

MINUTES

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

COMMITTEE ON APPROPRIATIONS

Call to Order: By REP. TOM ZOOK, on March 3, 1993, at 3:30 P.M.

ROLL CALL

Members Present:

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

Members Excused: Rep. Ray Peck

Members Absent: None

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Mary Lou Schmitz, Committee Secretary

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

Committee Business Summary:

Hearing: None
Executive Action: HB 100, HB 227, HB 483, HB 524, HB 525,
HB 529, HB 531, HB 564, HB 568, HB 574

Tape 1, Sides A & B did not record

EXECUTIVE ACTION ON HB 564

Sponsor: REP. BERGSAGEL explained the bill: An Act generally revising the agricultural warehouse, commodity dealer, and grain standards act relating to license fees, revenue accounts, bonding requirements, and passage of title on agricultural commodity

sales.

Fiscal Note Assumption: 1) The Department of Agriculture commodity dealer/public warehouse program will become 50% self supporting and 50% general fund effective July 1, 1993.
2) License fees are based on amount of grain purchased and stored. Revenues can fluctuate due to crop failure, e.g., drought, hail and insect damage. Excess revenues are required for maintaining program funding during low production years.
3) License fee revenue projections are based on FY 92 actuals.
4) Approximately 23% of total program general fund expenditures occur in the commodity dealer/public warehouse program (based on historical employee time and expense data). FY 94 and FY 95 expenditures are based on executive budget data which includes an indirect charge for services provided by the Department of Agriculture. Indirect costs are calculated using 18.28% of 50% personal services in FY 94 and 18.31% in FY 95.
5) Statutory appropriation authority would provide the Department of Agriculture a method to expend revenues authorized in sections 80-4-538, 80-4-612 and 80-4-503, MCA, due to the additional expenses incurred as a result of grain warehouse deficiency or shortage, or company liquidation or bankruptcy.

Motion/Vote: REP. KADAS moved amendments be drafted by Ms. Cohea. Motion failed 8 - 9 with Reps. Grady, Bardanoue, Bergsagel, Royal Johnson, Kasten, Nelson, Peterson, Wiseman and Zook voting no.

Motion/Vote: REP. COBB MOVED HB 564 DO PASS. Motion carried 14 - 3 with Reps. Royal Johnson, Menahan and Quilici voting no.

EXECUTIVE ACTION ON HB 574

Sponsor: REP. JIM RICE explained HB 574: An Act continuing the existence of the appellate defender system, the appellate defender commission, and the office of the appellate defender.

Fiscal Note Assumptions: 1) The bill continues the existence of the Appellate Defender Commission and the Office of the Appellate Defender which was slated for termination on July 1, 1993. It is assumed that the office will remain administratively attached to the Department of Administration in accordance with current statute.

2) \$100,000 per year and 2.00 FTE were appropriated to fund the office and the commission during the 1993 biennium. It is assumed that a similar annual amount will be necessary to continue the functions.

3) Funding for the commission and office is provided from 7% of the 2% motor vehicle taxes (general fund) which would otherwise be appropriated to the District Court Reimbursement Program in the Judiciary. The amounts expended for the commission and office reduce the funds available for district court reimbursement but have no net effect on the general fund.

Fiscal Impact: Department of Administration - Office of

Appellate Defender. Net impact on General Fund - 0

Motion/Vote: REP. PETERSON MOVED HB 574 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 525

Sponsor: REP. JIM RICE explained the bill. An Act establishing the judicial unification and finance commission; providing for appointments to the commission; directing the commission to conduct a study of the financing and organization of the Montana judiciary; appropriating funds for operation of the commission.

Fiscal Note Assumption: 1) Reimbursement rates for travel and per diem will remain as currently authorized. Only legislators will receive compensation.
2) The commission will conduct 12 one-day meetings over the course of the 1995 interim.
3) All 11 members will attend all 12 meetings.
4) The Legislative Council will provide staff for the commission within current resources.
5) \$25,000 state special revenue is appropriated to the Legislative Council; this amount is assumed to be a biennial appropriation. The bill authorizes the Legislative Council to accept, on behalf of the commission, gifts, grants, or donations, up to a limit of \$25,000, to be deposited in the state special revenue account. There is no assurance of receipt of this revenue; however, pursuant to 17-2-108, MCA, any special revenue received will be expended before general fund is expended.
6) The commission may not spend in excess of a total of \$58,000. A minimum of \$2,222 is estimated for legislator pay and the remainder of the expenses are estimated for operating, including travel and per diem of members.

