and the Legislature does not have to deal with. It defines the agency that has any appropriations that do not have to do through the agency. All others will have to appear before the Legislature for appropriation. We have had alot of work on this bill. Alot of agency fears. Programs that they felt were within this area. The subcommittee worked on it and have attempted to incorporate every agency that has an appropriation by law. If researched more we might have found a couple that will by law be an ongoing appropriation by the legislature. This bill defines those that are set by law.

Proponents for House Bill 12: Mona Jamison, Governor's Office, Legal Council, said she had some amendments. We fully support the concept of the bill. So that the Legislature knows which monies and appropriation are in the statutes. We believe the appropriation authority rests with the legislature. After the

last session, one of the state agencies, the Department of Health, came to the Budget Office and said they had received funds from the federal government, and said, can we spend them under this to do we go through a budget amendment? We went to the Attorney General's Office to be sure it was a spending authority. The A.G. Office in an opinion set forth the criteria in which the language was interpreted. If the language gave the agency the express authority to receive the funds on limited amounts and gave them authority to spend the funds for a specific purpose. That language gives the agency the authority to spend the funds. That was not included in 500. You do not have to go through the budget amendment. It was determined that that particular section on a case by case basis allowed the agency to go ahead and spend funds for that particular purpose. The next question was how many more of these little buggers around in the woodwork that could have the spending authority without going through the Legislature. The concern of the LFA and the Legislature and we do all honestly believe it necessary to get a handle on these appropriations. We want to make sure if "no" it would not come through the budget fund. We support the enumerating of these particular appropriations. There is a problem with the bill. The problem is it attempts through an indirect fashion to appear all the others that did not make the list are not statutory appropriations. It does so in a way that is unconstitutionally incorrect. I want to point this out and how using it can be limited.

On page 2, third reading version, line 17, section (3) the following laws are the only--the word "only" is the word that implies if not on the list then not a statutory appropriation. The word "only" attempts to repeal all the other statutory appropriations. The title is defective. It gives notice of the ones to be recognized, it does not say the following sections and intent to be repealed; there is no notice. No notice in the title. The title has to convey to the public that these are the ones that are no longer allowed to spend the funds. Line 17, page 2 is where the intent repealer surfaces. "The following laws are the only laws containing statutory appropriations. If this is a repeal by implication the Montana Supreme Court frowns on repeal by implication. The reason is the public notice. The Supreme Court frowns on that. If this bill passes than an agency could say in good faith it is a statutory and the agency can ask if statutory and if it is determined that it is they can go ahead and spend the funds. The challenge would then come in and it would still be a statutory appropriation. It would serve your purpose to enumerate the sections that you want in no way to be statutory appropriations. Even if all the sections could not be determined if any have gotten by, it would be an advantage. That would be a direct prohibition to spend any funds even if it read "statutory appropriation".

Now we would have the authority to go ahead. We would ask you to have it in the title, otherwise it wastes a lot of time by the executive branch of the government by arguing and that is not necessary.

How many of your own bills this session create statutory appropriations? I have gotten a few. If any of those bills are statutory appropriations there will be those in the next time--- they will be on the list for the next session. We do support the bill and urge the amendments.

Keith Kelly: Department of Agriculture spoke as a proponent of the bill with certain qualifications. His testimony is attached.

Curt Chisholm: Department of Institutions, spoke as a proponent. He said they had one area that met the criteria and they had an amendment to offer.

A gentleman from the Department of Administration said they had given to Senator Manning an amendment they would like to have offered, but would support the bill.

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

Senator Aklestad: All through the bill it is making statutory appropriations and I don't know how many. Those that are amended in---how many are legislative?

Mona Jamison: The ones in the list----(she held up a ream of papers) These are the ones that there was an argument between the LFA and the agency that constitutes legislative statutory appropriations right now.

Senator Aklestad: The ones that are listed and underlined. I have one list on page 2 and 3 and set forth in the remainder of the bill. With the additional language these are statutory appropriations.

Senator Regan: Can the computer kick out the others?

Mona Jamison: The research added these (showed a sheaf of papers) and I went through about 50 and though a lot of them had merit but did not want to press it. A run-out by LFA and there are a lot that may constitute statutory. Some we felt were not needed.

Senator Himsl: If these are declared statutory appropriations, then they are not subject to the changes or budget amendment process. You would not need an appropriation there. They will be statutory.

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Mona Jamison: Then why an object of Legislative review of an appropriation needed?

Senator Regan: The Department of Health received federal money, so by statute we say all federal money coming in are statutorily appropriated. I was atounded with the ones on the list.

Mona Jamison: We are concerned about this. Tell us which ones. Or, if you reject any of the ones in here. Take it out and make it clear in the title this is not a statutory appropriation. We need to assure to the bond holders we have to pay bonds back. If we had to come before the legislature every time, we could not issue a single bond in the State of Montana.

Senator Story: Before this AG opinion, did we have a concept of a statutory appropriation?

Mona Jamison: It is something based in the common law. What it means is, no section prior to this bill that says "a statutory appropriation is 'x'". There are many places in the law that says "the Department of Health can" etc.

Senator Story: Before the AG opinion-----no statutory appropriations codified?

Mona Jamison: The AG says if any language in the bill like that it is statutory.

Senator Story: But not codified?

Mona Jamison: Codified is in this bill. No.

Senator Story: Article 8, section 12 and 14 says, "The legislature by law shall" etc.

Mona Jamison: Appropriations made by each successive legislature that show up in content in the big appropriation bill. Flathead Basin appropriation is a statutory one setting forth the spending authority this session. That basically was an appropriation measure that the Legislature had a full debate on and did it.

Senator Story: It appears to me that each time we pass another bill that is signed by the Governor that says "they may spend" we have failed in our strict accountability and have failed. Before this invention by the AG there was never any other-----nothing prior to this session---we had never set a statutory spending authority. This is the first time.

Mona Jamison: The AG did not invent it. He said to the Legislature, "you have done this". This has been going on. When you create a program and allow it to go on into perpetuity. The AG has said to the Departments----"you have to have a specific Legislative authority". We are saying the Legislature should tell us which ones you really want to be statutory and to define that statutory means.

Senator Himsl: If we accept this concept no review by the Legislature on these bills.

Senator Haffey: So there is no misunderstanding. That has been the case down the years. No need where funds came in for Dave or Dave's predecessor to come in and say "let us have funds" in previous years the Legislature said we are going to pass these and we think you should have your spending authority to the agencies in the bills that are in the appropriation bill.

Senator Himsl: We are talking about earmarked funds.

Curt Chisholm: Most of them are earmarked funds. Some are not.

Senator Himsl: Now, state special revenue accounts. They are made up of other kind of revenues now. Now, am I lead to believe no control over the spending authority of funds that are earmarked federal and private grants, etc?

Mona Jamison: If control means examination of each separate expenditure, I would have to agree.

Senator Smith: There is argument as to whether they are in?

Mona Jamison: Yes. Sometimes where the agency has an emergency but basically I would agree with you. We believe in this bill you have listed the ones you want us to expend if the monies come in during the interim. You don't want us to say which ones you don't want us to. If you don't tell us which ones you have not given us monies, but we believe it serves your interest-----then we would have to decide.

Senator Hammond: You are saying in this bill that they should list those that they don't want you to have statutory appropriations and the rest would have?

Mona Jamison: If not, though I understand the purpose of this, it does not meet the legal requirements and I am saying to the best of the ability we will try to interpret it.

Senator Keating: If this bill passes not the next two or three years we will have a plethora of more and more. Fifty now in the process, and in the next four or 5 years they get plugged in.

Senator Smith: I certainly have another question. In regard to the budget amendment process. I know alot of questions there as to authority. We will see that over these years the Legislative Finance Committee, they have refused those budgets and have stopped alot. In passing this we will see supervening alot of authority and giving them a full power to spend. With this--- I think it is a very important issue. In Section 6, line 23, there is a statutory appropriation to the Office of the Governor as provided in section-----etc. He is authorized to expend from the

general fund not to exceed \$1 million. Why was this part of the bill?

Mona Jamison: This focuses on it. It points out just how critical, how important this is. This is in the Disaster and Emergency Act. The local governments with floods----the counties have to declare a proclamation and emergency, then the Governor has to say whether the occurrence was so severe that a disaster emergency occurred. Once he has said so, he then can respond to the needs of whatever local jurisdiction to help out. If it did not make the list, we would have to say no. We would submit this is one of the more critical ones.

Senator Story: We used to think the way to deal with this if it were over \$1 million was to have a special session.

Senator Aklestad: On page 2, line 17. "only" if we said the following laws are statutory appropriations ---- then I would interpret it to say the rest are not.

Mona Jamison: That does not meet the constitutional test. During the past two years-----I think we have only acted on two in the past two years.

Senator Aklestad: If we are going to call all the laws to their attention----at this point in time, I was hoping that by taking the four years-----I think we had better batten it down.

Representative Bardanouve in closing said, I am somewhat disturbed and kind of resent this. You asked for this bill (addressed to Mona Jamison) and now I think the Governor's Office turned out to be the biggest opponent. She has muddied the water. Over a two year period we have tried to accomodate the agencies. We have heard all this. We appointed a subcommittee to accomodate the state agencies. We have tried to accomodate the state agencies. I can see the members of the committee are in complete confusion. We are trying to limit the amendment, not to expand or give away control. We are trying to define what we have already done. We are not putting any appropriation beyond legislative control. After two years there should be a great multitude of appropriations out that we still know nothing about. Why doesn't she lay it on the table and say "these are the ones"? We are trying to define the areas we have a right to look at. If a number of crisis as to how and why not brought before us. We will have a few because the person that advises the Governor will ask for an amendatory veto. Why haven't these agencies told us by now? These appropriations clearly defined have not been reviewed. If an agency has a justifiable claim-----every agency that came to me I sent them to the LFA.

Senator Regan declared the hearing closed on House Bill 12.

