

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 12, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Gallus. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney and Erickson, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fiftieth, fifty-first, and fifty-second legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Ahner escorted the Senate into the House Chamber.

Speaker McGee introduced President Beck and yielded the Chair to him.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the State of the Judiciary Address from the Honorable Chief Justice of the Supreme Court of the State of Montana. Motion carried.

Senator Thomas moved that President Beck be authorized to appoint a committee to notify the Honorable Chief Justice and Justices of the Supreme Court of the State of Montana; and the Honorable Judges of the District Courts; and Judges of the Courts of Limited Jurisdiction, that the House was in joint session and ready to receive the State of the Judiciary Address. Motion carried.

President Beck appointed Senators Grosfield and Halligan and Representatives Shockley and Harris and discharged them to escort the Honorable Chief Justice, Justices and Judges to the House Chamber.

Sergeant-at-Arms Cramer escorted the Honorable Justices of the Supreme Court, Judges of the District Courts, Judges of the Courts of Limited Jurisdiction, and the committee into the House Chamber.

President Beck introduced the Honorable Justices of the Supreme Court, Judges of the District Courts, and Judges of the Courts of Limited Jurisdiction:

Justices of the Montana Supreme Court

The Honorable Patricia Cotter  
The Honorable W. William Leaphart  
The Honorable James C. Nelson  
The Honorable Jim Regnier

Judges of the District Courts

The Honorable Ed McLean  
The Honorable Tom McKittrick

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The Honorable Jack Whalen

Judges of the Courts of Limited Jurisdiction

The Honorable Peggy Jones  
The Honorable Marilyn Kober  
The Honorable Johnny Seiffert

Sergeant-at-Arms Cramer escorted the Honorable Chief Justice of the Supreme Court of the State of Montana and the committee into the House Chambers.

Invocation was given by Pastor Keith Johnson of the Evangelical Covenant Church.

The flags were presented by the Montana State Prison Honor Guard. The Pledge of Allegiance followed.

After being introduced by President Beck, the Honorable Chief Justice of the Supreme Court of the State of Montana, Karla M. Gray, delivered the following address:

Speaker McGee, President Beck, members of the 57th Montana Legislature, distinguished guests, ladies and gentlemen:

As the fourteenth Chief Justice of the Montana Supreme Court, I appreciate the special privilege of addressing this joint session of the Montana Legislature and, through you, the people of Montana. We are all at a special moment in history--the beginning of not just a new century, but a new millennium--a new millennium which arrived, we might all note, without the need for a single new law or court decision: a time to carry forward the best threads from the past and to forge strong new threads to solve the challenges Montana faces; and a time to look to the future with optimism, and with a renewed commitment to providing the people of Montana all *they* deserve from all of *us* in our respective roles under the Montana Constitution. I assure you that, *like* you, Montana's judges have made this commitment.

I want to start my remarks about the state of the judiciary today by saying that the judiciary in Montana is strong, in large part because of the high quality judges and justices Montanans have elected to serve them and the truly dedicated staffs we have gathered to help us. The judiciary, at every level, is totally dedicated to providing all Montanans with the access to justice, and the administration of justice without delay, to which they are entitled by the Montana Constitution. And, because it is important for all of us to remember that my remarks are about the *judiciary*, and not just the Supreme Court, I've started a new tradition by inviting judges from the courts of limited jurisdiction and the district courts to join us here today. You'll notice I invited only a few judges from the other courts--in part because of space considerations in the chamber, but largely because of caseload and travel expense considerations. I've learned the practice in some states is to "pack the place" with robed judges for this event, but I was sure somehow that was *not* the thing to do here today!

I do want to visit with you about a number of matters this afternoon: first, the basic structure of our judiciary and the creative ways being undertaken at all levels to provide both timely and quality justice; second, the non-caseload challenges we face and what must be done to meet them; and third, one bill pending before you. I hope to be brief enough not to tax your "sitting" power!

At the first level of our *currently* 3-tiered judicial branch are the courts of limited jurisdiction--the justices of the peace, municipal court judges, and city court judges. Fifty-two women and fifty-six men currently serve as judges of these courts. They are the "front line" of Montana's courts, since they handle all civil cases involving not more

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than \$7,000, landlord/tenant disputes, traffic offenses and misdemeanor criminal cases. Indeed, these are the only courts with which most Montanans will ever have contact, as they handle the huge majority of the court cases in our state, some 274,440 having been filed in the year 2000. We're so fortunate to have such highly trained and dedicated judges resolving the vast majority of Montanans' legal disputes.

The next level of courts is the district courts, with their 40 judges (plus the statutory water court and workers' compensation court judges). The district courts--courts of general jurisdiction--handle every imaginable type of civil case, felony criminal cases, judicial review of final administrative decisions and appeals from the courts of limited jurisdiction; there were 31,545 filings in the district courts in 2000. This year, we have a record number--at least in recent years--of newly elected district court judges and, by all appearances, they will bring the same high quality and total commitment to their jobs that our more experienced district court, water court and workers' compensation court judges have long provided to the people of Montana.

The third level in our judicial branch of government is, of course, your Supreme Court, the court about which Montanans seem to know and understand the least. We are the "end of the road," the final arbiters of questions of Montana law. We are also the final protectors of the rights and freedoms Montanans provided to *each* of us in our 1972 Constitution. Unlike the federal and most state court systems, we must accept all appeals from all the district courts across the state, from everyday divorce cases and misdemeanor DUIs to cases of enormous statewide impact. This, of course, accounts for our heavy caseload. We also have original jurisdiction over certain kinds of matters, jurisdiction we exercise sparingly. In addition, we take very seriously the important work of disciplining lawyers who violate the rules of professional conduct in dealing with their clients, and have responsibility over a variety of other boards and commissions. I could go on about our other obligations, but suffice it to say we are a very busy and uncommonly productive court, dedicated to meeting our constitutional responsibilities to the people of Montana--the people who use their courts for the very purpose for which courts exist, to solve peoples' legal disputes--in a quality and timely way.

Perhaps even more important for you to know than this basic information about our courts, though, is what judges at all levels are doing to provide creative and/or more expeditious resolutions of cases and to be involved in their communities. There are scores of examples, but I'll give you just a few. One justice of the peace was instrumental in starting a mediation program for cases in his court, with *volunteer* mediators from the community and at no cost to the parties. The program has been a spectacular success, with between 60 and 70% of the cases in mediation being resolved there. The same judge went to a middle school, visited with the students about the need to make wise choices at all stages of life, and then conducted a formal sentencing--with all the trappings--of a youth who clearly had *not* made wise choices. I'm sure that visit had profoundly positive impacts on the young folks.

Our district court judges have become adept at using small amounts of locally available funds and obtaining grant monies to pilot innovative programs, especially those involving our youth. The District Court serving Richland, Dawson, McCone, Prairie and Wibaux Counties has implemented a "Youths Serving Communities" program which places juvenile offenders with tobacco, alcohol or gambling-related offenses into supervised community service. The program makes immediate consequences and accountability available in dealing with juvenile offenders and provides an honorable way for youths to pay for their mistakes. The same court established a youth offender and victim mediation program which brings offender and victim together to identify the harm to the victim, allow the offender to take responsibility for that hurt or harm and establish what the offender will do to "restore" the victim.

The District Court in Phillips County has expanded its court-appointed special advocate and guardian ad litem program (the CASA/GAL program) beyond child abuse and neglect cases to domestic relations cases involving children, relying entirely on volunteers. These CASA/GAL programs, which allow children's voices to be heard in the courtroom in the communities where they operate, are enormously helpful to the children, and also to judges in making appropriate decisions regarding children. The Yellowstone County District Court continues its long-successful Conference Committee which, with trained lay volunteers, decides the disposition of many youth offender

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cases and has collected over \$250,000 in restitution during its history. Several district courts have initiated youth drug courts which, although resource-intensive for all involved, more successfully address the youth's drug problem and result in more responsible and productive lives. Similarly, the Gallatin County District Court is in the second year of its successful Treatment Court, which is a drug court for adult offenders.

The Supreme Court has improved efficiency by starting a mediation process on appeal which resolves nearly 10% of our caseload, and by tightening up on the length of lawyers' briefs and on granting motions for extensions of time. And as we move into the future, it is clear that courts at all levels can and must do better at harnessing technology to help us move cases more quickly.

Our job at the Supreme Court is much broader than deciding cases, however. We are responsible for the overall administration of justice in Montana and for ensuring that all Montanans have access to justice and are treated fairly once in the courts. We tend that responsibility very seriously indeed. Last year, we created a Commission to Eliminate Gender Bias in the Courts, as a follow-up to the Final Report from our Gender Fairness Task Force which demonstrated bias against *both* women and men in certain aspects of the court system, and made recommendations for minimizing or eliminating that bias. The newly established Commission is to assist the Supreme Court in implementing those recommendations. And we will need to take the same steps in addressing any racial or ethnic bias as well, because we can't achieve equal justice under the law so long as inappropriate factors may influence decision making in any court action. We also created the Commission on Self-Represented Litigants to address the problems faced by people who can't afford a lawyer--or simply choose to proceed without one--in legal actions. These folks are involved in significantly increasing numbers of cases at all levels of Montana's courts; for example, about 23% of the Supreme Court's cases last year involved at least one unrepresented party. They need help in presenting their cases as well as possible so as to maximize their day in court and, in addressing that need, we also can decrease the problems self-represented folks can cause opposing parties and the courts themselves.

All our best efforts at better case management and innovative resolution of cases, however, can do little to meet what I think is one of the biggest challenges facing us as judges and justices: improving public trust and confidence in courts and the rule of law.

The late United States Supreme Court Justice Thurgood Marshall said, simply and profoundly, "The only real power we have as judges is the respect of the people." And that's the absolute truth. But people find it difficult to respect judges they never see, who seem isolated from the society around them and who do jobs which are little understood. As recent years have shown us, both nationally and in Montana, we clearly have much work to do in promoting public trust, and we will take up this challenge in a proactive way, especially at the Supreme Court, the part of government about which Montanans seem to know the least.

We must establish better communications and relationships with, and provide much more information to, the people we serve, and that includes all of you. As far as branch relationships go, you took the first--and much needed--step of creating the Law, Justice and Indian Affairs Committee last session and charging it as the official liaison between the legislative and judicial branches. I congratulate you on this important, future-oriented step, and look forward to working productively with the committee, as well as taking other steps to improve relationships between the branches. We all know that our system of separate but equal branches, with checks and balances on each other, creates inherent and inevitable tensions between our branches. But those tensions can be minimized if members of the judicial *and* legislative branches understand each other and our respective jobs better; keep in mind that we *each* leave *each other* some "clean up" work to do from time to time, because that's how checks and balances work; and refuse to contribute in any way to public distrust of each other, because doing so only heightens people's negative feelings about government in general.

But we also must ramp up in a major way our efforts to reconnect with the people of Montana. We must establish

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a Court website so that Montanans everywhere can learn about their justice system at all levels, how and why cases get to the Supreme Court and what our role and the role of the rule of law are in this great state and nation. We must speak to every civic group, service club and school class which will have us on these same subjects, to provide as much basic information as we can. We must do more "road shows" to other than the major cities, so people in places like Lewistown, Havre, Miles City, Glasgow, Sidney and Glendive can see an oral argument before their Supreme Court in person, and have a chance to meet us and discover that we're just like every other Montanan--trying to do the best job we can at the particular job we do. And we must start a *dialog* with Montanans as well, through "town meeting" type settings, where the people and their judges from all levels can come together, share information *and* concerns, and brainstorm together on making justice in Montana as effective and efficient as it can possibly be. I know that if we reach out in these ways, the people of Montana will reach back, and that our success in improving public trust and confidence in the courts will hugely outstrip the effort involved. And I pledge to you that we will begin our work in these areas before this year is out.

Finally, I want to address--and strenuously encourage your support for--one bill still pending in this Legislature which will greatly benefit our *shared* constituents, *all* the people of Montana. That bill is Senator Grosfield's SB 158, which will create an intermediate appellate court. In my view, and hopefully in yours, the *need* for this bill to resolve increasing delays faced by the people of Montana in obtaining a final resolution of their legal disputes is beyond dispute.

Our caseload at the Court increased last year by nearly 20%, and our backlog of cases is now nearing 600. Some like to say that we bring this caseload on ourselves and, to a limited extent, that may be true because all changes in the law have the potential of engendering a few additional lawsuits; of course, the converse is also true--changes in the law also *prevent* some lawsuits. But many factors go into our caseload, including actions taken by this body; and perhaps the easiest example of that is your decision to create felony DUIs. It was clearly a good public policy decision for Montana. But that one legislative action has resulted in scores of *misdemeanor* DUIs being appealed to our Court each year, because drinkers who drive can easily see what their future will hold as each misdemeanor conviction is added to their record. And population increases and the simple fact that we live in an increasingly litigious society also factor into our caseload.

But the critical focus is not *why* our caseload has increased. The critical focus is that it *has* increased, and it is the people of Montana who are paying the price, by ever-lengthening delays in the final resolution of their cases at our Court. Because the simple fact is that the Court not only can't keep up, we're falling farther and farther behind in our ability to provide Montanans with both the access to justice and the timely administration of justice they are guaranteed by the Montana Constitution. SB 158 passed the Senate 46 to 2, and I believe the merits of, and need for, the appellate court nearly sell themselves.

But yes, there is a fiscal impact. And yes, I remain as thankful as I was during the years I lobbied this body that it is not *my* job to balance the budget, especially during times like these. But the overall fiscal impact of SB 158 on the state's budget is, I suggest, *very* small when measured against the fact that, by creating this appeals court during *this* Legislature, *you* can provide *us* with the ability to preserve and protect Montanans' constitutional right to the administration of justice without delay. I respectfully urge you to pass SB 158 for the people of Montana.

In closing, I'd just say that *I* am proud, and you and the people of Montana have every right to be proud, of the quality of justice the Montana judiciary--and its excellent staff--provides. We are, and will remain, committed to meeting the challenges of providing justice in an accessible, fair, timely and cost-effective way for the people of Montana--with the hope that, during this new century, we can finally achieve the long-sought constitutional ideal of equal justice under the law.

Thank you again for this opportunity to visit about the state of the judiciary, and best wishes from our branch to

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yours for a productive and successful session.

The committee escorted the Honorable Chief Justice, Justices and Judges from the House Chamber.

The Sergeants-at-Arms Ahner and Cramer escorted the Governor and other dignitaries from the Chamber.

Senator Thomas moved that the joint session of the 57<sup>th</sup> legislature, convened to receive the State of the Judiciary Address, be adjourned. Motion carried.

Mr. Speaker in the Chair. All members present, except Representatives Bitney and Erickson, excused. Quorum present.