FISCAL IMPACT: Legislative Council - Judicial Unification and Finance Commission. Net Impact to General Fund - 0

Motion/ Vote: REP. BARDANOUE moved to amend HB 525 so the \$33,000 funding would be taken from the counties and not the general fund. Motion carried 14 - 3 with Reps. Grady, DeBruycker and Kasten voting no.

Motion/Vote: REP. KADAS moved to amend HB 525 to reduce the \$33,000 to \$10,000 and change \$25,000 to \$40,000. EXHIBIT 2. Motion carried 14 - 3 with Reps. Grady, DeBruycker and Kasten voting no.

Motion/Vote: REP. KADAS moved HB 525 DO PASS AS AMENDED. Motion carried 13 - 4 with Reps. Grady, DeBruycker, Royal Johnson and Kasten voting no.

EXECUTIVE ACTION ON HB 524

Sponsor: REP. DAVE BROWN explained the bill. An Act appropriating \$600,000 of state special revenue fund money to the Department of Justice to be used by counties and incorporated cities and towns to address the problems of minors and for substance abuse programs and law enforcement programs and equipment. EXHIBIT 3, a letter from the Attorney General's office was handed out.

Motion/Vote: REP. KADAS moved to TABLE HB 524. Motion carried unanimously.

EXECUTIVE ACTION ON HB 529

Sponsor: REP. BILL STRIZICH explained the bill. An Act statutorily appropriating driver's license reinstatement fee money to the Department of Justice for the purchase and maintenance of equipment used to analyze breath for the presence of alcohol.

Fiscal Note Assumptions: 1) Currently, the Highway Traffic Safety Division distributes reinstatement fee funds to 18 county Driving Under the Influence (DUI) task forces. It is assumed that that number of DUI task forces will remain constant in the 1995 biennium.

2) It is assumed that the number of DUI convictions in the state and the collection rate for reinstatement of driver licenses suspended as a result of DUI convictions or forfeitures will remain at relatively the same level as experienced in fiscal years 1991 and 1992.

3) It is assumed that the difference between the general fund portion of reinstatement fees collected in FY 93 and the amount distributed to counties for DUI task forces in FY 93 will be approximately the amount available for statutory appropriation in FY 94. The difference assumed in the executive budget for the 1995 biennium is \$90,000 per year (\$300,000 estimated total general fund revenue - \$210,000 recommended appropriation for local assistance in the Highway Traffic Safety Division).

4) It is assumed that all of the excess funds will be statutorily appropriated to the Department of Justice and expended on the purchase and maintenance of DUI breathalyzer equipment. No funds are recommended in the 1995 biennium executive budget for this purpose.

FISCAL IMPACT: Department of Justice - Forensic Science Division.

Motion: REP. MENAHAN moved HB 529 DO NOT PASS.

Motion/Vote: REP. KADAS MADE A SUBSTITUTE MOTION TO TABLE HB 529. Motion carried unanimously.

EXECUTIVE ACTION ON HB 531

Sponsor: REP. BILL STRIZICH explained the bill. An Act

requiring the Department of Corrections and Human Services to develop and administer a pathological gambling treatment program; defining services to be provided by the program.

Terry Cohea, Legislative Fiscal Analyst, explained the amendments, EXHIBIT 4.

Motion/Vote: REP. WANZENRIED moved amendments to HB 531, EXHIBIT 4. Motion carried unanimously.

Motion: REP. WANZENRIED MOVED HB 531 DO PASS AS AMENDED.

Motion/Vote: REP. GRADY MADE A SUBSTITUTE MOTION TO TABLE HB 531. Motion carried with Reps. Royal Johnson, Quilici and Wanzenried voting no.

