

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN ROSALIE (ROSIE) BUZZAS**, on February 14, 2005 at 3:30 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Rosalie (Rosie) Buzzas, Chairman (D)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. John E. Witt, Vice Chairman (R)
Rep. Tim Callahan (D)
Rep. Eve Franklin (D)
Rep. Bill E. Glaser (R)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. Joey Jayne (D)
Rep. Christine Kaufmann (D)
Rep. Ralph L. Lenhart (D)
Rep. Walter McNutt (R)
Rep. Penny Morgan (R)
Rep. Rick Ripley (R)
Rep. Jon C. Sesso (D)
Rep. John Sinrud (R)
Rep. Janna Taylor (R)
Rep. Jack Wells (R)

Members Excused: Rep. Verdell Jackson (R)
Rep. John L. Musgrove (D)

Members Absent: None.

Staff Present: Jon Moe, Legislative Branch
Marcy McLean, Secretary

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

Committee Business Summary:

Hearing & Date Posted:

Executive Action: HB 550; HB 505; HB 109; HB 170; HB
18

EXECUTIVE ACTION ON HB 18

Motion: REP. TAYLOR moved that HB 18 DO PASS.

Motion: REP. SINRUD moved TO AMEND HB 18 (HB001801.ajm).

Discussion:

REP. SINRUD reminded the Committee that amendment HB001801.ajm had been presented previously by REP. JUNEAU. Its purpose is to remove Lines 7-13 from Page 2, and to change the appropriation from \$200,000 to \$120,000.

Jon Moe, Legislative Fiscal Division, said that the \$200,000 General Fund appropriation would be removed. The \$120,000 to fund the Commission would come from the remaining balance in the state special revenue account.

Vote: Motion carried 19-1 by roll call vote with REP. RIPLEY voting no. REPS. JACKSON and MUSGROVE voted by proxy.

Discussion:

REP. WELLS reminded the Committee they have previously approved amendment HB001802.ajm

REP. WITT said that he thought REP. JUNEAU was going to bring forth an amendment to keep the quorum at its original number.

REP. RIPLEY said that he, too, thought there was going to be an amendment that dealt with the number of members on the Commission and the quorum required.

REP. WITT offered the conceptual amendment:

1. Line 22 strike "one member from the Governor's Office of Economic Development."
2. Line 18 change from "11" to "10" members.
3. Amend the title.

EXHIBIT (aph36a01)

Motion: REP. WITT moved the CONCEPTUAL AMENDMENT.

Discussion:

REP. KAUFMANN said that she was going to vote in favor of this conceptual amendment. She stated that a representative of the

Governor's Office can always attend these meetings, but does not have to be an official member.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 11.1}

Vote: Motion carried unanimously by roll call vote. REPS. JACKSON and MUSGROVE voted by proxy.

Motion/Vote: REP. TAYLOR moved that HB 18 DO PASS AS AMENDED. Motion carried unanimously by roll call vote. REPS. JACKSON and MUSGROVE voted by proxy.

EXECUTIVE ACTION ON HB 550

Motion: REP. SINRUD moved that HB 550 DO PASS.

Discussion:

REP. SINRUD asked if there needed to be an effective date. Jon Moe answered that the bill states that there is \$50,000 appropriated for each of the FYs 2006 and 2007.

Vote: Motion carried 19-1 by roll call vote with REP. HAWK voting no. REPS. JACKSON, MORGAN and MUSGROVE voted by proxy.

EXECUTIVE ACTION ON HB 505

Motion: REP. CALLAHAN moved that HB 505 DO PASS.

{Tape: 1; Side: A; Approx. Time Counter: 11.1 - 17}

Discussion:

REP. SINRUD asked if Pine Hills School receives Average Number Belonging (ANB) money. Jon Moe said that none of the institutions receive ANB money.

REP. WITT asked if Pine Hills will be sharing this teleconferencing equipment with other facilities.

REP. WELLS said that he remembered that their plan was to also use it for the students' remote learning.

REP. KAUFMANN said they also planned to use it for legal proceedings.

REP. MCNUTT said that his notes show that they would be able to use the equipment to enhance their education program.

{Tape: 1; Side: A; Approx. Time Counter: 17 - 21.1}

Vote: Motion carried unanimously by roll call vote. REPS. JACKSON, MORGAN and MUSGROVE voted by proxy.

EXECUTIVE ACTION ON HB 109

Motion: REP. WITT moved that HB 109 DO PASS.

Discussion:

REP. WITT asked what the Natural Resources Subcommittee had discussed about HB 109. **REP. RIPLEY** said that last session the decision package requested by Fish, Wildlife and Parks to make this transfer was denied. Therefore, this session they are requesting the transfer be made through HB 109. He said that both Fish, Wildlife and Parks and the Department of Administration (DOA) are in mutual agreement of this transfer being made.