Representative Holden led the House in singing Happy Birthday to Representatives Gallik and Esp.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/12/2001  
Correctly enrolled: **HB 148, HB 174, HB 300.**  
Delivered to the Governor for her approval at 9:30 a.m., March 12, 2001: **HB 18, HB 40, HB 74, HB 78, HB 112, HB 130, HB 132, HB 138, HB 152, HB 176, HB 204, HB 221, HB 308, HB 417.**  
Delivered to the Secretary of State at 10:00 a.m., March 12, 2001: **HJR 30.**

**APPROPRIATIONS** (Vick, Chairman): 3/9/2001  
**HB 2**, introduced bill, be amended as follows:

**Strike:** everything after the enacting clause and insert attached.

NEW SECTION. **Section 1. Short title.** [This act] may be cited as "The General Appropriations Act of 2001".

NEW SECTION. **Section 2. First level expenditures.** The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2003 biennium, are adopted as legislative intent.

NEW SECTION. **Section 3. Severability.** If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

NEW SECTION. **Section 4. Appropriation control.** An appropriation item designated as "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2005 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide budgeting and accounting system for any item designated as "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide budgeting and accounting system for any appropriation that appears as a separate line item in [this act].

NEW SECTION. **Section 5. Program definition.** As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide budgeting and accounting system, and is identified as a major subdivision of an agency ordinally numbered with an arabic numeral.

NEW SECTION. **Section 6. Personal services funding -- 2005 biennium.** (1) Except as provided in

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subsection (2), present law and new proposal funding budget requests for the 2005 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2005 biennium submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

(2) The provisions of subsection (1) do not apply to the Montana university system.

NEW SECTION. **Section 1. Personal services line item.** Funds appropriated for personal services or indicated in legislative intent as having been appropriated for personal services may not be expended under any other category except for contract services (expenditure account 62102) or for the early return to work program. Any transfer of funds from personal services to contract services is to be used to directly substitute for use of personal services. Any transfer for either contract services or for the early return to work program must be reported in writing to the legislative finance committee. The provisions of this section do not apply to the Montana university system.

NEW SECTION. **Section 2. Totals not appropriations.** The totals shown in [this act] are for informational purposes only and are not appropriations.

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2001.

NEW SECTION. **Section 4. Appropriations.** The following money is appropriated for the respective fiscal years:

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A. GENERAL GOVERNMENT AND TRANSPORTATION

LEGISLATIVE BRANCH (1104)

1.	Legislative Services (20)											
	4,217,074	905,353	0	0	0	5,122,427	4,518,440	430,738	0	0	0	4,949,178
2.	Legislative Committees and Activities (21)											
	673,484	77,285	0	0	0	750,769	0	0	0	0	0	0
3.	Fiscal Analysis and Review (27)											
	1,041,785	0	0	0	0	1,041,785	1,086,461	0	0	0	0	1,086,461
4.	Audit and Examination (28)											
	1,788,171	1,376,921	0	0	0	3,165,092	1,827,681	1,311,929	0	0	0	3,139,610
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Total	7,720,514	2,359,559	0	0	0	10,080,073	7,432,582	1,742,667	0	0	0	9,175,249

Item 1 includes a reduction of \$35,908 in fiscal year 2002 and \$36,036 in fiscal year 2003 of general fund money. Item 4 includes a reduction of \$9,958 in fiscal year 2002 and \$9,993 in fiscal year 2003 of state special revenue. This reduction is the equivalent of funding for 1.25 full-time equivalent employees. The branch may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

CONSUMER COUNSEL (1112)

1.	Administration Program (01)											
	0	1,105,898	0	0	0	1,105,898	0	1,107,913	0	0	0	1,107,913
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Total	0	1,105,898	0	0	0	1,105,898	0	1,107,913	0	0	0	1,107,913

JUDICIARY (2110)

1.	Supreme Court Operations (01)											
	2,960,280	1,146,531	363,207	0	0	4,470,018	2,976,438	1,071,519	363,205	0	0	4,411,162
	a. Legislative Audit (Restricted/Biennial)											
	26,757	0	0	0	0	26,757	0	0	0	0	0	0
	b. Court-Appointed Special Advocate Program (Biennial)											
	50,000	0	100,000	0	0	150,000	50,000	0	0	0	0	50,000
2.	Boards and Commissions (02)											
	244,559	0	0	0	0	244,559	274,901	0	0	0	0	274,901
3.	Law Library (03)											
	772,001	0	0	0	0	772,001	776,471	0	0	0	0	776,471



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4.	District Court Operations (04)											
	4,853,964	0	0	0	0	4,853,964	4,877,311	0	0	0	0	4,877,311
5.	Water Courts Supervision (05)											
	0	669,691	0	0	0	669,691	0	678,959	0	0	0	678,959
6.	Clerk of Court (06)											
	288,479	0	0	0	0	288,479	337,855	0	0	0	0	337,855
	a. Equipment (OTO)											
	3,500	0	0	0	0	3,500	0	0	0	0	0	0

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Total												
	9,199,540	1,816,222	463,207	0	0	11,478,969	9,292,976	1,750,478	363,205	0	0	11,406,659

Item 1 includes a reduction of \$24,948 of general fund money, \$3,469 of state special revenue, and \$518 of federal special revenue in fiscal year 2002 and \$25,033 of general fund money, \$3,481 of state special revenue, and \$520 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for a 0.75 full-time equivalent employee. The court may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

MONTANA CHIROPRACTIC LEGAL PANEL (2115)

1.	Legal Panel Operations (01)											
	0	15,000	0	0	0	15,000	0	15,000	0	0	0	15,000

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Total												
	0	15,000	0	0	0	15,000	0	15,000	0	0	0	15,000

GOVERNOR'S OFFICE (3101)

1.	Executive Office Program (01)											
	1,124,201	285,664	0	0	0	1,409,865	1,126,453	286,360	0	0	0	1,412,813
	a. Legislative Audit (Restricted/Biennial)											
	24,325	0	0	0	0	24,325	0	0	0	0	0	0
2.	Mansion Maintenance Program (02)											
	78,882	0	0	0	0	78,882	79,035	0	0	0	0	79,035
3.	Air Transportation Program (03)											
	175,409	16,000	0	0	0	191,409	176,700	16,000	0	0	0	192,700
4.	Office of Budget and Program Planning (04)											
	1,087,033	0	0	0	0	1,087,033	1,081,052	0	0	0	0	1,081,052
	a. Legislative Audit (Restricted/Biennial)											
	22,865	0	0	0	0	22,865	0	0	0	0	0	0

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	b.	Video Projector and Computer (OTO)										
	5,600	0	0	0	0	5,600	0	0	0	0	0	0
5.	Indian Affairs (05)											
	112,204	0	0	0	0	112,204	112,583	0	0	0	0	112,583
	a.	Carryover Funds (Restricted)										
	0	150,000	2,000,000	0	0	2,150,000	0	0	0	0	0	0
6.	Lieutenant Governor (12)											
	223,314	0	0	0	0	223,314	224,893	0	0	0	0	224,893
7.	Citizens' Advocate Office (16)											
	65,274	0	15,000	0	0	80,274	65,483	0	15,000	0	0	80,483
8.	Mental Disabilities Board of Visitors (20)											
	261,307	0	29,306	0	0	290,613	258,196	0	29,804	0	0	288,000
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Total												
	3,180,414	451,664	2,044,306	0	0	5,676,384	3,124,395	302,360	44,804	0	0	3,471,559

Item 1 includes a reduction in general fund money of \$29,180 in fiscal year 2002 and \$29,180 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The office may reallocate this reduction in funding among programs when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$19,201 of general fund money and \$970 of state special revenue in fiscal year 2002 and \$19,261 of general fund money and \$973 of state special revenue in fiscal year 2003. Item 8 includes a reduction of \$299 in fiscal year 2002 and \$300 in fiscal year 2003 of federal special revenue. This reduction is the equivalent of funding for a 0.5 full-time equivalent employee. The office may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 5a is contingent upon passage and approval of House Bill No. 21. Funds in item 5a for the 2003 biennium are limited to the unspent balance of the 2001 appropriation of up to \$150,000 in state special revenue and \$2 million in federal special revenue.

COMMISSIONER OF POLITICAL PRACTICES (3202)

1.	Administration (01)											
	345,658	0	0	0	0	345,658	346,876	0	0	0	0	346,876
	a.	Legislative Audit (Restricted/Biennial)										
	4,865	0	0	0	0	4,865	0	0	0	0	0	0
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Total												
	350,523	0	0	0	0	350,523	346,876	0	0	0	0	346,876

Item 1 includes a reduction in general fund money of \$571 in fiscal year 2002 and \$571 in fiscal year 2003. This reduction is the equivalent of a 25% reduction

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n fiscal year 2000 base budget travel expenses.  
OFFICE OF THE STATE AUDITOR (3401)

1.	Central Management (01)	0	527,085	0	0	0	527,085	0	525,042	0	0	0	525,042
	a. Legislative Audit (Restricted/Biennial)	0	4,368	0	0	0	4,368	0	0	0	0	0	0
2.	Insurance Program (03)	0	2,384,081	0	0	0	2,384,081	0	2,397,950	0	0	0	2,397,950
	a. Legislative Audit (Restricted/Biennial)	0	19,219	0	0	0	19,219	0	0	0	0	0	0
	b. Contract Examinations (Restricted)	0	107,234	0	0	0	107,234	0	52,234	0	0	0	52,234
3.	Securities (04)	329,782	190,139	0	0	0	519,921	332,084	190,167	0	0	0	522,251
	a. Legislative Audit (Restricted/Biennial)	3,689	1,844	0	0	0	5,533	0	0	0	0	0	0
	b. Contract Examinations (Restricted)	0	12,000	0	0	0	12,000	0	12,000	0	0	0	12,000
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Total		333,471	3,245,970	0	0	0	3,579,441	332,084	3,177,393	0	0	0	3,509,477

Item 2 includes a reduction of \$19,786 in fiscal year 2002 and \$19,853 in fiscal year 2003 of state special revenue. Item 3 includes a reduction of \$9,149 in fiscal year 2002 and \$9,181 in fiscal year 2003 of general fund money. This reduction is the equivalent of funding for a 0.75 full-time equivalent employee. The office may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 3 includes a reduction in general fund money of \$7,548 in fiscal year 2002 and \$7,548 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The office may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

DEPARTMENT OF TRANSPORTATION (5401)

1.	General Operations Program (01)	0	16,299,568	1,249,771	0	0	17,549,339	0	16,308,506	1,183,602	0	0	17,492,108
	a. Legislative Audit (Restricted/Biennial)	0	109,461	0	0	0	109,461	0	0	0	0	0	0
	b. General Operations One-Time Costs (OTO)	0	457,500	0	0	0	457,500	0	200,000	0	0	0	200,000

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2.	Construction Program (02) (Biennial)	0	70,994,788	296,293,538	0	0	367,288,326	0	73,754,289	305,575,826	0	0	379,330,115
	a. Construction Program One-Time Costs (OTO)	0	53,000	120,000	0	0	173,000	0	0	0	0	0	0
3.	Maintenance Program (03) (Biennial)	0	75,870,412	5,090,609	0	0	80,961,021	0	76,230,890	5,090,609	0	0	81,321,499
	a. Maintenance Program One-Time Costs (OTO)	0	167,700	0	0	0	167,700	0	0	0	0	0	0
4.	Motor Carrier Services Division (22)	0	4,971,167	0	0	0	4,971,167	0	4,994,990	0	0	0	4,994,990
	a. Mobile Officer Vehicle Enforcement Computers (OTO)	0	6,200	0	0	0	6,200	0	0	0	0	0	0
5.	Aeronautics Program (40)	0	748,611	112,500	0	0	861,111	0	763,054	85,500	0	0	848,554
	a. Airport Development Grants (Biennial)	0	450,000	0	0	0	450,000	0	0	0	0	0	0
	b. Airport Pavement Preservation Grants (Biennial)	0	250,000	0	0	0	250,000	0	0	0	0	0	0
	c. Federal Airport Improvement Grants (Biennial)	0	16,667	300,000	0	0	316,667	0	0	0	0	0	0
6.	Transportation Planning Division (50)	0	2,121,160	10,719,595	0	0	12,840,755	0	1,934,325	13,168,607	0	0	15,102,932
	a. Software and Field Data Collection (Biennial/OTO)	0	60,000	240,000	0	0	300,000	0	0	0	0	0	0
	b. Statewide Truck Activity Reporting System (OTO)	0	173,212	573,068	0	0	746,280	0	115,323	381,544	0	0	496,867
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Total		0	172,749,446	314,699,081	0	0	487,448,527	0	174,301,377	325,485,688	0	0	499,787,065

The department may adjust appropriations in the construction, maintenance, and transportation planning programs between state special and federal special revenue fund types if the total state special revenue authority for these programs is not increased by more than 10% of the total appropriations established by the legislature for each program. All transfers between fund types must be fully explained and justified by budget documents submitted to the office of budget and program planning, and all fund transfers of more than \$1 million in any 30-day period must be communicated to the legislative finance committee in a written report.

All federal special revenue appropriations in the department are biennial.

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Item 2 includes a reduction of \$536,415 of state special revenue and \$294,850 of federal special revenue in fiscal year 2002 and \$538,286 of state special revenue and \$295,878 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 22.25 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 2 includes a total of \$63,690 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

All appropriations in the construction program are biennial.

All appropriations in the maintenance program are biennial.

All appropriations in the transportation planning program are biennial.

DEPARTMENT OF REVENUE (5801)

1.	Director's Office (01)											
	2,315,882	300	800	30,068	0	2,347,050	2,326,931	0	0	30,643	0	2,357,574
	a. Legislative Audit (Restricted/Biennial)											
	131,353	0	0	0	0	131,353	0	0	0	0	0	0
2.	Information Technology (02)											
	2,154,374	0	188,941	70,320	0	2,413,635	2,261,282	0	194,652	71,666	0	2,527,600
3.	Resource Management (05)											
	1,498,751	0	0	1,076,056	0	2,574,807	1,526,552	0	0	1,080,489	0	2,607,041
4.	Customer Service and Information Practices (06)											
	4,273,801	228,844	1,032,135	234,975	0	5,769,755	4,295,041	232,754	1,042,210	225,791	0	5,795,796
	a. Unclaimed Property Auditor (OTO)											
	0	43,931	0	0	0	43,931	0	44,098	0	0	0	44,098
5.	Compliance Valuation and Resolution (08)											
	72,304,369	182,827	1,062,274	0	0	73,549,470	72,379,065	183,153	1,113,740	0	0	73,675,958

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Total	82,678,530	455,902	2,284,150	1,411,419	0	86,830,001	82,788,871	460,005	2,350,602	1,408,589	0	87,008,067
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Liquor division proprietary funds necessary to maintain adequate inventories, pay freight charges, and transfer profit and taxes to appropriate accounts are appropriated to the department in amounts not to exceed \$64,200,950 in fiscal year 2002 and \$67,857,880 in fiscal year 2003.