EXECUTIVE ACTION ON HB 227

Sponsor: REP. TOOLE explained the bill. An Act generally revising the disclosure of conflict of interest and financial reporting requirements for State Officers and Legislators requiring disclosure of a conflict of interest;

Fiscal Note Assumptions: Secretary of State's Office 1) Functions transferred to the Commissioner of Political Practices are not currently being performed by the Secretary of State's Office due to a district court ruling specifically prohibiting the Secretary of State from administering the ethics laws.
2) No funds are currently appropriated to or expended by the Secretary of State's Office in this regard.

Commissioner of Political Practices

3) An additional 1.00 FTE (Grade 14 executive assistant) will be required to meet the ethics enforcement workload created under the bill.

4) Preparation and publishing of an interpretive guide covering ethics and conflict of interest requirements will require printing and development expenses. Required investigations may involve some travel and legal expenses.

5) Administrative rulemaking will be necessary with attendant expenses for filing fees, rule hearings, transcripts, legal services, and printing.

6) Office furniture and equipment for the additional staff will be purchased in FY 94.

7) The commissioner may impose civil penalties not to exceed \$500 for each violator under this bill. The impact on revenue is not subject to reasonable estimate.

Motion/Vote: REP. FISHER MOVED HB 227 BE TABLED. Motion carried 14 - 4 with Reps. Bardanouve, Kadas, Menahan and Wiseman voting no.

EXECUTIVE ACTION ON HB 483

Sponsor: REP. TOOLE explained the bill. An Act providing that a person operating a vehicle upon the ways of the state open to the public consents to more than one test for the presence of alcohol or drugs; providing that an alcohol test be given first and that a drug test may not be given if the alcohol test is failed.

EXHIBIT 5 was handed out.

Motion/Vote: REP. ROYAL JOHNSON MOVED HB 483 BE TABLED. Motion carried 12 - 6 with Reps. Bardanouve, John Johnson, Nelson, Quilici, Wanzenried and Zook voting no.

EXECUTIVE ACTION ON HB 100

Sponsor: REP. DAVIS explained the bill. An Act requiring the Department of Transportation to designate turnouts on state two-lane highways for slow-moving vehicles.

Discussion: REP. DAVIS said the reason this bill came about is because the Montana Highway Patrol cannot legally arrest or stop a slow-moving vehicle because the slow-moving vehicle turnoffs are not marked. If the bill is passed and signs are put up, and that slow-moving vehicle fails to pull over and allow more than four vehicles to pass, it is in violation of the law.

REP. DeBRUYCKER said this state has "slow moving vehicles stay right" but some other states will have "all vehicles stay to the right, the inside lane is for passing". If the signs were changed would that do what your bill is trying to do? REP. DAVIS said if they had a three-laner or, at least a place designated for passing as on the West Shore of Flathead Lake, but the law says only a two-lane.

REP. FISHER said she understood the driver had to pull over if there was a place. Highway 93, between Whitefish and Kalispell, has a space, and she doesn't know how you could designate the whole 15-mile strip or why a sign has to be posted. REP. DAVIS said that causes frustration to the Montana Highway Patrol. There is an existing law.

Motion/Vote: REP. KASTEN MOVED HB 100 BE TABLED. Motion carried 13 - 5 with Reps. Bardanouve, Kadas, Menahan, Quilici and Wanzenried voting no.

EXECUTIVE ACTION ON HB 568

Sponsor: REP. KNOX - An Act diverting money from the coal severance tax permanent fund to the capital projects fund for deferred maintenance of state buildings.

Motion: REP. MENAHAN moved HB 568 DO PASS

Discussion: Ms. Cohea referred to the Fiscal Impact sheet and said during the 1995 biennium it has a 0 impact on the general fund and SEA. It takes interest away from the SEA but an equal

amount goes into the general fund. Beginning in the 1997 biennium it would reduce revenue because revenue that would have gone into the coal tax trust and had generated interest for the general fund and SEA, instead will be spent for deferred maintenance.