CONSIDERATION OF HOUSE BILL 897: Senator Regan said this bill has just been handled in HB 500. It is the suggestion of Representative Cal Winslow that we kill this. It is the bill that would provide that the mill levies collected by counties having state assumed general assistance be deposited in the state general fund. Representative Winslow had said it would be fine to fold it into HB 500.

DISPOSITION OF HOUSE BILL 897: MOTION by Senator Jacobson to table HB 897. Voted and passed.

CONSIDERATION OF HJR 43: Representative Earl Lory, chief sponsor of the resolution said there is no need to describe vacancy savings to this committee. I have been concerned about this method we use. Last session 4% and putting a cap at 4%. In specifics, we came into trouble. The Highway Patrol has "0" vacancy savings. They have to keep the positions full. We had none and would have to put in for a supplemental or follow it year after year. This affects the Finance Committee and has them look at this and how it affects them and see if there is a better solution. I would hope the Finance Committee would get together with the OBPP and maybe a better way could be devised.

There were no further proponents, no opponents, and Representative Lory said he would consider it closed after there were no questions from the Committee.

CONSIDERATION OF HOUSE JOINT RESOLUTION 50: Representative Bob Thoft, chief sponsor of HJR 50 said this resolution would request an interim study of the issues related to the appropriate placement of the Law Enforcement Academy and the related costs. HJR 50 came about because of the request of the AG Office of \$7.4 million to build a new Law Enforcement Academy. One was that it should be in the University System. A bill came out and passed and no longer an issue. It gave the Legislature an opportunity to look at a number of places in the state. This just gives an appropriation to study it. It gives a committee to look at a site and assess costs, etc.

There were no further proponents or opponents to the resolution, Senator Regan asked for questions from the Committee.

Senator Hammond: If this committee were selected and this bill passed, would you be opposed to saying that members of the committee could not come from any of the sites that were proposed.

Representative Thoft: I would have no objection.

Senator Keating: There was a study or a review or hearing on finding a place for the academy and there was a bill presented and a selection presented having particular support.

Representative Thoft: Two bills were presented. A very good one from Dillon and one from Lewistown.

Senator Keating: Objection?

Representative Thoft: Lack of money, etc. Thought the appropriation being short to take two years to look into it.

Senator Keating: The reason is to give direction to LRP. (long Range Building.)

Senator Hims1: Any solution to putting this into the curriculum? A college of Law and Journalism. Not appropriate? Was any consideration given-----or why a seperate plant?

Representative Thoft: That suggestion was never given to the Committee. It should be open to more possibilities. We were thinking of something like the Flagstaff, Arizona one. It could specialize in that and bring in students from all over. Bozeman has some students now.

Senator Hims1: Part of the academic program-----why isn't it?

Representative Thoft: I do not need to say any more in closing.

Senator Regan stated that the hearing will be closed on HJR 50, and we will now go back to HB 500, and then come back to these bills for executive action.

FURTHER CONSIDERATION OF HOUSE BILL 500:

MOTION # 120, in regard to Senator Lane's amendment on timber, Senator Jacobson, to reconsider Amendment #120. Voted, passed, roll call vote.

MOTION on AMENDMENT # 121, Senator Jacobson, Page 50, line 25.

Senator Jacobson: This would use discretionary money. I would like Curt to address this.

Curt Nichols: There is \$3 million in the account fund of RDF (Resource Development Funds) 2½% of the income of the state rents for development of state lands to enhance the income and development of the lands. Only 2 specific ones have announced plans to go ahead on. The general funds timber cut fund would be one of the projects that they would carry out.

Senator Lane: I would like to ask Dennis Hemmer what would this do to the budget now and the projects that are in now?

Dennis Hemmer, director of State Lands: About \$1.3 million available and it could be down now. I think mostly in this it will be revenue and not spending---if you find the timber out of this, 1/10 of the remainder is tied up in the projects the board has committed capital to. (He listed 2 committments and the status

of each) We have $\frac{1}{2}$ section granting easement of school in buildings. I can't give you a price of that. Using the current cut impact is the normal projects that are primarily stock water, irrigation, etc., and saline seep projects for those. For the first year all is committed. In essence, you would be putting the timber cutting in there and cutting the others out.

Senator Hammond: (Referring to one of the projects) How does a golf course get in there?

Dennis Hemmer: We were approached by the golfers. It is a tract of state land. We save for the department, a portion of the money. We have a certification of deposit. If it goes to heck, we get our money back or 5% of the gross. Our income we can pick up off that once it goes will be essentially above that.

Senator Hammond: You are in it because it is state land?

Dennis Hemmer: Yes.

Senator Christiaens: Where is it at?

Dennis Hemmer: Great Falls. You drive out on Fox Farm Road and it is out where the houses stop.

Senator Boylan: So now you will give up the state controlled saline seep, the irrigation projects and stock water projects. Control of these will be out the window?

Dennis Hemmer: We have not gotten into many where we had control of state land in recent times. I can't say we don't get into it. I would say the priorities would be with them because of the money I can pick up.

Senator Regan: If we were to do nothing and you have the appropriation, it is your responsibility to maximize the programs and it would be necessary to authorize you to specifically do this. If it were your discretion and you would do the prioritization?

Dennis Hemmer: Not sufficient. There is a lack of money in there to make the cuts. We do not have the earmarked authority for the cuts.

Senator Smith: I have one remark. This money is set aside and has been for a specific purpose. I think it is wrong to go in and rob the funds.

Senator Regan: I would like Curt to respond to this.

Curt Nichols: Language setting up---it was 27, chapter 1. (Curt read this out of the Montana Codes.)

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Senator Regan: It does address timber and the revenue therefrom.

Senator Keating: Does this permit you to cut the additional 18 million board feet you are trying to get done?

Senator Himsel: I assume the additional earmarked fund would do this. Even with the amendment.

Senator Keating: Are you going to do this construction service?

Dennis Hemmer: We would have to use the 17 FTE. I assume they are in the amendment.

Senator Smith: In the budget----we have given money to the Board of State Lands. The income goes into the general fund.

Senator Lane: Is there any other method that they can get any money from?

Curt Nichols: I think you are thinking of needing the income before you make the deposit to the trust fund.

Dennis Hemmer: There was some talk about adding it. We took a look at the AG 1967 Opinion that would appear to look at it. Our lawyers went back and reviewed case law. There is sufficient question legally in that record that I would strongly urge the committee not to go that route.

Senator Jacobson: We had looked at that very closely yesterday. I discussed it with Curt. It changes policy as to what we are doing. We are hesitant to do it without notifying the people of the impact, we would have to put people on it. After reviewing it and checking the budget we felt that in fact, if it is important enough to get this timber project on the way they ought to be asked to prioritize it. We went back to where it is clearly in the courts. Otherwise, it would be general fund to the tune of \$3/4 million.

Senator Lane: If this goes into the fund you will carry on the stock water programs, etc. You would not just drop it with this, would you?

Dennis Hemmer: It has been recommended that we go a high priority. If another one came along it would be a question.

Senator Jacobson: Clarified her motion as substitution this funding for Senator Lanes amendment on general funding.

Senator Hammond: I would like to see a little more consideration of the third position. When the state messes with agricultural land that they give part of the income to the lender. I can't see any difference than using timber and using part of the income to produce it. I would hate to us just drop this.

Dennis Hemmer: In agriculture, we are on a gross share so that profit comes directly in. The profit we cannot touch. That is the same. In a timber harvest both to basically bid so much and that again comes in. The constitutional question is whether or not the proceeds must go to the trust fund. At first guess we went to the AG Office and there is enough question that we think it would be unwise.

Senator Hammond: I think you should get an AG opinion now.

Senator Jacobson: We looked at the one from before, and it would probably not change.

Senator Story: I agree with the concept that you cannot make the sales in the next 2 years. If you pass this now you will be back down and you may be able to get out on the 90th day.

Senator Boylan: You are going to screw up the whole school foundation program. You are messing with something you are going to get into a pack of trouble on.

Senator Regan: I would be inclined to agree with you except that there is never enough money in the account to address the foundation program. You put it in the general fund and then appropriate it out. The law suit filed----we will be appropriating a whole bunch of money from the general fund.

QUESTION was called on Amendment # 121, voted passed. Roll call vote. Information exhibition sheets on the amendment are attached to the minutes.

MOTION on AMENDMENT # 110, Senator Himsl's amendment on Dam Safety that had been delayed.

Senator Himsl: This is a commitment to carry on the program. I would make the motion -- The Dam Safety Program is required by the Department under Senate Bill 369 which was passed and carried an appropriation of \$133,000. \$16,000 the first year, and \$117,000 the second year. It is general fund money.

Senator Regan: A one time shot or a continuing appropriation?

Curt Nichols: I am not familiar with the bill.

Senator Keating: Probably heard in Natural Resources. Was anyone in the committee that had anything to do with it?

Senator Lane: It was brought up and never asked for any money in the committee to do it. I think Senator Smith can tell you about it.

Senator Smith: I would have to go back and look at the minutes. It has been a long time ago. This was an additional piece of legislation to give the authority and appropriation to go ahead.

Senator Himsel: If you put the authority in and don't spend it you would have a responsibility and a liability.

Senator Regan: On the other hand, if you go ahead and then something happens the liability is greater.

Senator Smith: When they pass a piece of legislation and down the road know it will be an expense, they should remember it.

Senator Christiaens: Does anyone know why \$16,000 the first year and \$117,000 in the second?

Senator Hammond: They came to Valley County Soil Conservation and said they didn't think they had money they needed for inspection and to disregard it.

Senator Stimatz: I remember the Dam Safety Law two years ago. As a result of the federal inspection that identified about 100---if anything happens to any of them the State of Montana is stuck with them. It will not be an uncautious venture.

Senator Manning: If you carried the bill in previous session--- you inspect a dam and find it unsafe---say it is a private dam. What can you do to require the owner to fix it?

Senator Stimatz: The bill has recommendations and to the best of our knowledge they can require an individual to fix it at their expense. The county attorney can do it now. They don't, but they can.

Senator Manning: No matter what we do, we are struck?

Senator Stimatz: If the owner fixes it, okay, if not they can force the county attorney to act.