Item 3 includes a reduction of \$9,538 in fiscal year 2002 and \$9,571 in fiscal year 2003 of proprietary fund money. Item 5 includes a reduction of \$215,326 of general fund money, \$3,269 of state special revenue, and \$16,737 of federal special revenue in fiscal year 2002 and \$216,071 of general fund money, \$3,280 of state special revenue, and \$16,795 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 6.5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

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Item 5 includes a reduction in general fund money of \$126,505 in fiscal year 2002 and \$126,505 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

DEPARTMENT OF ADMINISTRATION (6101)

1.	Accounting and Management Support Program (03)											
	1,060,713	5,057	63,978	41,053	0	1,170,801	1,067,214	5,057	62,113	41,224	0	1,175,608
	a. Legislative Audit (Restricted/Biennial)											
	52,052	0	0	0	0	52,052	0	0	0	0	0	0
	b. Actuarial Study -- Police Retirement Fund (Restricted/Biennial)											
	2,450	0	0	0	0	2,450	0	0	0	0	0	0
	c. Accounting Bureau Contracted Services (Biennial/OTO)											
	100,000	0	0	0	0	100,000	0	0	0	0	0	0
2.	Architecture and Engineering Program (04)											
	0	1,137,381	0	0	0	1,137,381	0	1,147,185	0	0	0	1,147,185
	a. Legislative Audit (Restricted/Biennial)											
	0	1,635	0	0	0	1,635	0	0	0	0	0	0
3.	Procurement and Printing Division (06)											
	515,636	0	0	0	0	515,636	518,391	0	0	0	0	518,391
4.	Information Services Division (07)											
	127,593	0	800,000	0	0	927,593	126,588	0	0	0	0	126,588
	a. Legislative Audit (Restricted/Biennial)											
	794	0	0	0	0	794	0	0	0	0	0	0
5.	General Services Program (08)											
	394,409	0	0	0	933,055	1,327,464	401,439	0	0	0	933,055	1,334,494
6.	State Personnel Division (23)											
	1,091,660	19,492	0	0	0	1,111,152	1,094,083	20,268	0	0	0	1,114,351
7.	State Tax Appeal Board (37)											
	331,529	0	0	0	0	331,529	333,322	0	0	0	0	333,322
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Total	3,676,836	1,163,565	863,978	41,053	933,055	6,678,487	3,541,037	1,172,510	62,113	41,224	933,055	5,749,939

For the data network rate, all increases over a rate of \$64.59 are one time only. The executive must use \$64.59 as the base level and justify all increases requested for the 2005 biennium over this level.

Item 1 includes a reduction in general fund money of \$12,772 in fiscal year 2002 and \$12,772 in fiscal year 2003. This reduction is the equivalent of a 25%

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reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$337 in fiscal year 2002 and \$338 in fiscal year 2003 of federal special revenue. Item 6 includes a reduction of \$21,490 of general fund money and \$7,108 of state special revenue in fiscal year 2002 and \$21,564 of general fund money and \$7,132 of state special revenue in fiscal year 2003. This reduction is the equivalent of funding for a 0.75 full-time equivalent employee. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

APPELLATE DEFENDER COMMISSION (6102)

1.	Appellate Defender (01)											
	0	177,438	0	0	0	177,438	0	178,767	0	0	0	178,767
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Total	0	177,438	0	0	0	177,438	0	178,767	0	0	0	178,767

TOTAL SECTION A

107,139,828	183,540,664	320,354,722	1,452,472	933,055	613,420,741	106,858,821	184,208,470	328,306,412	1,449,813	933,055	621,756,571
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B. HEALTH AND HUMAN SERVICES

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (6901)

1.	Public Assistance (02)											
	17,887,271	3,357,733	132,537,828	0	0	153,782,832	18,034,422	3,377,316	135,860,524	0	0	157,272,262
a.	FAIM II R -- Parents as Scholars (Biennial)											
	0	0	1,344,800	0	0	1,344,800	0	0	0	0	0	0
b.	FAIM II R -- Tribal Projects (Restricted/Biennial)											
	0	0	2,014,950	0	0	2,014,950	0	0	0	0	0	0
c.	FAIM II R -- Tribal NEW (Biennial)											
	0	0	1,150,744	0	0	1,150,744	0	0	1,150,744	0	0	1,150,744
d.	FAIM II R -- Nontraditional Job Training (Biennial)											
	0	0	850,000	0	0	850,000	0	0	0	0	0	0
e.	FAIM II R -- Nontraditional Job Training -- Tribal (Restricted/Biennial)											
	0	0	1,000,000	0	0	1,000,000	0	0	0	0	0	0
f.	FAIM II R -- Nontraditional Job Training -- Nontribal (Biennial)											
	0	0	500,000	0	0	500,000	0	0	0	0	0	0
g.	FAIM II R -- Assessment Services -- Intensive Case Management (Biennial)											

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0	0	1,104,155	0	0	1,104,155	0	0	1,104,155	0	0	1,104,155
h.	FAIM II R -- Chemical Dependency Home (Biennial)										
0	0	636,000	0	0	636,000	0	0	0	0	0	0
i.	FAIM II R -- Learning Disability Services OPI/Tribal Colleges (Biennial)										
0	0	600,000	0	0	600,000	0	0	0	0	0	0
j.	FAIM II R -- Mental Health Services (Biennial)										
0	0	500,000	0	0	500,000	0	0	0	0	0	0
k.	FAIM II R -- Family Drug Court (Biennial)										
0	0	400,000	0	0	400,000	0	0	0	0	0	0
l.	FAIM II R -- Low-Income Housing (Biennial)										
0	0	3,500,000	0	0	3,500,000	0	0	0	0	0	0
m.	FAIM II R -- Transportation (Biennial)										
0	0	800,000	0	0	800,000	0	0	0	0	0	0
n.	FAIM II R -- Additional Month Grant for Working Families (Biennial)										
0	0	1,241,550	0	0	1,241,550	0	0	1,241,550	0	0	1,241,550
o.	FAIM II R -- Emergency Supportive Services for Working Families (Biennial)										
0	0	1,036,000	0	0	1,036,000	0	0	282,627	0	0	282,627
p.	FAIM II R -- School Breakfast Program (Biennial)										
0	0	180,000	0	0	180,000	0	0	0	0	0	0
q.	FAIM II R -- Individual Development Accounts (Biennial)										
0	0	140,161	0	0	140,161	0	0	140,161	0	0	140,161
r.	FAIM II R -- Children as Scholars (Head Start) (Biennial)										
0	0	3,000,000	0	0	3,000,000	0	0	0	0	0	0
s.	FAIM II R -- TEAMS Reprocurement/Enhancements (Biennial)										
0	0	1,000,000	0	0	1,000,000	0	0	500,000	0	0	500,000
t.	FAIM II R -- Increased Benefits/Assistance (Biennial)										
0	0	3,098,704	0	0	3,098,704	0	0	2,848,704	0	0	2,848,704
u.	High-Wage, High-Skill Training (Restricted/Biennial)										
0	0	500,000	0	0	500,000	0	0	0	0	0	0
v.	Adult Basic Education (Restricted)										
0	0	195,000	0	0	195,000	0	0	195,000	0	0	195,000
2.	Child and Family Services Division (03)										
18,099,081	3,442,032	23,925,700	0	0	45,466,813	19,263,815	3,471,984	24,078,980	0	0	46,814,779
a.	Computer Hardware (OTO)										



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	49,800	0	33,200	0	0	83,000	123,504	0	82,336	0	0	205,840
	b.	Community Collaboration Project and FTE (Biennial/OTO)										
	25,000	0	3,025,000	0	0	3,050,000	25,000	0	25,000	0	0	50,000
	c.	Big Brothers Big Sisters (OTO)										
	25,000	0	0	0	0	25,000	25,000	0	0	0	0	25,000
3.	Director's Office (04)											
	575,820	1,304,290	794,116	0	0	2,674,226	579,713	1,366,683	799,078	0	0	2,745,474
4.	Child Support Enforcement Division (05)											
	225,000	2,666,222	5,986,365	0	0	8,877,587	225,000	2,680,929	6,015,763	0	0	8,921,692
	a.	Voice Response Unit Enhancements (OTO)										
	0	10,200	19,800	0	0	30,000	0	0	0	0	0	0
	b.	SEARCHS -- Level of Effort Increase (Biennial/OTO)										
	0	209,104	405,908	0	0	615,012	0	0	0	0	0	0
	c.	Financial Institutions Data Match (Restricted)										
	0	51,000	99,000	0	0	150,000	0	51,000	99,000	0	0	150,000
	d.	Cost Study -- Raising a Child in Montana (Restricted/OTO)										
	0	8,621	113,793	0	0	122,414	0	0	0	0	0	0
5.	Health Policy and Services Division (07)											
	57,483,855	13,905,743	232,273,781	0	0	303,663,379	61,672,929	14,642,885	247,344,430	0	0	323,660,244
	a.	Assistance to Montanans Exposed to Asbestos (Restricted/OTO)										
	18,500	0	0	0	0	18,500	18,500	0	0	0	0	18,500
	b.	Medicaid Provider Rate Increases (RBRVS)										
	252,524	0	678,614	0	0	931,138	506,681	0	1,371,305	0	0	1,877,986
	c.	Cardiovascular Grant										
	0	0	260,902	0	0	260,902	0	0	237,768	0	0	237,768
	d.	Eliminate Medicaid Assets Test										
	327,780	0	880,848	0	0	1,208,628	570,516	0	1,544,072	0	0	2,114,588
	e.	Fiber Optic Rural TeleHealth Equipment (Restricted/Biennial/OTO)										
	200,000	0	0	0	0	200,000	0	0	0	0	0	0
6.	Quality Assurance Division (08)											
	1,804,114	423,981	4,957,197	0	0	7,185,292	1,815,086	415,382	4,980,608	0	0	7,211,076
	a.	Contracted Licensure Services (OTO)										
	58,737	0	0	0	0	58,737	58,862	0	0	0	0	58,862
7.	Operations and Technology Division (09)											

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10,246,727	2,426,359	15,480,038	0	0	28,153,124	9,980,870	3,022,857	15,914,677	0	0	28,918,404
a.	Legislative Audit (Restricted/Biennial)										
154,465	37,800	151,200	0	0	343,465	0	0	0	0	0	0
8.	Disability Services Division (10)										
42,883,179	97,354	54,166,284	0	0	97,146,817	44,540,940	97,354	55,970,993	0	0	100,609,287
a.	Developmental Disabilities Program Federal Funds (Biennial)										
0	0	4,000,000	0	0	4,000,000	0	0	0	0	0	0
b.	Movement From Institutions to Community Settings (OTO)										
1,400,277	0	0	0	0	1,400,277	1,400,224	0	0	0	0	1,400,224
9.	Senior and Long-Term Care Division (22)										
44,035,794	6,265,504	135,666,053	0	0	185,967,351	45,575,083	7,142,437	142,244,588	0	0	194,962,108
a.	One-Time Payments to Nursing Homes for Medicaid Services										
0	1,350,000	3,627,876	0	0	4,977,876	0	1,625,000	4,397,980	0	0	6,022,980
b.	Nursing Home and Community Services Improvements (OTO)										
0	162,720	437,280	0	0	600,000	0	161,880	438,120	0	0	600,000
c.	Personal Assistant Wage Increases										
311,931	0	838,256	0	0	1,150,187	548,676	0	1,484,964	0	0	2,033,640
d.	Additional Federal Special Revenue										
0	0	1,000,000	0	0	1,000,000	0	0	1,000,000	0	0	1,000,000
10.	Addictive and Mental Disorders Division (33)										
49,330,595	6,152,612	70,203,669	0	0	125,686,876	51,070,016	6,590,808	74,984,631	0	0	132,645,455
a.	Community Incentive/State Hospital (Restricted/Biennial/OTO)										
1,196,553	0	0	0	0	1,196,553	1,196,553	0	0	0	0	1,196,553
b.	Basic Mental Health Services for Children (Restricted)										
647,952	0	0	0	0	647,952	671,928	0	0	0	0	671,928
c.	Regional Mental Health System Planning (Restricted/Biennial)										
208,531	0	278,041	0	0	486,572	208,530	0	278,040	0	0	486,570
d.	Olmstead Planning/Implementation (Restricted)										
0	0	20,000	0	0	20,000	0	0	20,000	0	0	20,000
e.	Intergovernmental Transfer -- Mental Health Services										
0	106,155	285,273	0	0	391,428	0	108,564	293,824	0	0	402,388
f.	Intergovernmental Transfer -- Chemical Dependency (Biennial)										
0	250,000	671,829	0	0	921,829	0	257,000	695,557	0	0	952,557
g.	Law Enforcement/Judicial Training -- Mental Illness (Restricted)										

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42,219	0	25,332	0	0	67,551	42,324	0	25,395	0	0	67,719
h.	Federal Community Incentive Grant -- Chemical Dependency (OTO)										
0	0	3,594,483	0	0	3,594,483	0	0	3,594,483	0	0	3,594,483
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Total	247,490,705	42,227,430	721,229,730	0	0	1,010,947,865	258,154,172	45,012,079	731,245,057	0	01,034,411,308

The department shall report to the legislative finance committee and the children, families, health, and human services interim committee at every meeting of each committee:

- (1) the actual amount of federal temporary assistance for needy families (TANF) block grant funds expended in the current biennium;
- (2) the actual amount of TANF block grant maintenance of effort funds that have been expended in the current biennium;
- (3) the balance of previous fiscal years' TANF block grant funds that remain unexpended; and
- (4) the balance of the current fiscal year federal TANF block grant funds that remain unexpended.

The department shall use unexpended previous year federal TANF block grant funds to provide benefits and services that meet the federal definition of assistance. Current year federal TANF block grant funds must be used to fund benefits and services that meet the federal definition of assistance only after all available previous years' federal TANF block grant funds have been expended.

If the TANF block grant funds report given at the March 2002 legislative finance committee meeting indicates that there are FAIM phase II R dollars unexpended and no plan is in place to expend the remaining dollars, there is appropriated up to \$1.5 million of these unexpended funds for the summer youth employment program in the 2003 biennium.

Funds included in items 1b and 1e may be used only to fund tribal projects and to provide nontraditional job training to enrolled members of the seven Montana tribes and to the Little Shell band of Chippewa if the Little Shell band of Chippewa becomes a federally recognized tribe.

The department shall transfer funds in item 1l to the Montana board of housing revolving loan account to fund eligible activities under the federal TANF block grant. The timing and amount of the transfer must comply with federal regulations governing the expenditure and transfer of TANF funds.

Funds included in item 1u may be used only to develop programs for high-wage and high-skill training for single parents, persons who are economically disadvantaged, and displaced homemakers.

Funds included in item 1v may be used only to provide adult basic education services.