REP. KADAS asked if the deferred maintenance is supposed to supplement the financing of the deferred maintenance program they have now or is this to add new deferred maintenance projects to what they are theoretically doing? **REP. BERGSAGEL** said there is a real need for maintenance on buildings and the state just doesn't have any money to do that. **CHAIRMAN ZOOK** asked **REP. BERGSAGEL** if the figure in Long Range was \$170,000 for every \$80,000 of valuation? **REP. BERGSAGEL** said that was correct. That is the amount of money they have to spend on maintenance. **REP. KADAS** said he doesn't argue that they need to take care of maintenance but thinks they should do it out of the ongoing budgets. What they will do with this bill is weaken one of their strongest revenue sources and thinks it is not wise to do that, particularly at this point. **REP. BERGSAGEL** said he doesn't disagree, in fact, he has been on the University System about it and suggested they should start putting maintenance into their operating budgets. They indicated to him those moneys should be put aside and did want them to go through long range planning. He has seen budgets where maintenance has been moved into administration.

REP. WISEMAN asked **REP. BERGSAGEL** if they aren't putting any money into maintenance? **REP. BERGSAGEL** said they are doing a certain amount of work but the amount of work is not enough to take care of the need.

REP. MENAHAN said several years ago there was a fairly new building at MSU that had bricks fall off. There is a tremendous investment in all the state building and the term "deferred maintenance" shows they are doing something wrong. It should not be "deferred" but an ongoing situation.

REP. PETERSON asked if the amendments had been accepted. **Ms. Cohea** said as she understands the amendment, if HR 2 target is met this session then it triggers the placement of the money in the account.

REP. DeBRUYCKER said his understanding is this would cap the coal tax. Does that take a 3/4 vote? Several committee members said yes.

REP. GRADY asked **Ms. Cohea** how much will this effect the interest? **Ms. Cohea** said approximately \$7,500 a year will not go into the trust so if interest rates ever got to 10% again, using that as an easy figure, the state would lose \$750,000 interest the first year, \$1.5 million the second year with compounding over the six year period the bill is in effect. There isn't any impact in the 95 biennium, even though the money starts going in

the account, it isn't spent until the next legislature actually expends it. During that period of time the interest goes into the general fund. By the end of the 97 biennium there would be almost \$30 million in the account that would have lost two years' interest.

REP. GRADY asked REP. ROYAL JOHNSON if the Universities have something in their budgets now for this type of maintenance?

REP. JOHNSON said in the past they used part of some moneys for maintenance. REP. KADAS said they have money in their budgets for maintenance. When they have a large project, like a roof, they go to long range to deal with that. There is a whole different hearing process. REP. ROYAL JOHNSON said there is currently a program for \$5.5 million worth of retrofit to their heating system, their boilers, and the whole plant. Forty-three buildings on that heating system have failed twice this year.

REP. WISEMAN said deferred maintenance is not a good solid maintenance program for as many buildings as the state has.

REP. BERGSAGEL said there is a total need, according to the state administration, for about \$7 million to address that issue. REP. BARDANOUVE said he is against using the coal trust.

REP. QUILICI said he thinks they have to start addressing this bill and whether they want to fund deferred maintenance with this type of legislation.

Motion/Vote: REP. KADAS MADE A SUBSTITUTE MOTION TO TABLE HB 568. Motion carried 13 - 4 with Reps. Bergsagel, Royal Johnson, Menahan and Quilici voting no.

ADJOURNMENT

Adjournment: 6:15 P.M.



REP. TOM ZOOK, Chairman



MARY LOU SCHMITZ, Secretary

TZ/mls

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL

DATE

3/3/93 p.m.

NAME	PRESENT	ABSENT	EXCUSED
REP. ED GRADY, V. CHAIR	✓		
REP. FRANCIS BARDANOUVE	✓		
REP. ERNEST BERGSAGEL	✓		
REP. JOHN COBB	✓		
REP. ROGER DEBRUYKER	✓		
REP. MARJ. FISHER	✓		
REP. JOHN JOHNSON	✓		
REP. ROYAL JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BETTY LOU KASTEN	✓		
REP. WM. "RED" MENEHAN	✓		
REP. LINDA NELSON	✓		
REP. RAY PECK			✓
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. DAVE WANZENREID	✓		
REP. BILL WISEMAN	✓		
REP. TOM ZOOK, CHAIR	✓		

HOUSE STANDING COMMITTEE REPORT

March 4, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 564 (second reading copy -- yellow) do pass .