Senator Regan: Lee pulled out a fiscal note on this. \$16,000 the first year because the FN total increase is \$15,955 increased cost and it is supposed to have some revenue coming in through

inspection fees so that the general fund increase on February 15, is \$87,300. If we are going to do it we should get more realistic about it. I have asked the man to come over here and discuss it. We will go into the RIT funds while we wait for the man to come over.

Senator Regan: RIT (Resource Indemnity Trust) transfers in the big bill. In an attempt to balance the budget we have simply attempted to RIT in the bill. In order to avoid that we have asked the LFA and OBPP to look at the bill and determine the areas where general fund appropriation could be covered by RIT. No figures---we will simply instruct the LFA and OBPP to plug into the bill wherever appropriate and we shall use the general funds in the places where RIT is not appropriate.

Senator Keating: Does it pan out?

Senator Regan: I believe it does within very small amounts.

Dave Hunter: We prepared amendments that would be exactly \$4.8 million. I think that is the agreement.

Senator Haffey: This became your assumption because of possible legal problems?

Senator Regan: No. I said \$4.8 million and put in general fund. We are clearly subject to a law suit. To avoid it and to put us into the correct position this is done. We should have spent the RIT monies on projects that qualify under the scope of the fund. By allowing them to put that money into the projects that qualify and to pull out general fund of that amount we will have accomplished what we want to do. We will save the general funding for the projects that cannot clearly be funded by RIT.

Senator Smith: You would not feel legal now but could still steal from RIT now.

Senator Regan: If you put it in the general fund, yes. If you spend it on the projects that qualify you can agree it is legal.

MOTION ON AMENDMENT # 122, for LFA and OBPP to adjust the RIT and general fund monies to put them in the proper place, Senator Manning.

QUESTION was called, voted, passed, roll call vote.

Senator Regan: The language in the bill on medicaid funds and the Department of Institutions---the Department if not enough money to come in and ask for a supplemental---I will ask you unofficially to turn to page 46 in your bill. No doubt we have a serious problem facing us on medicaid funds and what may happen on a federal level. Last session \$3 million contingency funds. \$8 million supplemental in essence, over what was appropriated.

on page 46, line 5 through 10. Do you want to leave that sentence in there? I would prefer that they would be as effective and efficient as they can. I am not sure I want to invite them to have a blank check and come in. We would either have to reconsider or do it on the floor.

MOTION TO RECONSIDER. Voted, passed with Senators Jacobson and Christiaens voting no.

MOTION on AMENDMENT # 123, Senator Story, strike lines 6, 7, and 8 on page 46.

Senator Christiaens: I would like to have someone read this as amended.

Senator Regan: We are striking the instruction for them to come in for a supplemental. They know they can if it becomes necessary, but I don't think we should invite them to do so. We strike, "In the event that appropriated funds are not sufficient to provide medical care for all eligible persons, the department shall seek a supplemental appropriation for the next legislature."

QUESTION was called, voted, passed, unanimous.

MOTION by Senator Manning that that section be once again closed. Voted, and passed.

AMENDMENT # 110-----The Dam Safety Amendment-----still no decision.

Senator Himsel: I just had some information handed to me. Senator Boylan offered an amendment yesterday that we adopted. Could you direct us to the page referred to in that amendment?

Senator Boylan: Under page 56 of the blue bill, the Milk Control Bureau.

Senator Regan: I am going to ask that we look at this.

Senator Hammond: They said the money was there and they wanted to use the money if transferred and would use it in the Agriculture Department.

Senator Bengston: The reason for this, came about with Senator Lybeck's concern. Some of the dairy producers will not be able to use the lab tests---he does not belong to the DHIA. I understand that there is a division with the Dairy Industry that caused the problem.

Senator Regan: I want the committee to look at the information that was furnished. I want to look at it and be able if a committee action, to be able to correct or defend it.

Representative Manuel: They wanted about \$80,000 out of general fund to buy the tester in Bozeman. The subcommittee looked for other funds and the Milk Control Board had those. I don't have any idea of what Milk Control Board can use it for if anything else. Exhibit from the Department of Commerce, dated April 17, 1985 to Isabelle Pistelak, Administrator, enclosed as exhibit. This exhibit says monies collected can only be spent for specific purposes. It might be that an amendment passed by Senator Boylan can have an amendment passed to put it in the general fund and then reallocate it.

Senator Boylan: I would prefer to leave it like it is.

Senator Regan: If it is pulled out on the floor?

Senator Boylan: So be it.

BACK TO AMENDMENT # 110, Dam Safety.

Senator Himsl: I would like to ask Bob Robinson. There was a request that someone come over that knows something about dam safety. You are asking for \$16,000 the first year. The Fiscal Note says \$87,000 the second year.

Bob Robinson, Department of Natural Resources: \$87,000 is the difference between the revenue generated and the cost of the program.

Senator Regan: Is it ongoing, or what?

Bob Robinson: It would expand in 1990 when the Corp of Engineers came to inspect them. It would be an ongoing program.

Senator Regan: The support. Will the fees charged for inspection cover the cost?

Bob Robinson: I would refer to Gary Fritz who has been working on this.

Gary Fritz: SCS loans, loans to private individuals.

Senator Aklestad: How many dams involved? Just 50 acre feet. Not a very big dam. How many are in the upper range?

Bob Robinson: I don't know the exact amount. It is our estimate about 100 a year are built. Something in the area of 20 of that may be considered high hazard----more than 50 acre feet----elevation of 10-20 feet on the dam.

Senator Aklestad: About 150 years. I think we should know those things. If you run around the state seeking 50 acre foot dams---- it is a waste of time and money.

Gary Fritz: The inspection comes every 5 years. A 50 acre foot dam is not a very large project. The way the process would work is when the person building the dam goes to the department to do it, we check to see if a hazard down the stream. That is the only ones that would need to be checked. Senator Graham had a small dam in a very restricted channel and a house right down the stream. It could have caused a problem.

Senator Hammond: No right to inspect it if built before?

Gary Fritz: They are all supposed to be inspected. The fees have not been established. There was a proposal that the SCS and the conservation districts would support it if not do a safety inspection.

Senator Smith: You have rule making authority and you can set the way anywhere along if it is not covered.

Senator Haffey: Suppose no monies available and the bill passed, you then have the responsibility. The bill mandates that you carry on inspections.

Senator Keating: Do you inspect the hydro-electric dams up in the mountains?

Gary Fritz: Probably not. The FERC authorized them.

Senator Keating: Some not private that you can charge fees for?

Gary Fritz: The ones we won't be inspecting are the federal dams.

Senator Keating: Any state agencies ask for? No fees?

Gary Fritz: Fish, Wildlife and Parks.

Senator Keating: How many?

Gary Fritz: Several. Montana built them.

Senator Keating: You do not receive any proprietary funds for inspecting them?

Senator Story: I have a suggested amendment. We give them the right to collect the fees and use the fees to do the job.

Senator Regan: That is a formal amendment? If you defeat this bill they will get the message that they will have to do whatever method possible to find a way to finance it.

Judy Rippingale: \$87,000 you will still want to give them. Deposits the fess which go to the general fund.

Gary Fritz: I don't know what kind of question this is. If collect the fees might take care of the funds the second year. The most critical would be the first done. It will be done in the first year. They matched money to require the inspection would be the most important.

Bob Robinson: We would also need the authority to spend that appropriation.

Judy Rippingale: Under Senate Bill 369, that is in the statute and you cannot change to an appropriation bill. All penalties and costs must be deposited in the general fund.

MOTION ON AMENDMENT on Dam Safety Inspection for a one time shot of \$16,000. Voted, passed, roll call vote.

MOTION by Senator Bengston to give them the spending authority needed Voted, and passed.

Senator Haffey: I don't think this is an issue that should go to the floor. HB 206 in the Public Service Commission needs \$5,000 or so of general fund additional fund and \$5,000 of authority to continue to participate in continuation of insection and administration of the natural gas pipe line of Montana Power Company. They left it in the House Bill but needed \$3,000 federal in addition and \$3,000 general fund. I am raising this so that if the commission can't participate it is something we do not want to do it. I have an opinion. We do not want the commission to be unable to participate in this.

Judy Rippingale: This bill is effective July 1. I understand if you want any impact for FY '85 it would have to be a budget amendment, but can't be all general fund.

Senator Keating: We might try to pull that back.

Senator Smith: This was heard by all their committee. At that time Montana Power Company did not think any more construction until after July 1. Since then we have heard this and they are going ahead and it could stop the pipe line until July 1.

Senator Manning: I carried 202 which would have required the PSC to do this.

Senator Haffey: The committee has been made aware of it. If I could get a sense of the committee I think they would do it.

Senator Smith: In regards to the RIT money in this bill. Does it transfer out of the bills where it has been appropriated?

Senator Regan: I will instruct the staff and Lee to examine the bill tonight, and make sure that no technical faults appear. If they find something to correct it and call our attention to it. This is only on technical matters. If the funds don't balance they can call it to our attention. I think it is good that they go through the review the way it is done.

Senator Manning: I would move they be so instructed.

Voted and passed.

DISPOSITION OF HOUSE BILL 500: Motion by Senator Jacobson that we close House Bill 500. Voted and Passed.

MOTION by Senator Manning that we concur in House Bill 500 as amended. Voted, passed, Roll call vote, Senators Christiaens and Gage to be allowed to vote when they return. (Their votes are also recorded on the Roll Call Vote sheet

Senator Regan said the bill will be heard on the Senate floor on Saturday. She announced a 10 minute recess.

The Finance and Claims Committee reconvened at 11:22 a.m. to take executive action on some bills.

DISPOSITION OF HOUSE JOINT RESOLUTION 43: Motion by Senator Gage that HJR 43 be concurred in. Voted and passed, unanimous of those present.

DISPOSITION OF HOUSE JOINT RESOLUTION 50:

Senator Hammond: No one on this subcommittee that would be from the areas interested in having the academy.

Senator Regan: How can we determine that? This might make it tough to select a commission. Even if no interest they would fight about it.