Funds included in item 4c may be used only to support costs for the completion of a financial institution data match.

Funds included in item 4d may be used only to support the costs incurred to complete a study of the costs of raising a child in Montana.

Item 5a must be spent on services to assist Montanans who have been exposed to asbestos. Funds in item 5a may not be expended for any other purpose.

Implementation of the resource-based relative value scale (RBRVS) provider rate system must continue to be phased in over the 2003 biennium. The department shall use funds in item 5b to raise rates paid to those current procedural terminology (CPT) codes paid the lowest percentage of medicare reimbursement that were restricted to 145% of the level of the state fiscal year 1997 reimbursement in state fiscal year 1999. The department may not change reimbursement for CPT codes, which were paid at 80% of the level of the state fiscal year 1997 reimbursement in state fiscal year 1999.

Item 5c includes funds for 3.5 FTE. Funds for the FTE may not be included in the adjusted base budget for the 2005 biennium unless federal funds or private revenue is available to fund the position.

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Funds in item 5e may be used only to purchase equipment to transmit or to facilitate the transmission of medical images and x-rays from rural hospitals to medical specialists. The funds may be granted only to rural hospitals or groups of rural hospitals to purchase the equipment.

The department shall provide to the legislative finance committee each year of the biennium an analysis of the number of medicaid hospital projects completed and associated cost savings because of funding for claims adjudication specialists as approved by the 2001 legislature.

Item 7 includes a reduction in general fund money of \$266,059 in fiscal year 2002 and \$266,059 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 7 includes a reduction of \$542,660 of general fund money, \$135,089 of state special revenue, and \$369,453 of federal special revenue in fiscal year 2002 and \$544,550 of general fund money, \$135,560 of state special revenue, and \$370,740 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 28 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The developmental disability program is directed to use existing general fund appropriations within the developmental disabilities program budget to refinance services, if possible. General fund money made available through refinancing efforts may be used to:

- (1) reduce the developmental disability program waiting list;
- (2) improve wages paid by community providers to direct care workers;
- (3) provide a provider rate increase to community services providers; and
- (4) fund existing plans of care for individuals waiting for residential services.

The developmental disabilities program will report to the legislative fiscal division semiannually in January and July:

- (1) the amount of general fund money that was made available through refinancing efforts;
- (2) the amount, scope, and nature of services provided by funds made available through refinancing;
- (3) the number of consumers, providers, and direct care worker staff benefiting from initiatives funded through refinancing efforts; and
- (4) the amount of additional state special and federal funds obtained through refinancing efforts.

Item 8 includes \$3,098,317 in general fund money and \$2,997,541 in federal funds to begin equalization of wages paid to direct care workers employed by developmental disability community providers with direct care worker wages paid to employees at Eastmont human services center and the Montana developmental center.

Included in item 8b is general fund money of \$1,400,277 in fiscal year 2002 and \$1,400,224 in fiscal year 2003. This funding is one time only. The disability services division is directed to use this funding to move at least 32 individuals from institutional settings to community settings. The combined population at the two institutions (Eastmont human services center and Montana developmental center) may not exceed 88 individuals at the end of the 2003 biennium. If the disability services division has a population of more than 88 individuals at the two institutions at the end of the 2003 biennium, the division shall certify that a community residential setting was not available for the individuals remaining in the two institutions.

Funds in item 9a may be used only to make one-time payments to nursing homes based on the number of medicaid services provided. State special revenue in item 9a may be expended only after the office of budget and program planning has certified that the department has received \$2 million each year from counties participating in the intergovernmental transfer program for nursing homes.

The department shall distribute funds in item 9c in a way that provides reasonable assurance that the funds are used solely for direct care wage and benefit

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increases. Not all providers or types of direct care workers must receive the same rate increase for the biennium. Funds appropriated in item 9c may be used only for direct care worker wage increases. Funds in item 9c may not be used to fund other programs. In the event that the department finds it necessary to institute program reductions, it is the intent of the legislature that funds in item 9c be the last item eliminated.

The senior and long-term care division is authorized to pursue up to \$2 million in federal special revenue in item 9d over the biennium to enhance or improve division services or programs. This additional federal special revenue may be expended by the division on services as long as those actions do not require or commit the state to additional general fund expenditures beyond the amount appropriated for the 2003 biennium by the legislature to the division in [this act].

The department shall post on the senior and long-term care division website the staffing levels provided in Montana nursing facilities.

The department shall require that area agencies on aging provide a written assessment of the need for increased funding in their nutrition programs prior to expending the additional Title III of the Older Americans Act of 1965 grant funds appropriated in [this act].

The appropriation in item 10 is contingent on the department developing a management plan to:

(1) ensure that the department staff tracking the census of residential treatment of children in Montana communicate in-state service availability to appropriate staff; and

(2) negotiate or issue requests for proposals in compliance with 52-2-306 and 52-2-307 for placement of children with in-state providers in lieu of placing the child in out-of-state treatment. The department shall submit the plan to the children, families, health, and human services interim committee and the legislative finance committee by July 1, 2001.

Item 10 is contingent on the department maintaining \$3,539,842 of federal block grant contracts to state-approved chemical dependency programs for treatment and rehabilitation each year of the 2003 biennium.

Funds in item 10a must be used to fund services at Montana state hospital or community services for persons who are eligible for services at Montana state hospital. The funds may not be used for any other purpose.

Funds in item 10b must be used to fund mental health services for low-income children. Funds in item 10b may not be used for any other purpose or transferred to any other program.

Funds in item 10d must be used to contract with the Montana consensus council.

Funds in item 10e must be used to pay one-time grants to county-funded mental health medicaid service providers. Funds in item 10e may not be used for any other purpose or transferred to any other program.

Funds in item 10g must be used for:

(1) activities related to training and educating law enforcement personnel, judicial personnel, and persons instrumental to the commitment process in recognizing serious mental illness and appropriate approaches to and treatment for persons who exhibit symptoms of mental illness; and

(2) development of screening tools to help identify whether a person may be mentally ill.

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TOTAL SECTION B

247,490,705	42,227,430	721,229,730	0	0	1,010,947,865	258,154,172	45,012,079	731,245,057	0	01,034,411,308
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C. NATURAL RESOURCES AND COMMERCE

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DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)

1.	Administration and Finance Division (01)												
	0	5,667,680	1,199,741	0	0	6,867,421	0	5,694,298	1,196,547	0	0	6,890,845	
	a.	Legislative Audit (Restricted/Biennial)											
		0	62,028	10,946	0	0	72,974	0	0	0	0	0	
	b.	Legislative Contract Authority (Restricted/OTO)											
		0	0	75,000	0	0	75,000	0	0	75,000	0	0	75,000
2.	Field Services Division (02)												
	0	6,601,562	724,700	0	0	7,326,262	0	6,651,474	729,488	0	0	7,380,962	
	a.	Public Wildlife Interface (Biennial)											
		0	65,000	0	0	0	65,000	0	0	0	0	0	
	b.	Legislative Contract Authority (Restricted/OTO)											
		0	0	60,000	0	0	60,000	0	0	60,000	0	0	60,000
3.	Fisheries Division (03)												
	0	3,314,986	3,786,792	0	0	7,101,778	0	3,338,044	3,799,927	0	0	7,137,971	
	a.	Fishing Access Assistance (Restricted/OTO)											
		0	25,000	0	0	0	25,000	0	25,000	0	0	25,000	
	b.	Recreation Conflict Coordinator (OTO)											
		0	15,874	37,039	0	0	52,913	0	15,874	37,039	0	0	52,913
	c.	Legislative Contract Authority (Restricted/OTO)											
		0	0	1,851,019	0	0	1,851,019	0	0	1,851,019	0	0	1,851,019
4.	Law Enforcement Division (04)												
	101,341	5,881,819	277,002	0	0	6,260,162	101,337	5,956,481	280,150	0	0	6,337,968	
	a.	Alternative Livestock Environmental Review (Biennial/OTO)											
		0	96,000	0	0	0	96,000	0	0	0	0	0	
	b.	Legislative Contract Authority (Restricted/OTO)											
		0	0	10,000	0	0	10,000	0	0	10,000	0	0	10,000
5.	Wildlife Division (05)												
	0	3,641,942	3,432,582	0	0	7,074,524	0	3,682,843	3,434,308	0	0	7,117,151	
	a.	Mountain Lion Research (Restricted/OTO)											
		0	38,992	116,978	0	0	155,970	0	38,992	116,978	0	0	155,970
	b.	Black Bear Research (OTO)											
		0	14,830	44,490	0	0	59,320	0	14,830	44,490	0	0	59,320
	c.	Sage Grouse Monitoring (OTO)											

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	0	22,500	67,500	0	0	90,000	0	22,500	67,500	0	0	90,000
	d.	Legislative Contract Authority (Restricted/OTO)										
	0	0	533,798	0	0	533,798	0	0	533,798	0	0	533,798
6.	Parks Division (06)											
	279,256	4,362,592	177,122	0	0	4,818,970	279,255	4,408,016	176,869	0	0	4,864,140
	a.	Motorboat Site Maintenance (Restricted)										
	0	11,000	40,000	0	0	51,000	0	11,000	40,000	0	0	51,000
	b.	Snowmobile Equipment (Biennial)										
	0	298,000	0	0	0	298,000	0	0	0	0	0	0
	c.	Continue Chief Plenty Coups (Restricted/Biennial/OTO)										
	0	214,155	0	0	0	214,155	0	0	0	0	0	0
	d.	Legislative Contract Authority (Restricted/OTO)										
	0	0	50,000	0	0	50,000	0	0	50,000	0	0	50,000
7.	Conservation Education Division (08)											
	2,562	1,699,295	499,481	0	0	2,201,338	2,562	1,711,770	499,472	0	0	2,213,804
	a.	Aquatic Education/Family Fishing (Restricted)										
	0	0	200,000	0	0	200,000	0	0	200,000	0	0	200,000
	b.	Shooting Range Grants (Biennial)										
	0	120,000	0	0	0	120,000	0	0	0	0	0	0
	c.	Shooting Range Grants Enhancement (Biennial/OTO)										
	0	60,000	0	0	0	60,000	0	0	0	0	0	0
	d.	Legislative Contract Authority (Restricted/OTO)										
	0	0	35,000	0	0	35,000	0	0	35,000	0	0	35,000
8.	Department Management (09)											
	0	2,586,380	882,199	0	0	3,468,579	0	2,595,545	880,521	0	0	3,476,066
	a.	Office Maintenance and Small Equipment (Restricted/OTO)										
	0	25,000	0	0	0	25,000	0	25,000	0	0	0	25,000
	b.	Cadastral Database (Restricted)										
	0	9,000	0	0	0	9,000	0	9,000	0	0	0	9,000
	c.	Native Species Conservation (Restricted/OTO)										
	0	0	511,427	0	0	511,427	0	0	511,427	0	0	511,427
	d.	Hunting and Fishing License Research (Restricted/OTO)										
	0	15,000	0	0	0	15,000	0	10,000	0	0	0	10,000
	e.	Legislative Contract Authority (Restricted/OTO)										

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	0	0	200,000	0	0	200,000	0	0	200,000	0	0	200,000
<b>Total</b>	383,159	34,848,635	14,822,816	0	0	50,054,610	383,154	34,210,667	14,829,533	0	0	49,423,354

The appropriations for legislative contract authority are subject to all of the following provisions:

(1) Legislative contract authority applies only to federal funds.

(2) Legislative contract authority expenditures must be reported on the state's accounting system, and the records must be separate from present law operations.

In preparing the 2005 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.

(3) A report must be submitted by the department to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a list of projects with the related amount of expenditures and FTE for each project.

The department is to report to the natural resources and commerce appropriations subcommittee on the projects funded with federal Sikes Act money and state matching money. The report is to include an analysis of the viability for continuance of the program and a list of projects funded with the money.

If the department is required to adjust personal services expenditure costs between state and federal accounts, the approving authority shall adjust the state special revenue appropriation and the federal appropriation by like amounts. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

The department shall determine and quantify any efficiencies generated as a result of incorporating the Smith River drawing process into the automated license system and report its findings to the 2003 legislature.

Item 1b legislative contract authority (LCA) is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 2b LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 3 includes \$19,726 in state special revenue funds each fiscal year and \$59,178 in federal special revenue funds each fiscal year that are restricted to equipment purchases in the fisheries division and payouts of leave accruals because of retirements in the fisheries division.

If House Bill No. 292 is passed and approved, item 3a is void.

Item 3c LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 4 includes a reduction in general fund money of \$18,339 in fiscal year 2002 and \$18,339 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 4a contains a biennial appropriation of \$96,000 for game farm environmental assessment/environmental impact statements.

Item 4b LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.



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Item 5a is a restricted and one-time-only appropriation for mountain lion research.

Item 5d LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 6 includes a reduction of \$224 of general fund money, \$156,407 of state special revenue, and \$67,792 of federal special revenue in fiscal year 2002 and \$225 of general fund money, \$156,952 of state special revenue, and \$68,027 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 6 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 6a is a restricted appropriation for motorboat site maintenance.

Item 6b includes a biennial appropriation of \$298,000 for snowmobile equipment.

The department may expend from the appropriation in item 6c no more than one-half of the unspent 2001 biennium appropriation made for this purpose. It is the intent of the legislature for the department to use any funds reverted from the 2001 biennium for the purpose of carrying out various maintenance and construction projects described in the management plan for Chief Plenty Coups state park. Further, the department may pursue up to \$214,155 of lodging facility use tax funds appropriated to the department for state park maintenance in addition to the \$214,155 appropriated in [this act] for purposes of completing the maintenance and construction projects at Chief Plenty Coups state park. The department shall develop a tracking and reporting method for amounts spent from the lodging facility use tax for this purpose. The department shall report to the legislative finance committee at its June 2002 (or nearest) meeting on factors such as projects completed, dollars spent, and a timeline for completion of the remainder of the projects.

Item 6d LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 7a is a restricted appropriation for aquatic education program/family fishing.

Item 7b is a biennial appropriation of \$120,000 for shooting range grants.

Item 7c is a biennial and one-time-only appropriation of \$60,000 for shooting range grants enhancement.

Item 7d LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 8 includes a total of \$138,780 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

Item 8b is a restricted appropriation for the cadastral database.