Signed: _____



Tom Zook, Chair



Committee Vote:
Yes , No .

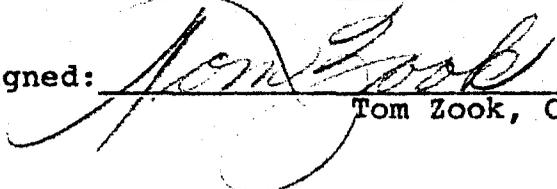
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HOUSE STANDING COMMITTEE REPORT

March 4, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 574 (second reading copy -- yellow) do pass .

Signed: 

Tom Zook, Chair

Committee Vote:
Yes , No .

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113

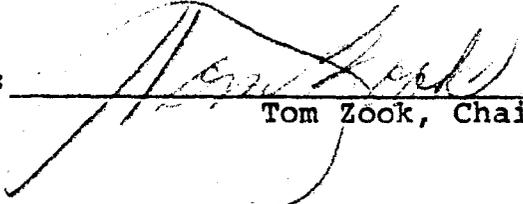
HOUSE STANDING COMMITTEE REPORT

March 4, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 525 (second reading copy -- yellow) do pass as amended .

Signed: _____


Tom Zook, Chair

And, that such amendments read:

1. Page 4, line 5.

Strike: "\$25,000"

Insert: "\$40,000"

2. Page 4, line 20.

Strike: "\$25,000"

Insert: "\$40,000"

3. Page 4, line 23.

Strike: "\$33,000"

Insert: "\$10,000"

4. Page 4, line 25.

Following: "."

Insert: "The allocation must be from funds available after the supreme court administrator has paid expenses specified in 3-5-901."

5. Page 4.

Following: line 25

Insert: "(c) If the amount available for allocation under subsection (3) (b) is less than \$10,000, there is appropriated to the legislative council from funds collected pursuant to 61-3-509(2) that are not appropriated for district court expenses, as provided in 3-5-901, an amount not to exceed \$10,000 for the purpose of conducting the study in [section 4]. The sum of the allocation in subsection (3) (b) and the appropriation in this subsection (c) may not exceed \$10,000."

Committee Vote:

March 4, 1993
Page 2 of 2

6. Page 5, line 1.
Strike: "appropriation"
Insert: "appropriations"

7. Page 5, lines 3 through 23.
Strike: section 6 in its entirety
Renumber: subsequent sections.

HOUSE OF REPRESENTATIVES

ADDITIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 564 NUMBER _____

MOTION: Rep. Kadas moved amendments be drafted by

Ms. Cohea. Motion failed 8 - 9

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		x
REP. FRANCIS BARDANOUVE		x
REP. ERNEST BERGSAGEI		x
REP. JOHN COBB	x	
REP. ROGER DEBRUYKER	x	
REP. MARJ. FISHER	x	
REP. JOHN JOHNSON	x	
REP. ROYAL JOHNSON		x
REP. MIKE KADAS	x	
REP. BETTY LOU KASTEN		x
REP. WM. RED MENAHAN	x	
REP. LINDA NELSON		x
REP. RAY PECK		
REP. MARY LOU PETERSON		x
REP. JOE QUILICI	x	
REP. DAVE WANZENREID	x	
REP. BILL WISEMAN		x
REP. TOM ZOOK, CHAIR		x
	8	9

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 564 NUMBER _____

MOTION: Rep Cobb moved HB 564 DO PASS

Motion carried 14 - 3

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	14	3

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 574 NUMBER _____

MOTION: Rep. Peterson moved HB 574 DO PASS

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 525 NUMBER _____

MOTION: Rep. Bardanouve moved to amend HB 525 so the \$33,000
would be taken from the counties and not the general fund

Motion carried 14 - 3

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	14	3

EXHIBIT 2
DATE 3/3/93
HB HB 525

TO: Representative Kadas

FROM: Jon Moe, Associate Fiscal Analyst
Office of the Legislative Fiscal Analyst

RE: Amendment to HB 525

Explanation

The attached amendment would make the following changes:

- 1) Modifies the amount that the Legislative Council can collect in gifts, grants, donations, etc., and the amount appropriated from those funds, from \$25,000 to \$40,000.
- 2) Modifies the amount allocated to the Legislative Council from the District Court Criminal Reimbursement program from \$33,000 to \$10,000, and specify that the allocation is from moneys left after payments made pursuant to 3-5-901 (reimbursements and grants).
- 3) Provides an appropriation to the Legislative Council of an amount not to exceed \$10,000, from the moneys collected for the District Court Criminal Reimbursement program which are not appropriated; this in the event that the program is not appropriated an amount that would result in at least \$10,000 being available for the allocation (#2 above). It limits the total amount provided to the Legislative Council from the program to \$10,000.

Notes

- 1) There is no assurance that the \$10,000 will be available at the end of the year for distribution to the counties, and therefore, available for the allocation. The law provides for reimbursement of expenses of the District Courts and for grants to district courts, and that the remaining funds are returned to the counties. This amendment requires that the allocation be from the moneys that would otherwise be distributed back to the counties.
- 2) Since the \$10,000 would be allocated after the payments to the district courts, it is not likely that the allocation can occur until the end of fiscal 1994 (June 30th or later). The study report is due December 1, 1994.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 525 NUMBER _____

MOTION: Rep. Kadas moved to amend HB 525 to reduce the \$33,000 to \$10,000 and change \$25,000 to \$40,000, Exhibit 2

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 525 NUMBER _____

MOTION: Rep. Kadas moved HB 525 DO PASS AS AMENDED.

Motion carried 13 - 4

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	13	4

ATTORNEY GENERAL
STATE OF MONTANA

Funk
HB 524

Joseph P. Mazurek
Attorney General



Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

MEMORANDUM

TO: REPRESENTATIVE DAVE BROWN
FROM: PETER FUNK
Assistant Attorney General
DATE: March 3, 1993
RE: House Bill 524

EXHIBIT 3
DATE 3/3/93
HB 148 524

Dave, House Bill 524 includes a provision which would require the Department of Justice to distribute driver's license reinstatement fees depending on whether they were collected in a county or an incorporated city or town. The basic problem the department has with this proposal is that, based upon the information that is provided to the department, it is often impossible to tell whether a certain ticket was issued within the limits of an incorporated city or town. Certain driver's license reinstatement fees also result from the issuance of an implied consent refusal affidavit but, unfortunately, we have the same problem with those documents.

A potential solution is to trigger the distribution based upon the location of the sentencing court. The problem with this idea is that the implied consent refusal affidavits do not go through the court system but are simply sent directly to the department where the license is thereafter suspended.

The attached amendment reflects a scheme of making the distribution dependent on the employment of the arresting officer. We are able to identify the arresting officer for both implied consent refusal affidavits and appropriate citations. However, making such a change in the statutory scheme could result in a loss of revenue to certain incorporated cities and towns.

At present, license reinstatement fees under paragraph (2)(b) are distributed on a population basis. Under our proposed amendment, such fees would be distributed on the basis of the number of arrests made in a given city or town. A city or town's arrest rate may be so low as to reduce the amount received below that they now receive under the population method of distribution. Of course, the opposite possibility is also true if a city or town's arrest rate is high.

Representative Dave Brown

Page 2

March 3, 1993

EXHIBIT 3
DATE 3-3-93
HB 524

In addition, fund distribution based upon the number of arrests links agency funding to, essentially, the number of citations issued. Such a tie may cause cities or towns to adopt enforcement strategies that are driven by the opportunity to obtain funds rather than true local needs.