Senator Smith: I like Senator Hammond's suggestion. I don't think it will work. The other is pay increases. They will all be picked from Helena. Throughout the study you were told what they want you to hear.

MOTION by Senator Manning that they be picked from a wide variation.

Senator Keating: We are aware of two proposals. Unaware of many others. If the panel is suggested and ideas come from other areas you may have people on the panel from those areas.

Senator Gage: This is not proper executive action.

MOTION by Senator Manning recinded.

MOTION by Senator Bengston that HJR 50 be concurred in. Voted, passed, Senator Boylan voting no.

DISPOSITION OF HOUSE BILL 212:

MOTION by Senator Haffey that attached amendment to HB 212, Title, line 12 and insertion of Section 3 on page 1, line 26 be adopted. (This amendment is in re: school foundation program)

Senator Haffey: This does what was discussed in committee. It proposes to, in the situation where a 25% decrease in taxable valuation for a school district has occurred in the past 5 years, that a method of calculation of ANB that would provide a one time shot in the arm for those school districts. All the language is state law. If you would look at the book on page 2. The title needs an insertion. Page 5, the arithmetic way is set and there are on the top of page 3. I would like to ask Representative Menehan to address this if you have questions.

Curt Nichols: The amendment first qualified the whole task for a revised method of calculating ANB. 25% drop in the last 5 years in enrollment----the previous year. Then an alternative method of ANB. Average the last 3 years and take 75% of the difference of that average and normally and add it on then add 37% of that difference.

Senator Haffey: The thing I want to get at----what is the cost and how difficult?

Representative Menehan: I think the general appropriation is usually money left over. If it applied it would apply to some smaller districts----we are the only large one. This has money attached. \$260,000 at these ratios. I have changed the amount and dropped then and it would be less. In the law suits filed ours has the biggest problem. Even more than Libby and Troy. The University----I have established in their funding a one time drop when a drop in enrollment. We are having a one time drop to assist in this biennium for 28% taxable evaluation. We will be down 30% by the end of the next biennium- Over all between 35% and 40%. They just donated all their lands to the state of Montana----Anaconda has no tax breaks etc, and they are tearing down the smelter.

Senator Haffey: \$53 million plus in House Bill 212. Adding this money and a section change in the state law. It will result in a change in the ANB and in the \$200,000 going to the school districts.

Representative Menehan: I think the money could come out of that without a further appropriation. It is what I found out was turned back.

Senator Christiaens: I have one question for the LFA. Has anyone looked at Great Falls? I am not sure that Great Falls might fall under this same situation.

Curt Nichols: In Great Falls, most of the districts that would have qualified in the past 5 years-----Anaconda was the only one.

Senator Regan: The decrease in taxable valuation was what kept them from qualifying, Butte with 14% Butte-SilverBow----- it would have included Butte and Anaconda. Great Falls was less. Was this amendment tried in the House?

Representative Menehan: Not there. Representative Eudaily and Donaldson said this bill and not in 211.

Senator Regan: This is an appropriation bill. The formula and the method of calculations would be on 211. It does not belong on 212. The bill that sets up the calculator and formula is 211. That is where this amendment should be offered. This is simply the funding bill.

Representative Menehan: My choice was 211. Representatives Eudaily and Donaldson said 212. They came and testified on it.

Senator Haffey: Could we ask Lois? Is there any problem in having this go on 212?

Lois Menzies: There might be a question. That was not the original intent of this bill. It simply appropriates the money.

Senator Haffey: How about 211?

Lois Menzies: I have not seen it. From what you are saying, it sounds like it should go on 211.

Senator Story: Was this amendment considered in the Education committee?

Senator Haffey: No, Representatives Eudaily and Menehan had concluded that this should be in this bill.

Senator Bengston: What about a fiscal note?

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Senator Regan: Curt gave us a very good estimate-----Curt, would you give then the estimate?

Curt Nichols: \$300,000 in the biennium.

Senator Regan: Small amounts as well. We can vote on this or withdraw it and put it on 211.

Senator Haffey: I would withdraw by amendment.

MOTION by Senator Smith that House Bill 212 be concurred in.

Judy Rippingale: The amount of \$2,538,000-----House bill 929 and 958.

Senator Regan: That was considered and they thought just go ahead and let it go.

Senator Regan: GAP money, etc., and a like amount of general fund.

QUESTION was called, voted, passed. Senator Smith will carry this bill.

Senator Regan turned the gavel over to Senator Jacobson in order to propose an amendment.

Senator Regan: I have a question about funding and whether intend what the proper level was. I asked some research be done. LFA indicated the proper amount is \$57,000. I think if we, in all honesty, should pay it. That is not the way to deal fairly with the school districts.

MOTION by Senator Regan: I move that House Bill 381 be amended so that we appropriate \$57,000 to pay the debt we own the district.

QUESTION was called, voted, passed, unanimous.

MOTION by Senator Regan that House Bill 381, as amended, be concurred in. Voted, passed, Senator Boylan voting no.

DISPOSITION OF HOUSE BILL 754: This is the police retirement system.

Senator Regan: There was going to be an amendment to clarify some language here.

Judy Rippingale: We have looked at this and think it is better left as it is.

Senator Manning: During the hearing of the bill some questions were asked on whether a police officer could retire with less than 20 year service if 65 years of age or disabled. In current population 2 members retired after 65 years, one with 14 years and 10 months, the other with 7 years. He read a statement.

Senator Aklestad: Fiscal note where decreased general fund still down.

Judy Ripplingale: \$120,000 a year general fund impact.

MOTION by Senator Christiaens that HB 754 be concurred in. Voted, passed, Senators Regan, Aklestad, and Hammond voting no.

DISPOSITION OF HOUSE BILL 932: MOTION by Senator Gage to amend the title, lines 5 and 6. Strike "STATE" on line through "EARNED" on line 6. Insert "Licence". Voted and passed.

MOTION by Senator Gage that House Bill 932 be concurred in as amended. Voted and passed. Senator Himsl voted no. Senator Conover will carry the bill.

RECONSIDERATION OF ACTION ON HOUSE BILL 344: MOTION by Senator Lane to reconsider House Bill 344. (This is the family practice resident physician program) In rural areas the bringing in of doctors in is important. Testimony the other-----only 2, but actually 5 have been brought in. Senator Hammond spoke on this bill also. It is quite important to the rural areas, especially in eastern Montana.

QUESTION was called, voted, passed.

MOTION by Senator Lane to amend by striking \$100,000 and inserting \$70,000. Page 2, line 24.

SUBSTITUTE MOTION by Senator Regan to amend the amendment by striking the \$70,000 and inserting \$50,000.

Senator Regan: They started out at \$70,000 two years ago. They upped it to \$100,000 and dropped it to \$70,000. The tesitmony shows a two year program and then self supporting. If we drop it to \$50,000 we are encouraging them to seek outside funds and try to fund the program through grants, etc. I offer the amendment at \$50,000.

Senator Jacobson: \$50,000 could be per year.

Senator Regan: \$50,000 for the biennium.

Senator Himsl: I am not sure I oppose it. Their administrative office budget for '86 and '87 were supposed to do something or no amount in it. My intent is to make them go over and get money in the counties to share in the cost of the administration.

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Senator Jacobson: This is just a small part of the program. Other people are contributing alot of money-----this is only the administration cost, the rest is taken care of by others including the hospitals.

QUESTION was called on Senator Regan's substitute amendment. Voted, failed, Senator Regan voted yes.

QUESTION on the original amendment to fund with a general fund appropriation of \$70,000, voted, passed, roll call vote.

MOTION by Senator Lane that HB 344 as amended by concurred in. Voted, passed, roll call vote.

DISPOSITION OF HOUSE JOINT RESOLUTION 43: MOTION by Senator Gage that House Joint Resolution 43 be concurred in. Voted, passed. Senators Hammond and Aklestad voting no.

The meeting was recessed to the call of the chair following the Senate Session.

The committee reconvened and Senator Regan said we would continue with executive action.

DISPOSITION OF HOUSE BILL 270: Senator Keating moved to amend page 4 line 15 to change \$25,000 to \$8,000. (On retired public employees.)

QUESTION was called, voted, passed. It was decided this was amended and did not need it twice.

MOTION by Senator Bengston that HB 270 be concurred in. Voted, passed.

DISPOSITION OF HOUSE BILL 632: This is on teacher's retirement. Motion by Senator Hammond that House Bill 632 be concurred in.

Senator Keating: The figures here no longer apply becuae of the amendment changes.

Senator Regan: The estimated increase is \$357,000 the first year and \$374,000 the second year.

Senator Keating: General fund?

Senator Regan: No

Senator Story: Did you think the entire general fund amount is here?

Senator Regan: No. These are contributions spread among various agencies.

Senator Haffey: I would address this to Judy, page 3 with the changes made to represent the table-----what is the end result?

Judy Ripplingale: Are you talking about the general fund impact?

Senator Haffey: No, what does the percentage go to? 7,499 is what it would have gone to, now it is down closer to the state and it is currently?

Judy Ripplingale: I don't know for sure.

Senator Smith: The statement made was that it needed no general fund. It is all on the second page.

Senator Regan: You are correct.

QUESTION was called. Voted, passed, Senator Keating voting no. Senator Hammond will carry the bill.

DISPOSITION OF HOUSE BILL 633: MOTION by Senator Keating that House Bill 633 be not concurred in. (Subdivision financing, DHES)

Senator Keating: Whatever they change will be returned to the general and whatever they spend will come out of the general fund and they have had a difficult time to handle this I think they have handled it.

Senator Regan: We can simply amend it and say the Department to adopt fees to cover the cost of the services. I think Representative Rehberg shouldn't think of what they should set the fees for.

Senator Keating: It is already established they should charge \$48 a parcel. Statutory funds. They don't need this.

Senator Hammond: We go around and around. It is not enough for the \$50,000 ones but plenty on the big ones on \$48 fees. Now they would like us to believe they are making money for the general fund.

Senator Lane: The \$48 is scratched in law and they can charge now.

Senator Hammond: If this bill does not pass they can charge anything.