Item 8e LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

DEPARTMENT OF ENVIRONMENTAL QUALITY (5301)

1.	Central Management Program (10)	16,918	0	3,381	0	0	20,299	16,926	0	3,381	0	0	20,307
	a. Database Development (Restricted/Biennial/OTO)	150,000	0	0	0	0	150,000	0	0	0	0	0	0
	b. Legal Challenges (Biennial/OTO)												

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	150,000	0	0	0	0	150,000	0	0	0	0	0	0
2.	Planning, Prevention, and Assistance Division (20)											
	2,152,158	1,063,532	8,703,501	0	0	11,919,191	2,143,601	1,058,511	8,637,953	0	0	11,840,065
	a. Technical Assistance to Tribal Air Quality (OTO)											
	0	0	108,464	0	0	108,464	0	0	103,772	0	0	103,772
	b. Particulate Matter (2.5) Monitoring (Restricted)											
	0	0	250,784	0	0	250,784	0	0	249,099	0	0	249,099
	c. One-Stop Grant for Database (Biennial/OTO)											
	0	0	450,000	0	0	450,000	0	0	0	0	0	0
3.	Enforcement Division (30)											
	537,756	179,012	372,895	0	0	1,089,663	525,799	180,035	374,997	0	0	1,080,831
4.	Remediation Division (40)											
	0	3,212,735	7,164,215	0	0	10,376,950	0	3,244,983	7,173,433	0	0	10,418,416
	a. Enterprise Database Development (OTO)											
	0	200,000	0	0	0	200,000	0	25,000	0	0	0	25,000
	b. Cleanup/Lockwood Solvent (Biennial)											
	0	0	580,450	0	0	580,450	0	0	513,208	0	0	513,208
	c. Contracted Services -- Legal Support (Restricted/Biennial/OTO)											
	0	150,000	0	0	0	150,000	0	0	0	0	0	0
	d. Leaking Underground Storage Tank Trust -- Truck Replacement (OTO)											
	0	3,000	27,000	0	0	30,000	0	0	0	0	0	0
	e. Orphan Share Reimbursement (Restricted/Biennial/OTO)											
	0	3,500,000	0	0	0	3,500,000	0	0	0	0	0	0
	f. Aboveground Storage Tank Survey (Restricted/OTO)											
	0	25,000	0	0	0	25,000	0	25,000	0	0	0	25,000
	g. Petroleum Tank Release Compensation Board Fund Liability Study (Restricted/OTO)											
	0	75,000	0	0	0	75,000	0	0	0	0	0	0
	h. Database Development (Restricted/OTO)											
	0	18,306	34,294	0	0	52,600	0	18,306	34,294	0	0	52,600
	i. Leaking Underground Storage Tank Trust Contracted Services (Restricted/OTO)											
	0	30,000	270,000	0	0	300,000	0	30,000	270,000	0	0	300,000
5.	Permitting and Compliance Division (50)											
	1,203,624	8,220,687	3,658,575	0	0	13,082,886	1,170,941	8,280,854	3,643,607	0	0	13,095,402
	a. Junk Vehicle Database Conversion (Restricted/OTO)											

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	0	60,000	0	0	0	60,000	0	18,000	0	0	0	18,000
b.		Asbestos Compliance (Restricted/OTO)										
28,300	56,700	0	0	0	85,000	28,300	56,700	0	0	0	0	85,000
c.		Hazardous Waste Contract Service (Restricted/Biennial/OTO)										
0	150,000	0	0	0	150,000	0	0	0	0	0	0	0
d.		Bond Forfeitures (Restricted/Biennial)										
0	30,500,000	0	0	0	30,500,000	0	0	0	0	0	0	0
e.		Montana Environmental Policy Act Projects (Restricted/Biennial)										
0	1,000,000	0	0	0	1,000,000	0	0	0	0	0	0	0
f.		Hard-Rock Federal Funds (Restricted/Biennial/OTO)										
0	0	3,000,000	0	0	3,000,000	0	0	0	0	0	0	0
g.		Mining Fees (Restricted/Biennial/OTO)										
0	50,000	0	0	0	50,000	0	0	0	0	0	0	0
h.		Major Facility Siting Act Projects (Restricted/Biennial/OTO)										
0	300,000	0	0	0	300,000	0	0	0	0	0	0	0
i.		Abandoned Vehicle Operating Costs (Restricted/OTO)										
0	172,230	0	0	0	172,230	0	172,230	0	0	0	0	172,230
j.		Public Water Supply Equipment (Restricted/OTO)										
0	15,000	0	0	0	15,000	0	15,000	0	0	0	0	15,000
k.		Hard-Rock Equipment (Restricted/OTO)										
0	8,990	0	0	0	8,990	0	0	0	0	0	0	0
l.		Solid Waste Database Conversion (OTO)										
50,000	50,000	0	0	0	100,000	15,000	15,000	0	0	0	0	30,000
<hr/>												
Total	4,288,756	49,040,192	24,623,559	0	0	77,952,507	3,900,567	13,139,619	21,003,744	0	0	38,043,930

Items 2, 4, and 5 include a total of \$177,855 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

Item 5 includes a reduction in general fund money of \$21,618 in fiscal year 2002 and \$21,618 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 5 includes a reduction of \$21,608 of general fund money, \$61,464 of state special revenue, and \$58,063 of federal special revenue in fiscal year 2002 and \$21,683 of general fund money, \$61,677 of state special revenue, and \$58,264 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding

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for 3.75 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The department is authorized to decrease federal special revenue in the pollution control and the drinking water revolving fund loan programs and increase state special revenue by a like amount within the special administration account.

DEPARTMENT OF LIVESTOCK (5603)

1.	Centralized Services Program (01)											
	14,546	977,632	111,514	0	0	1,103,692	17,136	1,002,556	82,511	0	0	1,102,203
	a. Legislative Audit (Restricted/Biennial)											
	2,724	26,563	4,768	0	0	34,055	0	0	0	0	0	0
	b. Laboratory Information System Equipment/Installation (OTO)											
	0	96,200	10,000	0	0	106,200	0	0	0	0	0	0
2.	Diagnostic Laboratory Program (03)											
	183,209	1,194,465	11,115	0	0	1,388,789	183,225	1,212,404	17,371	0	0	1,413,000
3.	Animal Health Program (04)											
	0	680,445	0	0	0	680,445	0	710,510	0	0	0	710,510
	a. Bison Federal Cooperative Agreement (Restricted/OTO)											
	0	0	651,310	0	0	651,310	0	0	651,310	0	0	651,310
	b. Disease Outbreak (Restricted/OTO)											
	0	177,823	0	0	0	177,823	0	177,823	0	0	0	177,823
	c. Greater Yellowstone Interagency Brucellosis Committee (Restricted/OTO)											
	0	0	127,600	0	0	127,600	0	0	143,211	0	0	143,211
4.	Milk and Egg Program (05)											
	0	242,143	24,758	0	0	266,901	0	246,775	24,762	0	0	271,537
5.	Inspection and Control Program (06)											
	0	2,608,699	39,244	0	0	2,647,943	0	2,594,838	39,381	0	0	2,634,219
	a. Brand Rerecord (Restricted/OTO)											
	0	45,654	0	0	0	45,654	0	0	0	0	0	0
6.	Predator Control Program (08)											
	0	435,235	0	0	0	435,235	0	442,718	0	0	0	442,718
7.	Meat and Poultry Inspection Program (10)											
	395,716	1,756	397,475	0	0	794,947	400,683	1,756	402,441	0	0	804,880
8.	Milk Control Bureau (37)											
	0	186,643	0	0	0	186,643	0	186,501	0	0	0	186,501

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Total	596,195	6,673,258	1,377,784	0	0	8,647,237	601,044	6,575,881	1,360,987	0	0	8,537,912
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The department shall record separately all personal services, operating expenses, equipment, and capital expenditures related to bison control for all programs in which any resources are expended for that purpose on the state accounting, budgeting, and human resources system in a manner so that those expenditures may be readily derived and shall create a summary report. The department shall provide an annual report by program to the legislative fiscal analyst and the office of budget and program planning of all expenditures related to bison control.

Item 1 includes a reduction of \$4,398 of general fund money, \$49,328 of state special revenue, and \$4,143 of federal special revenue in fiscal year 2002 and \$4,413 of general fund money, \$49,495 of state special revenue, and \$4,157 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 1.5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 2 includes a reduction in general fund money of \$7,806 in fiscal year 2002 and \$7,806 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)

1.	Centralized Services (21)	1,491,387	354,007	96,230	0	0	1,941,624	1,502,384	361,951	96,199	0	0	1,960,534
	a. Legislative Audit (Restricted/Biennial)	80,272	0	0	0	0	80,272	0	0	0	0	0	0
	b. Missoula Office Rewiring (Restricted/OTO)	0	0	25,750	0	0	25,750	0	0	0	0	0	0
2.	Oil and Gas Conservation Division (22)	0	1,131,563	0	0	0	1,131,563	0	1,142,434	0	0	0	1,142,434
	a. Operating Adjustments (OTO)	0	84,243	0	0	0	84,243	0	89,708	0	0	0	89,708
3.	Conservation and Resource Development Division (23)	1,822,370	1,497,854	161,651	0	0	3,481,875	1,741,099	1,584,972	161,651	0	0	3,487,722
	a. Agriculture Heritage (Biennial/OTO)	305,000	0	0	0	0	305,000	95,000	0	0	0	0	95,000
	b. Irrigation Assistance (OTO)	150,000	0	0	0	0	150,000	150,000	0	0	0	0	150,000
	c. Dry Prairie Rural Water Project (OTO)	0	99,720	0	0	0	99,720	0	99,720	0	0	0	99,720
	d. North Central Montana Regional Water Authority (OTO)	125,000	0	0	0	0	125,000	125,000	0	0	0	0	125,000
	e. Eastern Plains Resource Conservation and Development (OTO)												

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	0	25,000	0	0	0	25,000	0	25,000	0	0	0	25,000
	f.	Gallatin Resource Conservation and Development (OTO)										
	15,000	0	0	0	0	15,000	15,000	0	0	0	0	15,000
	g.	Sheridan County Conservation District (OTO)										
	0	0	0	0	0	0	35,000	0	0	0	0	35,000
	h.	Coal Tax Allocation to Conservation Districts (Biennial)										
	0	100,000	0	0	0	100,000	0	0	0	0	0	0
	i.	Grass Conservation Commission (Biennial)										
	45,000	51,508	0	0	0	96,508	0	0	0	0	0	0
	j.	Regional Water System Coordinator (OTO)										
	0	52,054	0	0	0	52,054	0	52,054	0	0	0	52,054
4.	Water Resources Division (24)											
	5,927,624	1,078,253	160,035	0	0	7,165,912	5,988,090	1,051,340	160,733	0	0	7,200,163
	a.	State Water Project Rehabilitation (Restricted/Biennial/OTO)										
	0	3,600,000	0	0	0	3,600,000	0	0	0	0	0	0
	b.	Dam Safety Improvement (Restricted/OTO)										
	0	0	81,845	0	0	81,845	0	0	82,177	0	0	82,177
	c.	Water Well Litigation (Restricted)										
	0	16,000	0	0	0	16,000	0	16,000	0	0	0	16,000
	d.	Water Right Permit Verification (OTO)										
	0	170,000	0	0	0	170,000	0	145,000	0	0	0	145,000
	e.	Flood Damage Reduction (Restricted/OTO)										
	0	0	169,748	0	0	169,748	0	0	169,786	0	0	169,786
5.	Reserved Water Rights Compact Commission (25)											
	724,000	0	0	0	0	724,000	726,262	0	0	0	0	726,262
	a.	Equipment Replacement (OTO)										
	6,000	0	0	0	0	6,000	10,500	0	0	0	0	10,500
6.	Forestry and Trust Lands (35)											
	6,052,809	10,919,855	1,055,209	0	0	18,027,873	6,088,257	11,030,296	1,064,587	0	0	18,183,140
	a.	Fire Protection Assessment Software Rewrite (Restricted/OTO)										
	79,200	40,800	0	0	0	120,000	0	0	0	0	0	0
	b.	Federal Fire Reimbursement (Restricted)										
	0	0	229,684	0	0	229,684	0	0	229,684	0	0	229,684
	c.	Phase II/ Slash Programming (OTO)										

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23,600	0	0	0	0	23,600	0	0	0	0	0	0	
d.	Remote Weather Station (OTO)											
8,710	4,290	0	0	0	13,000	0	0	0	0	0	0	
e.	Forest Health Monitoring Program (Restricted/OTO)											
0	0	78,000	0	0	78,000	0	0	78,000	0	0	78,000	
f.	Forest Rehabilitation (OTO)											
0	177,500	0	0	0	177,500	0	140,500	0	0	0	140,500	
g.	Replacement Equipment (OTO)											
0	15,000	0	0	0	15,000	0	17,000	0	0	0	17,000	
h.	Habitat Conservation Plan (Restricted/Biennial/OTO)											
0	0	200,000	0	0	200,000	0	0	0	0	0	0	
i.	Homeowner Defensible Space Audits (Biennial/OTO)											
0	0	200,000	0	0	200,000	0	0	0	0	0	0	
j.	Private Forest Landowner Assistance (Restricted/Biennial/OTO)											
0	0	350,000	0	0	350,000	0	0	0	0	0	0	
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Total	16,855,972	19,417,647	2,808,152	0	0	39,081,771	16,476,592	15,755,975	2,042,817	0	0	34,275,384

Item 1 includes a reduction in general fund money of \$83,468 in fiscal year 2002 and \$83,468 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$107,169 of general fund money, \$71,060 of state special revenue, and \$8,770 of federal special revenue in fiscal year 2002 and \$107,543 of general fund money, \$71,308 of state special revenue, and \$8,801 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 2 includes a total of \$98,310 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

The department is authorized to decrease state special revenue in the underground injection control program and to increase federal special revenue by a like amount when the amount of federal EPA funds available for the program becomes known. Any federal special revenue funds are to be spent before state special revenue funds.

The department is appropriated up to \$600,000 for the 2003 biennium from the state special revenue account established in 85-1-604 for the purchase of prior liens on property held as loan security as provided in 85-1-618.

During the 2003 biennium, up to \$100,000 of excess loan loss reserve money in the water pollution control state revolving fund is appropriated to make grants to aid in the feasibility of projects as authorized in 75-5-1113(3)(b).

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During the 2003 biennium, up to \$100,000 of excess loan loss reserve money in the drinking water state revolving fund is appropriated to make grants to aid in the feasibility of projects as authorized in 75-6-224(3)(b).

The department is authorized to decrease federal special revenue in the pollution control and the drinking water revolving fund loan programs and to increase state special revenue money by a like amount within the special administration account.

During the 2003 biennium, up to \$1 million in federal special revenue is appropriated to the department for the agriculture heritage program, contingent upon receipt of federal funds for this purpose. This appropriation is restricted for use in the agriculture heritage program.

During the 2003 biennium, up to \$1 million of funds currently in or to be deposited in the Broadwater replacement and renewal account is appropriated to the department for repairing or replacing equipment at the Broadwater hydropower facility.

During the 2003 biennium, up to \$70,000 of interest earned on the Broadwater water users account is appropriated to the department for the purpose of repair, improvement, or rehabilitation of the Broadwater-Missouri diversion project.

During the 2003 biennium, up to \$500,000 of funds currently in or to be deposited in the state project hydropower earnings account is appropriated for the purpose of repairing, improving, or rehabilitating department state water projects.