In conclusion, while it may be possible to distribute driver's license reinstatement fee money on the basis of the geographical location of the underlying incident, it may be best for the reasons mentioned to leave the current population distribution scheme in place.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 524 NUMBER _____

MOTION: Rep. Kadas moved to Table HB 524

Motion carried unanimously

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 529 NUMBER _____

MOTION: Rep. Menahan moved HB 529 DO NOT PASS

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILICI		
REP. DAVE WANZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO HB 529 NUMBER _____

MOTION: Rep. Kadas made a substitute motion to Table HB 529

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	0

Amendments to House Bill No. 531
Introduced Copy

For the Committee on House Appropriations

Prepared by Teresa Olcott Cohea
February 19, 1993

EXHIBIT 4
DATE 3/3/93
HB HB 531

1. Page 8, line 12.

Following: "5."

Strike: remainder of line 12 and lines 13 through 17 in their entirety

Insert: "Pathological gambling treatment account -- appropriation. (1) There is a pathological gambling treatment account in the state special revenue fund. The following revenues must be deposited in this account during the biennium ending June 30, 1995:"

2. Page 8, line 18.

Strike: "(1)"

Insert: "(a)"

3. Page 8, line 19.

Strike: "\$136,867"

Insert: "\$54,369"

4. Page 8, line 21.

Strike: "(2)"

Insert: "(b)"

5. Page 8, lines 22 and 23.

Strike: line 22 in its entirety through "from" on line 23

Insert: "\$12,547 each quarter from the net revenue in"

6. Page 8, line 25.

Strike: "(3)"

Insert: "(c)"

7. Page 9, line 1.

Strike: "\$5,689"

Insert: "\$3,778"

8. Page 9.

Following: line 1

Insert: "(2) All funds deposited in the pathological gambling treatment account are appropriated to the department of corrections and human services for the biennium ending June 30, 1995, to develop and implement the pathological gambling treatment program provided for in [section 1]."

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 531 NUMBER _____

MOTION: Rep. Wanzenried moved amendments, Exhibit 4, Pathological gambling treatment account - appropriation.

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 531 NUMBER _____

MOTION: Rep. Wanzenried moved HB 531 DO PASS AS AMENDED.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILICI		
REP. DAVE WANZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 531 NUMBER _____

MOTION: Rep. Grady made a substitute motion to Table HB 531

Motion carried 14 - 3

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	14	3

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 p.m. BILL NO. HB 227 NUMBER _____

MOTION: Rep. Fisher moved to Table HB 227.

Motion carried 14 - 4

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR	X	
	14	4

STATE OF MONTANA
DEPARTMENT OF JUSTICE
FORENSIC SCIENCE DIVISION

EXH 311
DATE 3/13/93
HB/B 483 HB483

Joseph P. Mazurek
Attorney General



Broadway Building
554 West Broadway - 6th Floor
Missoula, MT 59802

March 3, 1993

Representative Howard Toole
Capitol Station
Helena, MT 59620

Dear Representative Toole:

The Forensic Science Division conducts approximately 1,000 blood alcohol tests per year (999 in FY92) for statewide law enforcement agencies. Of these tests, there is approximately 10% or 100 that do not test 0.10 grams ethyl alcohol/100 mls blood and further testing would be required. The staff time needed to do this further testing is insignificant and can be accomplished with existing staff with very little effect on our caseload to complete our current work.

The cost of chemicals and other lab materials to complete the analysis H.B.483 would allow would be approximately \$3,500 per fiscal year.

I hope this information is helpful. If I can be of any further assistance, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "George W. Unger".

George W. Unger, Administrator
Montana Division of Forensic Science

GWU:klg

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 483 NUMBER _____

MOTION: Rep. Royal Johnson moved to Table HB 483

Motion carried 12 - 6

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUE		X
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON		X
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR		X
	12	6

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 100 NUMBER _____

MOTION: Rep. Kasten moved to Table HB 100

Motion carried 13 - 5

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	--	X
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	13	5

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 568 NUMBER _____

MOTION: Rep. Menahan moved HB 568 DO PASS.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		
REP. FRANCIS BARDANOUVE		
REP. ERNEST BERGSAGEI		
REP. JOHN COBB REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. WM. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILICI		
REP. DAVE WANZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/3/93 pm BILL NO. HB 568 NUMBER _____

MOTION: Rep. Kadas made a substitute motion to Table.HB 568.

Motion carried 13 - 4

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEI		X
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	13	4