Senator Story: No longer a division. Three men that are in the clean water crew. For years we have tried to put it under fees and I think there is a rationale now in doing a part of the work from the general fund. It is no longer the person paying this fee. The buyer of the lot. He is not getting as much out of it as the public is. It is continuing the public that are not underground septic systems, roads, schools, etc. The public has a greater interest in the services than the buyer which is pretty much young people making their lifetime purchase of this lot and place. It is not fair to ask them to spend more money on fees that we feel they can spend and ask them to do it for the good of everybody else. I am speaking on passage of the bill.

SUBSTITUTE MOTION by Senator Story that House Bill 633 be concurred in.

Senator Aklestad: These are not the correct figures. They are higher figures, I understand.

Judy Rippingale: When this bill was heard Dr. Lory had not got the numbers and on page 3, line 20, 198,736. Line 21, 207,077 to correspond with the study worked into HB 500.

Senator Hammond: We are just taking away the responsibility of being efficient.

Senator Aklestad: I think they get some other funds from some other area.

Senator Bengston: I think they are really efficient. I have had to call on the Water Quality Bureau so many times. They have been a great help to us in spite of being short handed and having a heck of a work load.

Senator Story: The other thing. This should not impact the general fund that much and may not have any impact if the corresponding number of fees come in. The fees come in at irregular times. They are not getting rid of people and laying them off.

Senator Boylan: There have been more complaints about this department than any other department.

Senator Himsel: I would agree. We hear alot of complaints about this department and the complaint results in them saying we have no money and no staff. We really needed that help. They go through the local district and counties and then finally wind up here.

Senator Christiaens: If you will recall the testimony in 1976, 3800 a year and 4 FTE; 15,000 in 1978 and 8½ FTE; 1982, 6,600 and only 3 FTE. They are bouncing back and forth. Not a correct amount of people without a steady source of funding to make sure when the fees do come in they are not so dependent on the highs and lows.

Senator Smith: One comment. I think Senator Christiaens hit the nail on the head. The large amount of fees. They kep the staff on until they went broke. Even the low number they may still keep the same on.

QESITON was called on House Bill 633, substitute motion by Senator Story. Voted, passed, Senator Christiaens to carry the bill.

DISPOSITION OF HOUSE BILL 812: Motion by Senator Haffey that HB 812 be concurred in.

QESITON was called, voted, passed, roll call vote.

DISPOSITION OF HOUSE BILL 909: Motion vy Senator Jacobson that House Bill 909 be concurred in.

Senator Smith: We just built new buildings and the Supreme Court now has to be retrofitted. Don't they build these buildings right now? In Butte we just retrofitted schools and now they want to do it again? I just don't understand. They are not doing the job right the first time.

QUESTION was called on HB 909. Voted and passed, unanimous.

DISPOSITION OF HOUSE BILL 942: Motion by Senator Christiaens to amend page 2, line 15 rhough 17 to check the balances also. My motion would be to reinsert the language to allocate through the biennium.

QUESTION was called on the amendment. Voted and passed.

MOTION to Concur in House Bill 942 as amended, Senator Christiaens noted, voted passed, unanimous. Senator Gage to carry the bill.

DISCUSSION ON HOUSE BILL 949: The local impact money to the Foundation Program.

Senator Gage: If we leave this, by indication will we have to go back and amend HB 212?

Senator Regan: That is correct. I will amend HB 212 on the floor. The coal monies that are left don't drop out the \$750,000 because this does not go into the foundation program. It does into the trust. Is that correct? Monies that are left over from the Coal Board grant go into education trust fund, not the fundation program. There is no need to address HB 212.

Curt Nichols: This bill changes that. It puts it into the foundation program account.

Senator Christiaens: By doing this are we not making a problem of exactly how to handle left over money from the Coal Board?

I am wondering if the language on line 17 takes care of the constitutional problem or is there a problem?

Curt Nichols: This trust fund is not a constitutional trust fund.

Senator Regan: Am I correct you are intercepting the money before it goes into the trust fund?

Judy Rippingale: If you pass this bill you are putting \$750,000 of Coal Board money into the school trust foundation program. If you do not pass it, it will go to a statutory education trust fund.

Senator Regan: The Coal Board may not use this money because it is money left over and are not able to appropriate what is in there.

Judy Rippingale: If a project, then they can spend it.

Senator Gage: This is the money that originally was going into the undercover drug program. In the coal board trust fund 50% of the money has to go to the designated area. This money will not be used for grants by the end of the year.

Senator Regan: I will entertain a motion on this bill

DISPOSITION OF HOUSE BILL 949: Motion by Senator Jacobson that HB 949 be concurred in.

Question was called, voted, passed unanimous. Senator Gage to carry the bill.

Senator Regan said we had put out 7 bills tonight that had been heard and we had 3 for tomorrow morning. We will meet at 7 a.m. and put those out before the hearings continue at 8 a.m.

Judy Rippingale: Two amendments you may want to hear on the bill, and then they are ready to go.

Senator Regan: House Bills 12, 513, and 935 at 7 a.m. for executive action and we may want to talk about HB 212.

Senator Van Valkenburg: HB 212-----I would like to have you reconsider this bill. I think some money should be taken out of the bill. The \$800,000 lends itself to discussion of this committee. \$15 million to come out. It is in HB 958 being appropriated to use that school land money -- the GAP accounting money proposed, and we ought to put it into the foundation program and take general fund out of HB 212. I would like to talk about it.

Senate Finance and Claims
April 18, 1985
Page 37

Senator Manning: We can reconsider our action on the floor.
I do want to listen to Judy. You are the people that I think will
understand it better than anybody else.

The meeting was adjourned.



Senator Pat Regan, Chairman

NOTE: A staff Technical Correction to HB 500 was given to the
committee and is attached for the records.

ROLL CALL

SENATE FINANCE AND CLAIMS

COMMITTEE

49th LEGISLATIVE SESSION - - 185

Date

11-18-85

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

ROLL CALL

SENATE FINANCE AND CLAIMS COMMITTEE

49th LEGISLATIVE SESSION - - 185

Date 4-18 6⁺PM

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

111
R. Ryan

Amend House Bill 500, third reading copy, as follows:

1. Page 43, line 8.

Strike: "17,203,360 17,928,172"

Insert: "10,955,560 6,247,800"(special) "11,680,372 6,247,800" (special)

LFA will amend totals.

Comment

This amendment is an accounting adjustment to require the counties to pay the county mill levy to SRS rather than depositing these funds as revenue directly in the general fund. There is no overall increase or decrease in the general fund paid to the state.

112 *legislation*
Amend House Bill 500, third reading copy, as follows:

1. Page 25, line 16.

Strike: "19,753 general fund Fy 1987"

Insert: "19,753 state special revenue Fy 1987"

2. Page 27, line 21.

Strike: "line 21 in its entirety."

Comment:

SB 198 has passed and has been signed by the Governor. This amendment switches funding from the general fund in fiscal 1987 to the state special revenue fund. The language for switching the funding in case the bill passed is also removed.

113
K. J. M.
G.
Amend House Bill 500, third reading copy, as follows:

1. Page 23, line 20.

Strike: "1,100,573 943,134"

LFA will amend totals.

2. Page 58, following line 21.

Insert: "22. Building Codes Division
1,100,573 Proprietary Fy 1986
943,134 Proprietary Fy 1987"

Comments:

SB 242 transfers the Building Codes Division from the Department of Administration to the Department of Commerce. This amendment transfers the budget from the Department of Administration to the Department of Commerce.

egan
114 G
X

Amend House Bill 500, third reading copy, as follows:

1. Page 20, Line 16.

Strike: "1,244,509	138,122	1,262,559	136,224"
Insert: "1,241,059	141,572	1,259,445	139,338"

LFA will amend totals.

Comment

This amendment restores full funding for the personal services of the federally funded mineral royalty auditors. Part of their funding had been mistakenly put in the general fund. Reduction to the general fund and a corresponding increase in the federal funds are \$3,450 in fiscal 1986 and \$3,114 in fiscal 1987.

115 U
Regan

Amend House Bill 500, third reading copy, as follows:

1. Page 4, line 7, 8, and 9.

Following: "FUNDS"

Strike: "THE LEGISLATIVE FISCAL ANALYST SHALL ADJUST THE LINE
ITEM AUDIT APPROPRIATION IN ORDER TO MAXIMIZE NONGENERAL
FUND REIMBURSEMENT FOR AUDIT COSTS BEFORE THE BILL IS
TRANSMITTED TO THE SENATE."

16
Kegan
J. J. J. J.
Amend House Bill 500, third reading copy, to read as follows
Dam Safety

1. Page 55, following line 13.

Insert: "f. Dam Safety

16,000 (fiscal 1986 state special) 117,000 (fiscal 1987 state special)

LFA will amend totals.

2. Page 56, following line 6.

Insert: "Item 4f is appropriated to fund department responsibilities under
SB 369"

*Check
and #116*

RIT Interest Account
1987 Biennium

Income

Carry-over FYE 85	\$ 1,590,117
RIT Interest Earnings (64%)	<u>8,308,808</u>

Funds Available: \$ 9,898,925

Transfer to general fund: (4,800,000)

Remaining balance in legacy account: \$ 5,098,925

Expenditures

Grant Administration--DNRC	277,000
5% Emergency Grants	250,000
House Bill 952	<u>233,700</u>

\$ 760,700

Funds Available for Legacy Projects: \$ 4,338,225

Projects approved by House Appropriations	<u>4,166,476</u>
↳ HB922	

Unappropriated Balance: \$ 171,749

Date _____

Bill No. _____

Time _____

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey		✓		
Senator Jacobson		✓		
Senator Aklestad		✓		
Senator Hammond		✓		
Senator Lane		✓		
Senator Christiaens				
Senator Gage		✓		
Senator Himsl		✓		
Senator Stimatz		✓		
Senator Boylan		✓		
Senator Story	✓			
Senator Smith		✓		
Senator Manning (Dick)	✓			
Senator Bengtson		✓		
Senator Keating		✓		
Senator Regan	✓			

5 - 11

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

#1/k

Chris 11/7

Amend House Bill 500, third reading copy, as follows:

1. Page 4.

Following: line 9.