The department shall report back to the 2003 legislature to provide an update on the progress of the flood damage reduction project.

The department is appropriated up to \$20,000 for the 2003 biennium from the bond proceeds provided for in 76-13-408 for hazard reduction bonds during the 2003 biennium.

Item 6b are those funds received from nonstate entities for the use of department personnel and equipment to assist them in managing emergency incidents, such as fire suppression activities. Only funds up to \$100,000 received as reimbursement of personnel expenses credited against the department's operational budget and up to \$250,000 of funds received as payment under equipment use agreements are considered fire reimbursement funds. All other funds received must be deposited in the general fund. Funds reimbursed for the use of department equipment must be expended for the repair, maintenance, and replacement of equipment that supports the state-county cooperative fire program. The department shall report fire reimbursement expenditures on state accounting records, and the records must be separate from present law operations.

DEPARTMENT OF AGRICULTURE (6201)

1.	Central Management Division (15)											
	160,698	417,516	65,009	46,667	0	689,890	183,479	402,681	64,838	48,740	0	699,738
	a. Legislative Audit (Restricted/Biennial)											
	34,055	0	0	0	0	34,055	0	0	0	0	0	0
	b. Electronic Transactions Strategic Planning Consulting Services (OTO)											
	0	79,000	0	39,000	0	118,000	0	30,414	0	4,000	0	34,414
2.	Agricultural Sciences Division (30)											
	95,175	4,453,416	421,962	0	0	4,970,553	97,137	4,435,233	423,377	0	0	4,955,747
	a. Federal Special Grants (OTO)											
	0	0	100,000	0	0	100,000	0	0	100,000	0	0	100,000
	b. Organic Certification Program (Restricted/OTO)											
	41,567	0	0	0	0	41,567	41,680	0	0	0	0	41,680



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3.	Agricultural Development Division (50)											
	353,612	3,183,896	45,710	267,689	0	3,850,907	356,431	3,146,249	45,710	267,947	0	3,816,337
	a. Rail Transportation Technical Assistance (Restricted/Biennial/OTO)											
	0	50,000	0	0	0	50,000	0	0	0	0	0	0

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Total	685,107	8,183,828	632,681	353,356	0	9,854,972	678,727	8,014,577	633,925	320,687	0	9,647,916
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It is the intent of the legislature that the department use sources other than the general fund to fund operations of the organic certification program in the 2005 biennium.

Item 1 includes a reduction in general fund money of \$9,627 in fiscal year 2002 and \$9,627 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$2,715 of general fund money, \$28,656 of state special revenue, \$3,804 of federal special revenue, and \$2,225 of proprietary fund money in fiscal year 2002 and \$2,725 of general fund money, \$28,755 of state special revenue, \$3,817 of federal special revenue, and \$2,233 of proprietary fund money in fiscal year 2003. This reduction is the equivalent of funding for 1 full-time equivalent employee. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

DEPARTMENT OF COMMERCE (6501)

1.	Weights and Measures Bureau (02)											
	0	694,288	0	0	0	694,288	0	697,611	0	0	0	697,611
	a. Legislative Audit (Restricted/Biennial)											
	0	1,573	0	0	0	1,573	0	0	0	0	0	0
2.	Banking and Financial Division (36)											
	0	1,567,590	0	0	0	1,567,590	0	1,578,405	0	0	0	1,578,405
	a. Legislative Audit (Restricted/Biennial)											
	0	2,821	0	0	0	2,821	0	0	0	0	0	0
3.	Professional and Occupational Licensing Bureau (39)											
	0	5,316,679	0	0	0	5,316,679	0	5,249,198	0	0	0	5,249,198
	a. Legal Contingency (Restricted/OTO)											
	0	70,000	0	0	0	70,000	0	70,000	0	0	0	70,000
4.	Board of Research and Commercialization (50)											
	147,704	0	0	0	0	147,704	148,951	0	0	0	0	148,951
	a. Legislative Audit (Restricted/Biennial)											
	340	0	0	0	0	340	0	0	0	0	0	0
5.	Economic Development Division (51)											

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1,149,070	191,601	4,058,000	0	0	5,398,671	1,155,556	191,405	4,058,350	0	0	5,405,311
a.	Legislative Audit (Restricted/Biennial)										
7,051	0	0	0	0	7,051	0	0	0	0	0	0
6.	Montana Promotion Division (52)										
0	750,000	0	0	0	750,000	0	750,000	0	0	0	750,000
a.	Legislative Audit (Restricted/Biennial)										
0	15,149	0	0	0	15,149	0	0	0	0	0	0
7.	Community Development Division (60)										
435,416	1,835,248	8,179,068	0	0	10,449,732	440,187	1,895,206	8,179,480	0	0	10,514,873
a.	Legislative Audit (Restricted/Biennial)										
4,920	925	0	0	0	5,845	0	0	0	0	0	0
b.	Hard-Rock Mining Impact Account Reserve (Restricted)										
0	100,000	0	0	0	100,000	0	100,000	0	0	0	100,000
8.	Local Government Services Division (62)										
427,602	0	0	0	0	427,602	430,187	0	0	0	0	430,187
a.	Legislative Audit (Restricted/Biennial)										
911	0	0	0	0	911	0	0	0	0	0	0
9.	Building Codes Bureau (65)										
0	3,189,177	0	0	0	3,189,177	0	3,181,356	0	0	0	3,181,356
a.	Legislative Audit (Restricted/Biennial)										
0	6,427	0	0	0	6,427	0	0	0	0	0	0
b.	Building Codes Vehicle Replacement (OTO)										
0	45,118	0	0	0	45,118	0	46,118	0	0	0	46,118
10.	Housing Division (74)										
0	0	53,450,092	0	0	53,450,092	0	0	56,319,440	0	0	56,319,440
a.	Legislative Audit (Restricted/Biennial)										
0	0	11,973	0	0	11,973	0	0	0	0	0	0
11.	Montana State Lottery (77)										
0	0	0	8,550,339	0	8,550,339	0	0	0	8,888,627	0	8,888,627
a.	Legislative Audit (Restricted/Biennial)										
0	0	0	8,265	0	8,265	0	0	0	0	0	0
b.	Online Terminals (OTO)										
0	0	0	345,000	0	345,000	0	0	0	0	0	0
12.	Board of Horseracing (78)										

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	0	238,108	0	0	0	238,108	0	239,319	0	0	0	239,319
	a.	Legislative Audit (Restricted/Biennial)										
	0	450	0	0	0	450	0	0	0	0	0	0
13.	Consumer Affairs (79)											
	265,624	74,839	0	0	0	340,463	268,227	74,839	0	0	0	343,066
	a.	Legislative Audit (Restricted/Biennial)										
	608	0	0	0	0	608	0	0	0	0	0	0
	b.	Telemarketing/Lemon Law Programs Fund Switch (Restricted/OTO)										
	56,354	0	0	0	0	56,354	56,354	0	0	0	0	56,354
14.	Director's Office/Management Services Division (81)											
	a.	Department Server/Hardware Replacement (OTO)										
	18,721	11,913	18,566	8,973	0	58,173	0	0	0	0	0	0
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Total	2,514,321	14,111,906	65,717,699	8,912,577	0	91,256,503	2,499,462	14,073,457	68,557,270	8,888,627	0	94,018,816

The department is appropriated in each of the fiscal years 2002 and 2003 up to \$500,000 of state special revenue that is deposited in the account established for the purpose of processing charter applications and for the chartering, examination, and regulation of each foreign capital depository that obtains a charter under the provisions of 32-8-205.

Item 5 includes a reduction of \$13,252 of general fund money, \$55,743 of state special revenue, and \$11,728 of federal special revenue in fiscal year 2002 and \$13,298 of general fund money, \$55,934 of state special revenue, and 11,768 of federal special revenue in fiscal year 2003. Item 11 includes a reduction of proprietary fund money of \$14,548 in fiscal year 2002 and \$14,598 in fiscal year 2003. These reductions are the equivalent of funding for 2.5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

It is the intent of the legislature that the department use lodging facility use taxes to fund \$340,961 in fiscal year 2002 and \$336,677 in fiscal year 2003 for the Montana historical society. This would be expended as follows:

	<u>2002</u>	<u>2003</u>
Lewis and Clark Bicentennial	\$116,477	\$111,124
Scriver Curator	28,484	25,553
Scriver Rent Storage	96,000	100,000
Lewis and Clark Grant Funding	100,000	100,000

Item 5 includes a reduction in general fund money of \$29,724 in fiscal year 2002 and \$29,724 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

The department shall report to the 2003 legislature on options for a fleet management plan to stabilize vehicle replacement costs within the building codes division.

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The department shall report to the 2003 legislature on the status and results related to the purchase and placement of additional online terminals funded in item 11b.

The department is appropriated up to \$56,354 in state special revenue authority in each year of the biennium for operations within the telemarketing and lemon law programs and shall seek and use state special revenue received from consumer affairs' settlements as authorized by a district court order to offset and minimize use of the general fund within the telemarketing and lemon law programs, as provided in 17-2-108.

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TOTAL SECTION C											
25,323,510	132,275,466	109,982,691	9,265,933	0	276,847,600	24,539,546	91,770,176	108,428,276	9,209,314	0	233,947,312

D. CORRECTIONS AND PUBLIC SAFETY

CRIME CONTROL DIVISION (4107)											
1. Justice System Support Service (01)											
2,547,369	0	10,345,282	0	0	12,892,651	2,560,808	0	10,343,286	0	0	12,904,094

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Total											
2,547,369	0	10,345,282	0	0	12,892,651	2,560,808	0	10,343,286	0	0	12,904,094

All remaining federal pass-through grant appropriations, including reversions, for the 2001 biennium are authorized to continue and are appropriated in fiscal year 2002 and fiscal year 2003.

Item 1 includes a reduction in general fund money of \$5,289 in fiscal year 2002 and \$5,289 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses.

DEPARTMENT OF JUSTICE (4110)

1. Legal Services Division (01)											
2,494,360	327,095	149,680	0	0	2,971,135	2,511,938	328,436	150,137	0	0	2,990,511
a. Major Litigation (Restricted/Biennial)											
200,000	0	0	0	0	200,000	200,000	0	0	0	0	200,000
2. Gambling Control Division (07)											
946,936	2,257,622	0	0	0	3,204,558	949,496	2,267,500	0	0	0	3,216,996
3. Motor Vehicle Division (12)											
8,136,355	432,194	0	0	0	8,568,549	8,189,320	432,194	0	0	0	8,621,514
4. Highway Patrol Division (13)											
1,039,779	17,043,371	964,494	0	0	19,047,644	1,072,796	17,340,140	971,207	0	0	19,384,143
5. Division of Criminal Investigation (18)											
2,306,218	317,530	1,340,017	0	0	3,963,765	2,320,009	318,765	1,345,719	0	0	3,984,493
6. County Attorney Payroll (19)											

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	1,695,751	0	0	0	0	1,695,751	1,749,594	0	0	0	0	1,749,594
7.	Law Enforcement Academy Division (22)											
	1,104,358	50,000	199,607	0	0	1,353,965	1,089,466	50,000	199,722	0	0	1,339,188
8.	Central Services Division (28)											
	276,527	354,085	0	12,888	0	643,500	275,326	352,410	0	12,831	0	640,567
	a. Legislative Audit (Restricted/Biennial)											
	26,149	33,447	0	1,216	0	60,812	0	0	0	0	0	0
9.	Information Technology Services Division (29)											
	2,787,457	537,570	761,375	10,094	0	4,096,496	2,801,067	537,142	761,322	10,094	0	4,109,625
10.	Extradition and Transportation of Prisoners (30)											
	177,724	0	0	0	0	177,724	178,936	0	0	0	0	178,936
11.	Forensic Sciences Division (32)											
	2,057,290	303,205	185,673	0	0	2,546,168	2,046,498	303,205	185,973	0	0	2,535,676
<hr/>												
Total	23,248,904	21,656,119	3,600,846	24,198	0	48,530,067	23,384,446	21,929,792	3,614,080	22,925	0	48,951,243

The appropriations for legislative contract authority are subject to all of the following provisions:

- (1) Legislative contract authority applies only to federal and private funds.
- (2) Legislative contract authority expenditures must be reported on the state accounting records and kept separate from present law operations. In preparing the 2005 biennium executive budget, the office of budget and program planning may not include expenditures from this item in the present law base.
- (3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year, listing legislative contract authority grants received and the amount of expenditures and FTE for each grant.

The legislature recognizes that the costs associated with litigation in which the legal services division is required to provide representation to the state of Montana may exceed the appropriation provided. In that event, the department will need to request a supplemental appropriation from the 2003 legislature to adequately represent the state.

The appropriation for the gambling control division contains funding for the automated accounting and reporting system (AARS). The general fund appropriation of \$380,000 in each year of the 2003 biennium reflects continuation of a 5-year general fund commitment for this project through the 2005 biennium. It is the intent of the legislature that an annual general fund commitment of \$236,250 be continued in each year of the 2007 biennium. If the long-range building program committee bill, to use intercap funding for AARS implementation, is passed by the 2001 legislature, a portion of these appropriations may be used to make debt service payments.

The department is appropriated up to \$2,800,000 for the biennium from state special revenue funds for the purchase of system interface boards to be used for the implementation of the AARS.

Item 3 includes a reduction in general fund money of \$77,142 in fiscal year 2002 and \$77,142 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

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There is appropriated from the highway patrol retirement clearing account for payments to the Montana highway patrol pension fund the amount required for this transfer, not to exceed \$1,500,000 for each fiscal year.

Item 9 includes a reduction of \$132,628 of general fund money, \$118,831 of state special revenue, \$10,236 of federal special revenue, and \$105 of proprietary fund money in fiscal year 2002 and \$133,089 of general fund money, \$119,245 of state special revenue, \$10,272 of federal special revenue, and \$105 of proprietary fund money in fiscal year 2003. This reduction is the equivalent of funding for 7 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

General fund money up to \$51,000 for the 2003 biennium in item 10 not used for the extradition and transportation of prisoners may be used to purchase vans for county sheriffs and peace officers to transport prisoners.

The legislature recognizes that the cost for extradition and transportation of prisoners is dependent upon factors beyond the control of the agency and may exceed the appropriation provided. In that event, the agency will need to request a supplemental appropriation from the 2003 legislature to provide required extradition and transportation of prisoners.

Item 11 includes \$12,000 in general fund money for fiscal year 2002 for lab accreditation. The use of the funds for accreditation is contingent on passage of a federal requirement that a lab needs to be accredited to receive federal funds.