REP. SINRUD asked if when the maintenance is transferred to DOA, if they will be handling maintenance of all the equipment without hiring new people. **REP. RIPLEY** said the across-the-board transfer involves employees and equipment.

Vote: Motion carried 19-1 by roll call vote with REP. SINRUD voting no. REPS. JACKSON, MORGAN and MUSGROVE voted by proxy.

EXECUTIVE ACTION ON HB 170

Motion: REP. FRANKLIN moved that HB 170 DO PASS.

Discussion:

REP. KAUFMANN said that she had missed this hearing and asked for an explanation of what the bill does. **Jon Moe** said that HB 599, regarding permanent registration of boats and off-highway vehicles, had some unintended consequences. Department of Motor Vehicles was unable to transfer fees from the vehicle registrations to the Fish, Wildlife and Parks. The purpose of HB 170 is to correct those transfer problems.

REP. GLASER said that HB 599 had been rushed through the final days of the 2003 Session and staff did not have time to deal with all of these details.

{Tape: 1; Side: A; Approx. Time Counter: 21.1 - 32.6; Comments: End of Side A. Rep. Musgrove entered hearing}

Vote: Motion carried 19-1 by roll call vote with **REP. SINRUD** voting no. **REPS. JACKSON**, and **MORGAN** voted by proxy.

EXECUTIVE ACTION ON HB 548

Motion/Vote: **REP. SINRUD** moved that HB 548 BE TABLED. Motion failed 10-10 by roll call vote with **REP. GLASER**, **REP. HAWK**, **REP. JACKSON**, **REP. MCNUTT**, **REP. MORGAN**, **REP. RIPLEY**, **REP. SINRUD**, **REP. TAYLOR**, **REP. WELLS**, and **REP. WITT** voting aye. **REPS. JACKSON** and **MORGAN** voted by proxy.

Motion: **REP. FRANKLIN** moved that HB 548 DO PASS.

Discussion:

REP. KAUFMANN asked how the Governor's increased spending authority from \$16 million to \$25 million for emergencies would affect the budget. **Jon Moe** said the statutory appropriation of \$16 million or \$25 million means the Governor can spend that amount without coming back to the Legislature for approval.

REP. WITT asked if there would be a conflict with another bill if this spending authority was raised to \$25 million. **CHAIRMAN BUZZAS** answered that **REP. WITT** had asked if the \$16 million appropriation in her "rainy day fund" bill would be affected by this increase.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 6}

REP. WITT asked if the additional \$9 million appropriation would be the maximum on the supplemental to be approved by the Appropriations Committee. **Terry Johnson, Legislative Fiscal Division**, answered, "No." He said that under current law, the Governor can expand \$16 million from the General Fund when an emergency is declared. In subsequent legislative sessions, the Governor does not have to ask for supplemental authority, since the emergency money will come directly from the General Fund.

CHAIRMAN BUZZAS clarified that in an emergency, the Governor can spend up to \$16 million; but anything over that, he would have to come to the legislature and request a supplemental.

REP. KAUFMANN asked if the \$16 million appropriation is included in the ending fund balance or if it stands alone. **Terry Johnson** said that it is not included in the ending fund projections, but it should be because of the expenditure limitation. It is an appropriation that is on the books, per the Code Commissioner, and it is their understanding that any appropriation needs to be figured into the expenditure limitation. If the appropriation is raised from \$16 million to \$25 million, it has an affect on the expenditure limitation, but it does not have an affect on the General Fund status sheet. They have been directed by the Management Committee to not include it on the bottom line of the status sheet.

REP. MCNUTT asked what happens if the ending fund balance does not cover the requested emergency appropriation. **Terry Johnson** said that, per statute, the ending fund balance cannot go below \$29 million (1% of biennial appropriation). If there is an emergency and the ending fund balance is less than \$29 million, then the Governor proposes reductions in expenditures.

Vote: Motion failed 3-17 by roll call vote with **REP. BUZZAS**, **REP. CALLAHAN**, and **REP. KAUFMANN** voting aye. **REPS. FRANKLIN**, **JACKSON** and **MORGAN** voted by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 6 - 14.4}

EXECUTIVE ACTION ON HB 519

Motion/Vote: **REP. WELLS** moved that HB 519 BE TABLED. Motion carried 13-7 by roll call vote with **REP. BUZZAS**, **REP. CALLAHAN**, **REP. FRANKLIN**, **REP. HINER**, **REP. LENHART**, **REP. SESSO**, and **REP. SINRUD** voting no. **REPS. JACKSON** and **MORGAN** voted by proxy.

ADJOURNMENT

Adjournment: 4:25 P.M.

REP. ROSALIE (ROSIE) BUZZAS, Chairman

MARCY MCLEAN, Secretary

RB/mm

Additional Exhibits:

EXHIBIT ([aph36aad0.PDF](#))