Insert: "Section 14. Pay Plan Appropriation Coordination. The money appropriated within HB 375 for the pay plan costs has been specifically appropriated to each agency in this act.

*Wahlstrom
Section 14*

Chad
#118

PROPOSED AMENDMENT TO HB 500
(BLUE COPY)

1. Page 4, line 14 through line 17.
Following: "PEOPLE."
Strike: line 14, page 4 through line 17, page 4
in their entirety

Date _____

Bill No. _____

Time 7:5

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey		✓		
Senator Jacobson	✓			
Senator Aklestad		✓		
Senator Hammond		✓		
Senator Lane		✓		
Senator Christiaens	✓			
Senator Gage	✓			
Senator Himsel	✓			
Senator Stimatz	✓			
Senator Boylan		✓		
Senator Story		✓		
Senator Smith	✓			
Senator Manning (Dick)		✓		
Senator Bengtson	✓			
Senator Keating	✓			
Senator Regan		✓		

5 - 4

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

Motion *H* *118*
sub motion
yes

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date _____

Bill No. _____

Time 7:59

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson		✓		
Senator Aklestad	✓			
Senator Hammond		✓		
Senator Lane	✓			
Senator Christiaens	✓			
Senator Gage		✓		
Senator Himsl		✓		
Senator Stimatz	✓		✓	
Senator Boylan				
Senator Story	✓			
Senator Smith	✓			
Senator Manning (Dick)	✓			
Senator Bengtson			✓	
Senator Keating		✓		
Senator Regan	✓			

9 - 6

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

Sub Hef # 118

L 14 P 4... "The general... 16.
 ending... act" ...
 "Take... encourage... through..."
 after act.

Chris
H-119
Pamela

PROPOSED AMENDMENT TO HB 500
(BLUE COPY)

1. Page 3, line 4.
Following: "budget"
Strike: "nor to increase A PROGRAM MORE THAN 25% or
decrease a program more than 10%"

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date _____

Bill No. 50

Time _____

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey		✓		
Senator Jacobson		✓		
Senator Aklestad	✓			
Senator Hammond		✓		
Senator Lane	✓			
Senator Christiaens	✓			
Senator Gage	✓			
Senator Himsl	✓			
Senator Stimatz		✓		
Senator Boylan		✓		
Senator Story		✓		
Senator Smith	✓			
Senator Manning (Dick)	✓			
Senator Bengtson	✓			
Senator Keating		✓		
Senator Regan	✓	✓		

9-1

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

#119



TED SCHWINDEN
GOVERNOR

STATE OF MONTANA
DEPARTMENT OF AGRICULTURE

OFFICE OF THE DIRECTOR
AGRICULTURE/LIVESTOCK BLDG.
CAPITOL STATION
HELENA, MONTANA 59620-0201

TELEPHONE:
AREA CODE 408
444-3144

KEITH KELLY
DIRECTOR

TESTIMONY OF MONTANA DEPARTMENT OF AGRICULTURE
FOR THE SENATE FINANCE & CLAIMS COMMITTEE
ON HOUSE BILL 12
1985
HELENA, MONTANA

Chairman, members of the Committee, the Department of Agriculture comes here today, not to oppose House Bill 12, but to request a few short amendments to facilitate the department's duty in properly administering some programs unique to the department. I will briefly explain the programs that the department desires to have within the authority of the act to receive statutory appropriation status. Then, I will suggest amendments that will clear up any problems that House Bill 12 would cause to the Department of Agriculture.

In all cases, these programs involve money received from sources other than the general fund. Because of that feature the programs can never accurately predict the amount of money flowing through them during the biennium. These programs presently, and will continue to, receive legislative review of their expenditures. With all of these programs, the distribution of funds to these entities who provide money, depends entirely upon the amount available from the sources of receipts of the funds.

-more-

The Alfalfa Seed Committee and the Wheat Research and Marketing Committee both administer funds that come from the sales of their commodities. They, in turn, spend the money through grants and loans for improving the market of their commodities through research and promotion. The amount of money received by the programs depends on: the market prices, the harvest production, and the condition of the industry. Therefore, it is impossible to say how much money should be appropriated during any one given year because it cannot be determined how much money will be available to be spent on the program.

Another operative feature of these programs permits the producers to receive a refund in total of the levy assessed them. This creates a direct accountability situation by requiring satisfaction of the expenditure of these funds or a money back guarantee. Clearly the producers would never permit these committees to squander money.

These programs therefore demonstrate a clear need to be given statutory appropriation authority.

The Montana Agricultural Loan Authority must have statutory appropriation authority to operate. Because it is involved with ongoing financial dealings involving agricultural loans, it cannot be restricted to the appropriation process each biennium.

The recent passage of Senate Bill 208 provides the Montana Agricultural Loan Authority (MALA) with authority to administer

an agricultural loan guarantee program. The guarantee program requires the MALA to establish a loan guarantee reserve fund and provide for the payment of any associated loan loss. The amount and timing of the potential loan losses cannot be accurately predicted due to the uncertainties of loan circumstances and changing economic conditions. Appropriation uncertainties would negatively impact the confidence of the financial institutions, investors and other participating in the guarantee program.

Loan guarantee fees and other funds would, as required by law, be deposited in the MALA enterprise fund for disbursement to the guarantee fund as those fees exceed the amount necessary to cover administrative costs. Projection of the amount of guarantee fees that can be placed in the guarantee fund are also difficult to predict.

In conclusion, the department requests the Alfalfa Seed Committee, the Wheat Research and Marketing Committee, and the Montana Agricultural Loan Authority be given statutory appropriation authority. It should be noted because of the radical sweeping effect of House Bill 12, if this Legislature refuses to accept these amendments, we would recommend the delay of the effective date of this legislation. This will permit the department time to fully review the effect of this bill on these programs and determine what changes may be necessary to prevent House Bill 12 from damaging the programs mentioned here today.

Section ~~24~~. Section 80-11-224 is amended and reads:

80-11-224. Determination of amount and allocation of assessment. (1) The committee shall set the amount of the assessment each year in accordance with 80-11-206.

(2) Money deposited in the wheat research and marketing account pursuant to 80-11-210 is *statutorily* appropriated *as provided in [section 2]* to the committee for purposes of wheat

research and marketing under this part.

(3) The committee may be assessed costs by the department for the services it provides upon request or pursuant to 2-15-121. However, the costs charged must have a substantial relationship to the cost of services supplied.

Section ~~30~~. Section 80-11-310 is amended and reads:

80-11-310. Deposit and disbursement of funds — records — investment. (1) As soon as possible after receipt, all money received by the department from the assessment levied under 80-11-307 and all other money received shall be deposited in the other special revenue funds.

(2) All money referred to in subsection (1) of this section may be used only for the payment of expenses incurred in carrying out the provisions of this part. The committee may be assessed costs by the department for the services it provides upon request or pursuant to 2-15-121; however, the costs charged must have a substantial relationship to the cost of services supplied.

(3) Money received under this section, 80-11-312, and 80-11-313 not immediately required for the purposes of this part must be invested under provisions of the unified investment program established in Title 17, chapter 6, part 2.

(4) Money received under this section, 80-11-312, and 80-11-313 is *statutorily* appropriated *as provided in [section 2]*

to the committee for the purposes of this part.

Section 2. Section 30-12-311 is amended and reads:

30-12-311. Accounts of the authority. There is an agricultural loan authority enterprise fund in the enterprise fund type provided for in 17-2-102. All funds from the proceeds of bonds issued under this chapter, fees and other money received by the authority, money appropriated by the legislature for the use of the authority in administering this chapter, and money made available from any other source for the use of the authority must be deposited in the agricultural loan authority enterprise fund except as otherwise provided by law. All funds deposited in the agricultural loan authority enterprise fund are continuously

as provided in [Section 2],

State Security Appropriated

~~appropriated~~ to and may be expended by the authority for the purposes authorized in this chapter.

Renumber subsequent sections

Date _____

Bill No. _____

Time 2:57

120

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Aklestad	✓			
Senator Hammond	✓			
Senator Lane	✓			
Senator Christiaens	✓			
Senator Gage	✓			
Senator Himsel	✓			
Senator Stimatz	✓			
Senator Boylan		✓		
Senator Story	✓			
Senator Smith		✓		
Senator Manning (Dick)	✓			
Senator Bengtson	✓			
Senator Keating	✓			
Senator Regan	✓			

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

Reconsider

James Timberlandment

#120
Reconsider

#178
Hickson

Amend House Bill 500, third reading copy, to read as follows:

1. Page 50, line 25.

Strike:	"831,460	809,741"
Insert:	1,296,932	1,291,387"

2. Page 51.

Following: line 11.

Insert: "The department may transfer up to \$359,254 in fiscal 1986 and \$395,388 in fiscal 1987 of the state special revenue appropriation in item 4 to item 5. These are resource development funds which may be used to expand the timber harvest on state lands.

STATE OF MONTANA
AGENCY BASE INFORMATION FORM

AGENCY NUMBER 5501 AGENCY NAME State Lands
 PROGRAM NUMBER 05 PROGRAM NAME Resource Development
 CONTROL VARIABLE CONTROL VARIABLE NAME

Object of Expend. 3rd Level	JUSTIFY CURRENT LEVEL SERVICE EXPENDITURES	FY 84 Actual Amount	REQUESTED		(ORPP Use Only) RECOMMENDED
			1986	1987	
4370	FY 86: Stockwater Projects 45,000 Irrigation Projects 111,654 Range Renovation 39,228 Saline Seep 13,203 Commercial Projects 413,500 Title Perfection, Island Surveys, Navigability Studies 25,000 <u>647,585</u>		647,585	716,817	1986 1987 1988
	FY 87: Stockwater Projects 65,000 Irrigation Projects 156,316 Range Renovation 117,636 Saline Seep 52,815 Commercial Projects 150,000 Weed Control 50,000 Bridges on Forest Lands 100,000 Title Perfection, Island Surveys, Navigability Studies 25,000 <u>716,817</u>				

Appropriations and Usage
Resource Development Account

<u>Fiscal Year</u>	<u>Appropriated</u>	<u>Used</u>	<u>Unused</u>
1980	\$437,127	\$300,325	\$129,802
1981	436,798	411,204	25,594
1982	589,409	400,775	188,634
1983	495,364	220,303	275,061
1984	707,698	453,815	254,153

Date _____

Bill No. _____

Time 10:04

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Aklestad	✓			
Senator Hammond	✓			
Senator Lane	✓			
Senator Christiaens	✓			
Senator Gage	✓			
Senator Himsl	✓			
Senator Stimatz		✓		
Senator Boylan		✓		
Senator Story	✓			
Senator Smith		✓		
Senator Manning (Dick)	✓			
Senator Bengtson	✓			
Senator Keating	✓			
Senator Regan	✓			

13 3

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

[Handwritten signature]
2nd Reading. D.F.