PUBLIC SERVICE REGULATION (4201)

1.	Public Service Regulation Program (01)	0	2,426,152	15,520	0	0	2,441,672	0	2,406,861	15,519	0	0	2,422,380
a.	Legislative Audit (Restricted/Biennial)	0	17,027	0	0	0	17,027	0	0	0	0	0	0
b.	Consultants (Biennial)	0	100,000	0	0	0	100,000	0	0	0	0	0	0
c.	Universal Access Program (Biennial)	0	683,454	0	0	0	683,454	0	0	0	0	0	0
<hr/>													
Total		0	3,226,633	15,520	0	0	3,242,153	0	2,406,861	15,519	0	0	2,422,380

DEPARTMENT OF CORRECTIONS (6401)

1.	Administration and Support Services (01)	14,803,089	4,321	0	60,383	0	14,867,793	14,836,914	1,358	0	56,508	0	14,894,780
a.	Legislative Audit (Restricted/Biennial)	91,947	0	0	0	0	91,947	0	0	0	0	0	0
2.	Community Corrections (02)	32,629,140	573,890	428,987	0	0	33,632,017	34,353,289	573,890	428,987	0	0	35,356,166
3.	Secure Facilities (03)												

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48,134,474	1,152,279	533,362	0	0	49,820,115	51,083,654	1,152,595	556,968	0	0	52,793,217
4.	Montana Correctional Enterprises (04)										
1,014,403	0	0	516,831	0	1,531,234	1,016,834	0	0	518,241	0	1,535,075

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Total											
96,673,053	1,730,490	962,349	577,214	0	99,943,106	101,290,691	1,727,843	985,955	574,749	0	104,579,238

Item 1 includes a reduction of \$401,402 of general fund money and \$1,531 of proprietary fund money in fiscal year 2002 and \$402,801 of general fund money and \$1,536 of proprietary fund money in fiscal year 2003. This reduction is the equivalent of funding for 10.75 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 2 includes a reduction in general fund money of \$112,296 in fiscal year 2002 and \$112,296 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

If Senate Bill No. 489 is passed and approved, general fund money in item 3 is decreased by \$4 million in fiscal year 2003.

DEPARTMENT OF LABOR AND INDUSTRY (6602)

1.	Job Service Division (01)										
691,220	6,694,562	24,353,747	6,832	0	31,746,361	693,564	6,726,459	24,370,144	6,832	0	31,796,999
a.	Legislative Audit (Restricted/Biennial)										
958	58,072	6,543	0	0	65,573	0	0	0	0	0	0
b.	Research and Analysis Bureau Additional FTE (OTO)										
0	0	82,903	0	0	82,903	0	0	83,194	0	0	83,194
2.	Unemployment Insurance Division (02)										
0	288,653	6,184,411	0	0	6,473,064	0	288,653	6,233,008	0	0	6,521,661
a.	Legislative Audit (Restricted/Biennial)										
0	0	20,506	0	0	20,506	0	0	0	0	0	0
b.	Unemployment Insurance Modified FTE to Permanent (OTO)										
0	0	108,206	0	0	108,206	0	0	108,583	0	0	108,583
3.	Commissioner's Office/Centralized Services Division (03)										
134,249	429,675	346,757	52,540	0	963,221	134,851	434,241	348,158	52,819	0	970,069
a.	Legislative Audit (Restricted/Biennial)										
196	3,164	0	0	0	3,360	0	0	0	0	0	0
4.	Employment Relations Division (04)										
886,421	5,713,800	650,833	0	0	7,251,054	890,932	5,752,229	654,100	0	0	7,297,261
a.	Legislative Audit (Restricted/Biennial)										

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	2,990	14,812	2,660	0	0	20,462	0	0	0	0	0	0
	b.	Human Rights Workload (Restricted/OTO)										
	21,159	0	0	0	0	21,159	21,227	0	0	0	0	21,227
5.	Montana Community Services (07)											
	24,895	28,191	2,964,617	0	0	3,017,703	24,895	28,200	2,966,338	0	0	3,019,433
	a.	Legislative Audit (Restricted/Biennial)										
	0	0	862	0	0	862	0	0	0	0	0	0
6.	Workers' Compensation Court (09)											
	0	422,851	0	0	0	422,851	0	428,777	0	0	0	428,777
	a.	Legislative Audit (Restricted/Biennial)										
	0	1,034	0	0	0	1,034	0	0	0	0	0	0
<hr/>												
Total	1,762,088	13,654,814	34,722,045	59,372	0	50,198,319	1,765,469	13,658,559	34,763,525	59,651	0	50,247,204

It is the intent of the legislature that the rates charged for these functions be agreed to by the United States department of labor federal cost negotiator. It is anticipated that the assessment will be approximately 9% and 10% of a program's actual personal services costs incurred in fiscal year 2002 and fiscal year 2003.

Item 3 includes a reduction in general fund money of \$16,420 in fiscal year 2002 and \$16,420 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 3 includes a reduction of \$7,635 of general fund money, \$100,934 of state special revenue, and \$98,921 of federal special revenue in fiscal year 2002 and \$7,661 of general fund money, \$101,282 of state special revenue, and \$99,263 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 5.5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

DEPARTMENT OF MILITARY AFFAIRS (6701)

1.	Operations Support (01)											
	366,616	0	45,697	0	0	412,313	365,215	0	50,448	0	0	415,663
	a.	Legislative Audit (Restricted/Biennial)										
	414	0	0	0	0	414	0	0	0	0	0	0
	b.	Operations Support Compliance Specialist (OTO)										
	0	0	36,548	0	0	36,548	0	0	37,153	0	0	37,153
2.	Challenge Program (02)											
	a.	Legislative Audit (Restricted/Biennial)										
	4,135	0	6,203	0	0	10,338	0	0	0	0	0	0
	b.	Youth Challenge Program (OTO)										



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	695,690	0	2,087,070	0	0	2,782,760	698,051	0	2,094,154	0	0	2,792,205
3.	Scholarship Program (03)											
	a. National Guard Scholarship Program (Biennial/OTO)											
	250,000	0	0	0	0	250,000	0	0	0	0	0	0
4.	Army National Guard Program (12)											
	1,168,675	123,914	3,602,405	0	0	4,894,994	1,227,291	222,312	3,699,154	0	0	5,148,757
	a. Legislative Audit (Restricted/Biennial)											
	6,410	0	16,746	0	0	23,156	0	0	0	0	0	0
5.	Air National Guard Program (13)											
	200,249	0	2,019,140	0	0	2,219,389	208,431	0	2,014,587	0	0	2,223,018
	a. Legislative Audit (Restricted/Biennial)											
	931	0	4,446	0	0	5,377	0	0	0	0	0	0
6.	Disaster Coordination Response (21)											
	505,171	21,597	1,766,187	0	0	2,292,955	507,632	21,597	1,326,648	0	0	1,855,877
	a. Legislative Audit (Restricted/Biennial)											
	620	0	620	0	0	1,240	0	0	0	0	0	0
	b. Disaster and Emergency Services Server Replacement (OTO)											
	0	0	0	0	0	0	12,679	0	4,651	0	0	17,330
7.	Veterans' Affairs Program (31)											
	688,957	161,428	0	0	0	850,385	684,164	161,495	0	0	0	845,659
	a. Legislative Audit (Restricted/Biennial)											
	827	0	0	0	0	827	0	0	0	0	0	0
	b. Veterans' Affairs Copier Replacement (OTO)											
	4,000	0	0	0	0	4,000	0	0	0	0	0	0

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Total	3,892,695	306,939	9,585,062	0	0	13,784,696	3,703,463	405,404	9,226,795	0	0	13,335,662
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The terrorism/weapons of mass destruction program and the associated 1 FTE is terminated when federal funding for the program is terminated.

Item 4 includes a reduction in general fund money of \$26,615 in fiscal year 2002 and \$26,615 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 4 includes a reduction of \$20,312 of general fund money, \$486 of state special revenue, and \$37,072 of federal special revenue in fiscal year 2002 and \$20,381 of general fund money, \$488 of state special revenue, and \$37,196 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 1.5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans.

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The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

TOTAL SECTION D												
128,124,109	40,574,995	59,231,104	660,784	0	228,590,992	132,704,877	40,128,459	58,949,160	657,325	0	232,439,821	

E. EDUCATION

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (3501)

1.	OPI Administration (06)	4,275,066	167,623	0	73,133	0	4,515,822	4,295,143	167,696	0	73,133	0	4,535,972
	a. Advanced Placement Administration (OTO)	0	0	27,557	0	0	27,557	0	0	39,841	0	0	39,841
	b. Emergency Renovation (OTO)	0	0	54,837	0	0	54,837	0	0	54,837	0	0	54,837
	c. Federal Funds (Biennial)	0	0	7,516,994	0	0	7,516,994	0	0	7,528,376	0	0	7,528,376
	d. National Board Certification Stipends	30,000	0	0	0	0	30,000	30,000	0	0	0	0	30,000
2.	Distribution to Public Schools (09)	0	0	82,994,320	0	0	82,994,320	0	0	84,576,071	0	0	84,576,071
	a. BASE Aid (Biennial)	432,677,022	0	0	0	0	432,677,022	440,553,781	0	0	0	0	440,553,781
	b. Special Education (Biennial)	33,899,850	0	0	0	0	33,899,850	34,916,846	0	0	0	0	34,916,846
	c. Transportation Aid (Biennial)	10,787,993	0	0	0	0	10,787,993	10,887,993	0	0	0	0	10,887,993
	d. School Facility Reimbursement (Biennial)	4,350,000	0	0	0	0	4,350,000	4,700,000	0	0	0	0	4,700,000
	e. Timber Harvest for Technology (Restricted/Biennial)	1,250,000	0	0	0	0	1,250,000	1,600,000	0	0	0	0	1,600,000
	f. Instate Treatment (Biennial)	974,897	0	0	0	0	974,897	974,897	0	0	0	0	974,897
	g. Secondary Vocational Education (Biennial)	715,000	0	0	0	0	715,000	715,000	0	0	0	0	715,000
	h. Adult Basic Education (Biennial)												

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275,000	0	0	0	0	275,000	275,000	0	0	0	0	275,000	
i.	Gifted and Talented (Biennial)											
150,000	0	0	0	0	150,000	150,000	0	0	0	0	150,000	
j.	School Food (Biennial)											
648,653	0	0	0	0	648,653	648,653	0	0	0	0	648,653	
k.	School District Audits (Biennial)											
145,025	0	0	0	0	145,025	149,425	0	0	0	0	149,425	
l.	School District Block Grants -- HB 121 (OTO)											
2,400,000	0	0	0	0	2,400,000	0	0	0	0	0	0	
m.	Traffic Safety Distribution											
0	750,000	0	0	0	750,000	0	750,000	0	0	0	750,000	
n.	Reduced Class Size (Biennial)											
0	0	7,605,780	0	0	7,605,780	0	0	9,492,523	0	0	9,492,523	
o.	Advanced Placement Incentive (Biennial)											
0	0	194,900	0	0	194,900	0	0	238,600	0	0	238,600	
p.	Comprehensive School Reform (Biennial)											
0	0	963,061	0	0	963,061	0	0	963,061	0	0	963,061	
q.	Emergency School Renovation (Biennial)											
0	0	5,428,913	0	0	5,428,913	0	0	5,428,913	0	0	5,428,913	
<hr/>												
Total	492,578,506	917,623	104,786,362	73,133	0	598,355,624	499,896,738	917,696	108,322,222	73,133	0	609,209,789

It is the intent of the legislature that the advanced driver education program be funded through a proprietary account.

Item 1 includes a reduction in general fund money of \$35,313 in fiscal year 2002 and \$35,313 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal 2000 base budget travel expenses.

Item 1 includes a reduction of \$24,236 of general fund money, \$1,477 of state special revenue, and \$20,154 of federal special revenue in fiscal year 2002 and \$24,322 of general fund money, \$1,482 of state special revenue, and \$20,225 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 1.25 full-time equivalent employees. The office may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 1c is a biennial appropriation.

Item 1d is to provide up to 10 teachers each fiscal year who obtain certification by the national board for professional teaching standards with a one-time stipend of \$3,000.

Items 2a through 2k and items 2n through 2q are biennial appropriations.

Item 2e is for school technology as provided in 20-9-534. The amount expended may not exceed the amount paid into the general fund under the provisions of

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20-9-343(3)(a)(ii).

The office of public instruction may distribute funds from the appropriation in item 2f to public school districts for the purpose of providing educational costs of day-treatment services.

BOARD OF PUBLIC EDUCATION (5101)

1.	Administration (01)	145,629	11,425	0	0	0	157,054	142,524	11,425	0	0	0	153,949
	a. Legislative Audit (Restricted/Biennial)	1,703	0	0	0	0	1,703	0	0	0	0	0	0
	b. Montana Education Coordinating Committee (Restricted/Biennial/OTO)	6,000	0	0	0	0	6,000	0	0	0	0	0	0
2.	Advisory Council (03)	0	161,433	0	0	0	161,433	0	161,994	0	0	0	161,994
	a. Legislative Audit (Restricted/Biennial)	0	1,702	0	0	0	1,702	0	0	0	0	0	0

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Total		153,332	174,560	0	0	0	327,892	142,524	173,419	0	0	0	315,943
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Item 1 includes a reduction in general fund money of \$5,404 in fiscal year 2002 and \$5,404 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The board may reallocate this reduction in funding between programs when developing 2003 biennium operating plans.

Item 1b is contingent upon passage and approval of supporting legislation and may be used only for communication and office expenses.

SCHOOL FOR THE DEAF AND BLIND (5113)

1.	Administration Program (01)	300,395	0	0	0	0	300,395	298,071	0	0	0	0	298,071
	a. Legislative Audit (Restricted/Biennial)	28,127	0	0	0	0	28,127	0	0	0	0	0	0
2.	General Services Program (02)	314,080	0	0	0	0	314,080	315,497	0	0	0	0	315,497
3.	Student Services (03)	894,091	0	25,000	0	0	919,091	897,547	0	25,000	0	0	922,547
4.	Education (04)	1,794,951	232,930	63,287	0	0	2,091,168	1,795,313	232,922	63,285	0	0	2,091,520

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Total		3,331,644	232,930	88,287	0	0	3,652,861	3,306,428	232,922	88,285	0	0	3,627,635
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Item 3 includes a reduction in general fund money of \$5,711 in fiscal year 2002 and \$5,711 in fiscal year 2003. This is a reduction in travel funding. The school may reallocate this reduction in funding among programs when developing 2003 biennium operating plans.

Item 4 includes a reduction of \$26,189 of general fund money, \$2,135 of state special revenue, and \$611 of federal special revenue in fiscal year 2002 and \$26,279 of general fund money, \$2,143 of state special revenue, and \$613 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for a 0.75 full-time equivalent employee. The school may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

MONTANA ARTS COUNCIL (5114)

1.	Promotion of the Arts (01)	313,215	140,829	477,500	0	0	931,544	301,681	137,416	477,500	0	0	916,597
	a. Legislative Audit (Restricted/Biennial)	19,460	0	0	0	0	19,460	0	0	0	0	0	0
<hr/> Total		332,675	140,829	477,500	0	0	951,004	301,681	137,416	477,500	0	0	916,597

All federal funds in item 1 are biennial appropriations.