121

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date _____

Bill No. _____

Time 10:21

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey		✓		
Senator Jacobson		✓		
Senator Aklestad				✓
Senator Hammond	✓			
Senator Lane	✓			
Senator Christiaens	✓			
Senator Gage	✓			
Senator Himsl	✓			
Senator Stimatz	✓			
Senator Boylan		✓		
Senator Story	✓			
Senator Smith		✓		
Senator Manning (Dick)	✓			
Senator Bengtson	✓			
Senator Keating	✓			
Senator Regan	✓			

11 - 4 - 1

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

122 AIT

DEPARTMENT OF COMMERCE

TED SCHWINDEN, GOVERNOR

1424 9TH AVENUE



STATE OF MONTANA

(406) 444-3737

HELENA, MONTANA 59620-0401

DATE: April 17, 1985

TO: Isabelle Pistelak, Administrator
Business & Professional Licensing Division

FROM: Geoffrey L. Brazier, Staff Attorney

RE: Propriety of appropriating milk control revenues
to other agencies

QUESTION

By telephone call of this date you have requested my written comments about the propriety of appropriating monies in the special revenue fund for milk control to another agency to pay some of its costs.

COMMENT

In my opinion such an appropriation would be in violation of substantive statutes and accomplish nothing. ✓

RATIONALE

An annual license fee in the amount of \$2.00 is levied against all licensees under the Montana Milk Control Act. Section 81-23-202(1), MCA. This generates annual revenue of about \$800.00, which is deposited to the credit of the general fund.

Costs of administering the Act are paid from a state special revenue fund which is funded from administrative assessments levied against all licensees, under the Act in accordance with the provisions of Section 81-23-202(2) through (7), MCA, Subsection 81-23-202(6) in particular controls deposits to the fund and the purpose of expenditures to the fund, and provides as follows:

"(6) All assessments required by this chapter shall be deposited by the department in the state special revenue fund. All costs of administering this chapter, including the salaries of employees and assistants, per diem and expenses of board members, and all other disbursements necessary to carry out the purpose of this chapter, shall be paid out of control board moneys in that fund."

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date 4-18-85

S.B.

Bill No. 500

Time 11:10

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Aklestad		✓		
Senator Hammond		✓		
Senator Lane	✓			
Senator Christiaens	✓			
Senator Gage	✓			
Senator Himsel	✓			
Senator Stimatz	✓			
Senator Boylan		✓		
Senator Story	✓			
Senator Smith		✓		
Senator Manning (Dick)	✓			
Senator Bengtson	✓			
Senator Keating		✓		
Senator Regan	✓			

C

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion: adopt HB 500 as
amended

*See ch. 4-24-85
to be referred to committee*

If a student spends half or more of his time in school in the regular program and the balance of his time in the special education program, he shall be considered regularly enrolled for ANB purposes.

(3) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district shall be calculated individually for each school, except that when:

(a) more than one school of a district, other than a junior high school in an elementary district which has been approved and accredited as a junior high school, is located within the incorporated limits of a city or town, the average number belonging of such schools shall be based on the aggregate of all the regularly enrolled, full-time pupils attending such schools located within the incorporated limits of a city or town;

(b) a junior high school which has been approved and accredited as a junior high school is located within the incorporated limits of a city or town in which a high school is located, all of the regularly enrolled, full-time pupils of the junior high school shall be considered as high school district pupils for the purposes of calculating the average number belonging of the high schools located within the incorporated limits of such city or town;

(c) a middle school has been approved and accredited, in which case pupils below the 7th grade shall be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils shall be considered high school pupils for ANB purposes; or

(d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils attending the nonaccredited school shall not be eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the foundation program for such district.

(4) When 11th or 12th grade students are regularly enrolled on a part-time basis, high schools may calculate the ANB to include an "equivalent ANB" for those students. The method for calculating an equivalent ANB shall be determined in a manner prescribed by the superintendent of public instruction.

(5) When the average number belonging for the current school year, as calculated according to the provisions of this section, is less than the ANB for the previous school year and the taxable valuation of the school district has decreased by 25% or more during the five previous taxable years, the ANB amount for the ensuing school year must be calculated in the following manner:

It will be seen that fund monies can be used only for costs of administering the Act.

Other statutes recognizing the special revenue fund for milk control are Sections 81-23-204(2) and 81-23-403, MCA.

Under the provisions of Section 17-8-101(1), MCA, monies deposited in the special fund can be paid out thereof only on appropriation made by law.

CONCLUSIONS:

1. Moneys collected under the Milk Control Act can only be deposited to the general fund or to the special revenue fund for milk control.

2. Monies in the special revenue fund can only be expended to pay the costs of administering the Milk Control Act and for no other purpose.

3. General fund monies derived under the Act are negligible.

4. Monies generated from administrative assessments under the Act can not be deposited to any other fund and are therefore not available for any purpose other than administration of the Act.

5. An appropriation of Milk Control funds for any purpose other than administration of the Act would violate Section 81-23-202(6) MCA. Such an appropriation could not be funded from monies collected under the Act.

6. Monies collected under the Act that are deposited in any fund other than the general fund or the special revenue fund for Milk Control would not be expendable, because they can only be expended to pay costs of administering the Act.

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date _____

Bill No. _____

Time 10:

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Aklestad		✓		
Senator Hammond		✓		
Senator Lane	✓			
Senator Christiaens		✓		
Senator Gage		✓		
Senator Himsel	✓			
Senator Stimatz	✓			
Senator Boylan		✓		
Senator Story	✓			
Senator Smith		✓		
Senator Manning (Dick)	✓			
Senator Bengtson	✓			
Senator Keating		✓		
Senator Regan	✓			

9-7

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

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16

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Chris

Date _____

Bill No. 344 Time _____

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey		✓		
Senator Jacobson				
Senator Aklestad				
Senator Hammond				
Senator Lane				
Senator Christiaens				
Senator Gage				
Senator Himsl				
Senator Stimatz				
Senator Boylan				
Senator Story				
Senator Smith				
Senator Manning (Dick)				
Senator Bengtson				
Senator Keating				
Senator Regan				

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion: 56 / 1 Car
Regan

Regan

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date _____

Bill No. 304

Time _____

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Aklestad	✓			
Senator Hammond	✓			
Senator Lane	✓			
Senator Christiaens	✓			
Senator Gage	✓			
Senator Himsl			✓	
Senator Stimatz			✓	
Senator Boylan			✓	
Senator Story			✓	
Senator Smith	✓			
Senator Manning (Dick)	✓			
Senator Bengtson			✓	
Senator Keating			✓	
Senator Regan			✓	

11-5

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

Orig _____

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1000
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SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date _____

Bill No. 344

Time _____

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Aklestad	✓			
Senator Hammond	✓			
Senator Lane	✓			
Senator Christiaens	✓			
Senator Gage	✓			
Senator Himsl		✓		
Senator Stimatz	✓			
Senator Boylan	✓			
Senator Story		✓		
Senator Smith	✓			
Senator Manning (Dick)	✓			
Senator Bengtson		✓		
Senator Keating		✓		
Senator Regan		✓		
		5		

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion: No Opp - A. J. Conner

STANDING COMMITTEE REPORT

April 18 19 85

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Joint Resolution No. 41

third reading copy (blue)
color

**REQUESTING LEGISLATIVE FINANCE COMMITTEE TO CONDUCT VACANCY SAVINGS STUDY
LORY (Gage)**

Respectfully report as follows: That House Joint Resolution No. 41

BE CONCURRED IN

XXXXXX
DO PASS

XXXXXXXXXX
DO NOT PASS

SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April 18 1983

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Joint Resolution No. 50

third reading copy (blue)
color

INTERIM STUDY OF ALTERNATIVE SITES FOR LAW ENFORCEMENT ACADEMY

THOFT (Hinsl)

Respectfully report as follows: That House Joint Resolution No. 50

BE CONCURRED IN

~~XXXXX~~
DO PASS

~~XXXXXXXXX~~
DO NOT PASS

SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April 16 19 85

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Bill No. 212

third reading copy (blue)
color

TO APPROPRIATE FUNDS TO SUPT. OF PUBLIC INST. FOR PUBLIC SCHOOL SUPPORT

EUDALLY (Smith)

Respectfully report as follows: That House Bill No. 212

BE CONCURRED IN

XXXXXX
DO PASS

XXXXXXXXXX
DO NOT PASS

SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April 18 19 85

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Bill No. 270

third reading copy (blue)
color

CREATING LEG. COMM. ON HEALTH INSURANCE FOR RETIRED PUBLIC EMPLOYEES

MARKS (Bangtson)

Respectfully report as follows: That House Bill No. 270

BE CONCURRED IN

~~XXXXX~~

~~XXXXXXXXX~~

.....
SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April ~~XX~~ 18 19 85

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Bill No. 344

third reading copy (blue)
color

FAMILY PRACTICE TRAINING PROGRAM - ESTABLISHMENT AND FUNDING

MANUEL (Jacobson)

Respectfully report as follows: That House Bill No. 344,
be amended as follows:

1. Page 2, line 24.
Strike: "\$100,000"
Insert: "\$70,000"

AND AS AMENDED
BE CONCURRED IN

~~XXXXX~~

~~XXXXXXXXXX~~

SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April 22 1985

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Bill No. 381

third reading copy (blue)
color

APPROPRIATE MONEY TO OPI TO REIMBURSE DESMET SCHOOL DISTRICT

REAM (Van Valkenburg)

Respectfully report as follows: That House Bill No. 381
be amended as follows:

1. Title, line 6.
~~Strike: "\$25,000"~~
Insert: "\$57,000"
2. Page 1, line 14.
~~Strike: "\$25,000"~~
Insert: "\$57,000"

AND AS AMENDED
BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXXXX~~

SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April 17

19 85

MR. PRESIDENT

We, your committee on **Finance and Claims**

having had under consideration **House Bill** No. **500**

third reading copy (**blue**)
color

GENERAL APPROPRIATIONS ACT

BARDANOUVE (Regan)

Respectfully report as follows: That **House Bill** No. **500,**
be amended as follows:

Amendments are written as they appear in the bill with the language and figures changed and adjusted.

AND AS AMENDED
HE CONCURRED IN

~~XXXXX~~

~~XXXXXXXX~~

SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April 18 19 85

MR. PRESIDENT

We, your committee on **Finance and Claims**

having had under consideration **House Bill** No. **632**

third reading copy (**blue**)
color

COST-OF-LIVING INCREASE & MIN. MONTHLY RETIREMENT BENEFIT FOR TEACHERS

BUDAILY (Hammond)

Respectfully report as follows: That **House Bill** No. **632**

BE CONCURRED IN

XXXXXX
DO PASS

XXXXXXXX
DO NOT PASS

SENATOR PAT REGAN Chairman.

STANDING COMMITTEE REPORT

April 14 1985

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Bill No. 633

third reading copy (blue)
color

PROVIDING GENERAL FUND SUPPORT FOR SUBDIVISION REVIEW

LOBY (Christians)

Respectfully report as follows: That House Bill No. 633

BE CONCURRED IN

~~XXXX~~
DO PASS

~~XXXXXX~~
DO NOT PASS

SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

April 18 19 85

MR. PRESIDENT

We, your committee on **Finance and Claims**

having had under consideration **House Bill** No. **754**

third reading copy (blue)
color

RETIREMENT ALLOWANCE ADJUSTMENT UNDER MUNICIPAL POLICE RETIREMENT SYSTEM

FRITZ (Manning)

Respectfully report as follows: That **House Bill** No. **754**

BE CONCURRED IN

~~XXXXX~~

DO PASS

~~XXXXXX~~

DO NOT PASS

.....
SENATOR PAT REGAN

.....
Chairman.

STANDING COMMITTEE REPORT

April 18 19 85

MR. PRESIDENT

Finance and Claims

We, your committee on

having had under consideration..... **House Bill** **812**
No.....

third reading copy (**blue**)
color

CREATE SCIENCE AND TECHNOLOGY DEVELOPMENT BOARD - PROVIDING FUNDING

BRADLEY (Haffey)

Respectfully report as follows: That..... **House** **812**
No.....

HE CONCURRED IN

~~XXXX~~
DO PASS

~~XXXXXX~~
DO NOT PASS

~~SENATOR PAT REGAN~~

Chairman.

STANDING COMMITTEE REPORT

..... April 18 19 85

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Bill No. 909

third reading copy (blue)
color

ENERGY CONSERVATION GRANTS TO STATE GOVERNMENTAL UNITS

MANUEL (Jacobson)

Respectfully report as follows: That House Bill No. 909

HE CONCURRED IN

~~XXXXX~~ STATEMENT OF INTENT ATTACHED AND ADOPTED

~~XXXXXXXXXX~~

..... SENATOR PAT REGAN

Chairman.

STANDING COMMITTEE REPORT

..... April 18 19 85

MR. PRESIDENT

We, your committee on **Finance and Claims**

having had under consideration **House Bill** No. **932**

third reading copy (**blue**)
color

APPROPRIATE RECREATION FEES TO COONEY DAM LOAN REPAYMENT

SPAETH (CONOVER)

Respectfully report as follows: That **House Bill** No. **932** ,
be amended as follows:

1. Title, lines 5 and 6.
Strike: **"STATE"** on line 5 through **"EARNED"** on line 6
Insert: **"LICENSE"**

AND AS AMENDED
BE CONCURRED IN

~~XXXX~~
DO PASS

~~XXXXXX~~
DO NOT PASS

.....
SENATOR PAT REGAN

.....
Chairman.

STANDING COMMITTEE REPORT

..... April 18 19 85

MR. PRESIDENT

We, your committee on..... **Senate Finance and Claims**

having had under consideration..... **House Bill** No. **942**

third reading copy (blue)
color

BIENNIAL APPROPRIATIONS FROM RIT FOR HAZARDOUS WASTE

WINSLOW (Gage)

Respectfully report as follows: That..... **House Bill** No. **942**

be amended as follows:

1. Title, lines 5 and 6.

Strike: **"DELETE"** on line 5 through **"TO"** on line 6

Insert: **"REQUIRE BIENNIAL APPROPRIATIONS FROM"**

2. Title, line 7.

Strike: **"AT FISCAL YEAREND"**

Insert: **"TO IMPLEMENT CERTAIN HAZARDOUS WASTE LAWS"**

3. Page 2, line 17.

Following: **"biennium"**

Insert: **"The allocation in this subsection must be appropriated for each full biennium as necessary to obtain matching federal funds for the biennium."**

AND AS AMENDED
BE CONCURRED IN

~~XXXX~~
DO PASS

~~XXXXXX~~
DO NOT PASS

..... **SENATOR PAT REGAN**

Chairman.

STANDING COMMITTEE REPORT

April 18 19 85

MR. PRESIDENT

We, your committee on Finance and Claims

having had under consideration House Bill No. 949

third reading copy (blue)
color

APPROPRIATING COAL BOARD MONEY TO THE FOUNDATION PROGRAM

MARKS (Gage)

Respectfully report as follows: That House Bill No. 949

BE CONCURRED IN

~~HOUSE~~

~~HOUSE~~

.....
SENATOR PAT REGAN

Chairman.

AMENDMENTS TO HB 942:

1. TITLE, LINES 5 AND 6.

STRIKE: "DELETE" ON LINE 5 THROUGH

"TO" ON LINE 6

INSERT: "REQUIRE BIENNIAL APPROPRIATIONS
FROM "

2. TITLE, LINE 7.

STRIKE: "AT FISCAL YEAREND"

INSERT: "TO IMPLEMENT CERTAIN HAZARDOUS
WASTE LAWS"

3. PAGE 2, LINE 17.

FOLLOWING: "BIENNIUM."

INSERT: "THE ALLOCATION IN THIS SUBSECTION
MUST BE APPROPRIATED FOR EACH
FULL BIENNIUM AS NECESSARY TO OBTAIN
MATCHING FEDERAL FUNDS FOR THE
BIENNIUM."

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date _____

Bill No. 909

Time 6:34

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey				
Senator Jacobson				
Senator Aklestad				
Senator Hammond				
Senator Lane				
Senator Christiaens				
Senator Gage				
Senator Himsl				
Senator Stimatz				
Senator Boylan				
Senator Story				
Senator Smith				
Senator Manning (Dick)				
Senator Bengtson				
Senator Keating				
Senator Regan				

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion:

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date _____

Bill No. 633

Time 6:30

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Aklestad		✓		
Senator Hammond		✓		
Senator Lane		✓		
Senator Christiaens	✓			
Senator Gage	✓			
Senator Himsel	✓			
Senator Stimatz	✓			
Senator Boylan		✓		
Senator Story	✓			
Senator Smith		✓		
Senator Manning (Dick)	✓			
Senator Bengtson	✓			
Senator Keating		✓		
Senator Regan	✓			

10-6

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Motion: Story - Subst. -
Com -

SENATE COMMITTEE

FINANCE AND CLAIMS

VOTING RECORD

Date _____

Bill No. 812 Time _____

Name	YES	NO	ABSENT	EXCUSED
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Aklestad		✓		
Senator Hammond		✓		
Senator Lane	✓			
Senator Christiaens	✓			
Senator Gage	✓			
Senator Himsl	✓			
Senator Stimatz	✓			
Senator Boylan	✓			
Senator Story		✓		
Senator Smith		✓		
Senator Manning (Dick)	✓			
Senator Bengtson		✓		
Senator Keating	✓			
Senator Regan	✓			

11 5

Sylvia Kinsey
Secretary

Senator Regan
Chairman

Open

Motion: _____

APRIL 18, 1985

MR. PRESIDENT:

WE, YOUR COMMITTEE ON FINANCE AND CLAIMS HAVING HAD UNDER CONSIDERATION HOUSE BILL 909, ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT

HOUSE BILL 909

A statement of intent is required for this bill because it directs the department of natural resources and conservation to adopt rules for repayment of grants and awarding of grants to state governmental units. In adopting rules, the department should develop selection criteria that include, at a minimum, payback criteria for investments to pay for themselves through energy savings. The department should consult with the department of administration when developing rules for awarding grants to state governmental units.

A handwritten signature in black ink, appearing to be "Pat R. [unclear]", is written over a horizontal dotted line at the bottom right of the page.

Staff Technical Correction to HB 500

Amendment to remove Building Codes Division from Department of Administration to Department of Commerce. Corrected to delete full building codes item from Administration. Amendment forgot Item name and number and the audit subitem; to then change numbers in narrative following department; and to correct source of appropriation from proprietary to state special revenue.

1. Page 23, lines 19 through 22.

Strike: Item 7 in its entirety

Renumber: subsequent items

2. Page 27, line 13 through line 16 of page 28.

In lines: 13, 15, 16, 17, 18, 20, 21, 22, on page 27 and line 16
on page 28

Change: each Item number by subtracting 1 from each Item number
higher than 7

3. Page 58.

Following: line 21

Insert: "22. Building codes division
1,100,573 (State Special Rev. - 1986) 943,134
(State Special Rev. - 1987)
a. Audit 3000 (State Special Revenue FY 86)"