Item 1 includes a reduction in general fund money of \$1,803 in fiscal year 2002 and \$1,803 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses.

MONTANA STATE LIBRARY COMMISSION (5115)

1.	State Library Operations (01)	1,786,472	177,710	1,200,694	0	0	3,164,876	1,527,330	177,710	750,694	0	0	2,455,734
	a. Legislative Audit (Restricted/Biennial)	17,027	0	0	0	0	17,027	0	0	0	0	0	0
	b. Periodical Electronic Database (OTO)	82,500	117,500	0	0	0	200,000	82,500	117,500	0	0	0	200,000
2.	Natural Resources Information System (07)	84,838	495,348	30,000	0	0	610,186	88,980	495,341	30,000	0	0	614,321
	a. Stable Natural Resources Information System Funding (OTO)	4,513	140,487	475,000	0	0	620,000	4,513	115,487	0	0	0	120,000
<hr/> Total		1,975,350	931,045	1,705,694	0	0	4,612,089	1,703,323	906,038	780,694	0	0	3,390,055

Item 1 includes biennial appropriations of \$251,138 in general fund money and \$889,102 in federal funds for grants to local libraries.

Item 1 includes a reduction in general fund money of \$7,261 in fiscal year 2002 and \$7,261 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The commission may reallocate this reduction in funding between programs when developing 2003 biennium operating

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plans.

Item 2 includes \$500,000 for legislative contract authority as a biennial appropriation, subject to the following provisions:

(1) Legislative contract authority applies only to state special revenue funds received from the Montana university system, federal funds, and private funds.

(2) Legislative contract authority expenditures must be reported on the state accounting system. The records must be separate from present law operations. In preparing the 2005 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.

(3) A report must be submitted by the state library commission to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.

(4) Legislative contract authority may be transferred between state and federal special revenue, depending upon the contract received by the Montana state library.

MONTANA HISTORICAL SOCIETY (5117)

1.	Administration Program (01)											
	793,693	212,243	53,762	67,247	0	1,126,945	797,553	206,870	54,573	67,238	0	1,126,234
	a. Legislative Audit (Restricted/Biennial)											
	26,757	0	0	0	0	26,757	0	0	0	0	0	0
	b. Lewis and Clark Bicentennial (OTO)											
	31,847	0	0	0	0	31,847	31,715	0	0	0	0	31,715
2.	Library Program (02)											
	585,836	2,808	0	59,447	0	648,091	588,810	2,808	0	59,518	0	651,136
	a. Equipment to Read and Print Microfilm (Biennial/OTO)											
	6,000	0	0	0	0	6,000	0	0	0	0	0	0
3.	Museum Program (03)											
	282,182	251,533	0	7,618	0	541,333	284,383	253,151	0	7,618	0	545,152
4.	Publications (04)											
	53,652	0	0	710,135	0	763,787	53,652	0	0	711,646	0	765,298
5.	Historical Sites Preservation (06)											
	47,381	0	805,481	0	0	852,862	44,451	0	807,864	0	0	852,315
6.	Lewis and Clark Bicentennial (08)											
	a. Grant Funding (Restricted)											
	0	100,000	0	0	0	100,000	0	100,000	0	0	0	100,000
<hr/>												
Total	1,827,348	566,584	859,243	844,447	0	4,097,622	1,800,564	562,829	862,437	846,020	0	4,071,850

Item 1 includes a reduction in general fund money of \$6,549 in fiscal year 2002 and \$6,549 in fiscal year 2003. This is a reduction in travel funding. The agency may reallocate this reduction in funding among programs when developing 2003 biennium operating plans.

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Item 1 includes a reduction of \$9,453 of general fund money, \$5,230 of state special revenue, \$3,034 of federal special revenue, and \$2,753 of proprietary fund money in fiscal year 2002 and \$9,483 of general fund money, \$5,246 of state special revenue, \$3,043 of federal special revenue, and \$2,762 of proprietary fund money in fiscal year 2003. This reduction is the equivalent of funding for a 0.5 full-time equivalent employee. The agency may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The legislative intent of item 2a is to acquire equipment based on the newest available technology within the available funding limit at the time of purchase.

It is the intent of the legislature that the department of commerce use lodging facility use taxes to fund \$340,961 in fiscal year 2002 and \$336,677 in fiscal year 2003 for the Montana historical society. This would be expended as follows:

	<u>2002</u>	<u>2003</u>
Lewis and Clark Bicentennial	\$116,477	\$111,124
Scriver Curator	28,484	25,553
Scriver Rent Storage	96,000	100,000
Lewis and Clark Grant Funding	100,000	100,000

MONTANA UNIVERSITY SYSTEM, INCLUDING OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION AND EDUCATIONAL UNITS AND AGENCIES (5100)

1.	OCHE -- Administration (01)											
	1,221,994	0	0	0	0	1,221,994	1,236,481	0	0	0	0	1,236,481
	a.	Legislative Audit (Restricted/Biennial)										
	35,514	0	0	0	0	35,514	0	0	0	0	0	0
2.	OCHE -- Student Assistance (02)											
	8,299,390	0	151,531	0	0	8,450,921	8,477,208	0	151,531	0	0	8,628,739
3.	OCHE -- Dwight D. Eisenhower Mathematics and Science Education Act (03)											
	0	0	312,744	0	0	312,744	0	0	312,744	0	0	312,744
4.	OCHE -- Community College Assistance (04)											
	5,540,013	0	0	0	0	5,540,013	5,597,528	0	0	0	0	5,597,528
	a.	Legislative Audit (Restricted/Biennial)										
	33,920	0	0	0	0	33,920	0	0	0	0	0	0
5.	OCHE -- Talent Search (06)											
	92,846	0	2,993,405	0	0	3,086,251	93,349	0	3,129,072	0	0	3,222,421
6.	OCHE -- C.D. Perkins Administration (08)											
	78,748	0	7,741,446	0	0	7,820,194	78,746	0	6,101,291	0	0	6,180,037
7.	OCHE -- Appropriation Distribution Transfers (09)											
	99,820,715	12,426,336	0	0	0	112,247,051	100,321,170	12,594,548	0	0	0	112,915,718
	a.	Legislative Audit (Restricted/Biennial)										

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228,503	0	0	0	0	228,503	0	0	0	0	0	0	
b.	Increase State Support \$100 per Resident Student per Year (OTO)											
2,500,000	0	0	0	0	2,500,000	5,000,000	0	0	0	0	5,000,000	
c.	Agricultural Experiment Station											
9,667,170	0	0	0	0	9,667,170	9,702,731	0	0	0	0	9,702,731	
d.	Institute for Biobased Products and Food Science											
200,000	0	0	0	0	200,000	200,000	0	0	0	0	200,000	
e.	Extension Service											
3,974,244	0	0	0	0	3,974,244	3,989,997	0	0	0	0	3,989,997	
f.	Forestry and Conservation Experiment Station											
897,300	0	0	0	0	897,300	900,600	0	0	0	0	900,600	
g.	Bureau of Mines and Geology											
1,516,947	600,000	0	0	0	2,116,947	1,521,761	666,000	0	0	0	2,187,761	
h.	Fire Services Training School											
497,580	0	0	0	0	497,580	507,176	0	0	0	0	507,176	
8.	OCHE -- Guaranteed Student Loan (12)											
0	0	34,668,909	0	0	34,668,909	0	0	37,372,404	0	0	37,372,404	
a.	Legislative Audit (Restricted/Biennial)											
0	0	4,379	0	0	4,379	0	0	4,378	0	0	4,378	
9.	OCHE -- Board of Regents (13)											
43,631	0	0	0	0	43,631	43,631	0	0	0	0	43,631	
<hr/>												
Total	134,648,515	13,026,336	45,872,414	0	0	193,547,265	137,670,378	13,260,548	47,071,420	0	0	198,002,346

Items 1 through 3 and 5 through 7b are a single biennial lump-sum appropriation.

Total audit costs of the office of the commissioner of higher education are estimated to be \$35,514.

Item 1 includes a reduction in general fund money of \$16,926 in fiscal year 2002 and \$16,926 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The agency may reallocate this reduction in funding among programs when developing 2003 biennium operating plans.

Total Summitnet costs are estimated to be \$25,000 each year for the community colleges. The general fund appropriation for the community colleges provides 53% of the total Summitnet costs. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4. Summitnet costs for each year may not exceed \$8,000 each for Dawson and Miles community colleges and \$9,000 for Flathead Valley community college.

The general fund appropriation in item 4 is calculated to fund education in the community colleges for an estimated 1,990 resident student FTE students in fiscal year 2002 and 2,011 resident student FTE students in fiscal year 2003. If total annual resident FTE student enrollment in the community colleges is greater than 1,990



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in fiscal year 2002 and 2,011 in fiscal year 2003, the community colleges shall serve the additional students without a state general fund contribution. If actual resident FTE student enrollment is less than 1,990 in fiscal year 2002 and 2,011 in fiscal year 2003, the commission of higher education shall revert \$2,686 in general fund money from the appropriation in item 4 to the state for each estimated FTE student who did not enroll.

Total audit costs are estimated to be \$64,000 for the community colleges for the biennium. The general fund appropriation for each community college provides 53% of the total audit costs in fiscal year 2002. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4a. Audit costs for the biennium may not exceed \$20,000 each for Dawson and Miles community colleges and \$24,000 for Flathead Valley community college.

Item 6 includes a reduction of \$24,385 in fiscal year 2002 and \$24,470 in fiscal year 2003 of federal special revenue. Item 7 includes a reduction of \$779,826 in fiscal year 2002 and \$782,537 in fiscal year 2003 of general fund money. This reduction is the equivalent of funding for 40.75 full-time equivalent employees. The board of regents may reallocate this reduction in FTE and funding among university system units, as defined in 17-7-102(13), when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The decision of the legislature to deny funds for initiatives or budget requests proposed by the governor and the board of regents for the 2003 biennium does not imply an intent to prohibit the board of regents from implementing those initiatives unless specifically stated otherwise in [this act].

The general fund and millage appropriation in item 7 is calculated to fund education in the 4-year units and the colleges of technology for an estimated 25,004 resident FTE students in fiscal 2002 and 25,207 resident FTE students in fiscal 2003. If actual resident student enrollment is greater than the estimated number for the biennium, the university system shall serve the additional students without a state general fund contribution. If actual resident student enrollment is less than the estimated number for the biennium, the commissioner of higher education shall revert \$1,914 in general fund money to the state for each estimated FTE student who did not enroll.

Revenue appropriated to the Montana university system units and colleges of technology includes:

- (1) state special revenue from interest earnings of \$1,913,590 each year of the 2003 biennium;
- (2) tuition revenue of \$110,388,170 in fiscal year 2002 and \$109,729,925 in fiscal year 2003; and
- (3) other revenue of \$1,013,738 each year of the 2003 biennium.

These amounts are appropriated for current unrestricted operating expenses as a biennial lump-sum appropriation and are in addition to the funds shown in item 7. Item 7 includes \$428,660 in each year of the biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state energy conservation program. The costs of this transfer in each year of the biennium are: university of Montana-Missoula, \$201,100; Montana tech of the university of Montana, \$28,000; Montana state university-northern, \$97,000; Montana state university-Billings, \$91,800; and western Montana college of the university of Montana, \$10,760.

Item 7 includes a total of \$44,253 of general fund money for the 2003 biennium for the Montana natural resources information system (NRIS). The Montana university system shall pay an additional \$44,253 for the 2003 biennium in current funds in support of NRIS. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

Total audit costs are estimated to be \$681,092 for the university system other than the office of the commissioner of higher education. Each unit shall pay a percentage of these costs from funds other than those appropriated in item 7a.

Item 7b is intended by the legislature to be used to increase state support for resident student FTE at the university units each year of the 2003 biennium.

University system unit is defined in 17-7-102(13). For all university system units, except the office of the commissioner of higher education, all funds (other than plant funds appropriated in House Bills No. 5 and 14, relating to long-range building, and current unrestricted operating funds) are appropriated contingent on approval of the comprehensive program budget by the board of regents by October 1 of each year. For all university system 4-year units and colleges of technology, all funds,

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other than funds appropriated in House Bills No. 5 and 14 for long-range building programs, are appropriated as a lump sum for the biennium contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The board of regents shall allocate the appropriations to the individual units according to board policy. The budget must contain detailed revenue and expenditure and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board of regents. Transfers and related justifications must be submitted to the office of budget and program planning and to the legislative fiscal analyst.

All university system units, except the office of the commissioner of higher education, shall account for expenditures consistently within programs and funds across all units and shall use the standards of accounting and reporting, as described by the national college and university business officers, as a minimum for achieving consistency.

The Montana university system, except the office of the commissioner of higher education and the community colleges, shall allow the office of budget and program planning and the legislative fiscal division banner access to the entire university system's banner information system, including data warehouses, except:

- (1) the ability to change data;
- (2) portions of the banner information system that are the property of third parties (such as alumni associations or foundations); and
- (3) information pertaining to individual students or individual employees that is protected by Article II, sections 9 and 10, of the Montana constitution, 20-25-515, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.

Subsections (1) through (3) in no way limit the power of the legislative fiscal analyst or the budget director to receive and examine copies of any state government information, including confidential records, in accordance with 5-12-303 and 17-1-132.

All financial data recorded in the various funds in banner must agree with the financial data as recorded on the statewide accounting, budgeting, and human resources system (SABHRS), including:

- (1) all statutory and restricted appropriations must be clearly segregated on SABHRS; and
- (2) the budgeted personal services for current unrestricted operating funds on banner must tie to the operating plan for expenditure of funds appropriated in [this act] and other bills, as approved by the board of regents.

The Montana university system shall provide the electronic data required to upload human resource data for the current unrestricted operating funds into the MBARS system. The salary and benefit data provided must reflect approved board of regents operating budgets.

Revenue appropriated to the agricultural experiment station includes:

- (1) state special revenue from interest earnings and other revenue of \$184,239 in fiscal year 2002 and \$184,705 in fiscal year 2003;
- (2) federal revenue of \$2,122,369 in fiscal year 2002 and \$2,130,499 in fiscal year 2003; and
- (3) proprietary revenue from sales of \$993,627 in fiscal year 2002 and \$998,135 in fiscal year 2003. These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7c.

The general fund money in item 7d is appropriated with the condition that, prior to the expenditure of the general fund money, the Montana agricultural experiment station collect \$140,000 of private, nonpublic money each year of the 2003 biennium for the purpose of supporting the institute for biobased products and food science.

Revenue appropriated to the extension service includes:

- (1) state special revenue from interest earnings of \$46,892 in fiscal year 2002 and \$47,070 in fiscal year 2003; and
- (2) federal revenue of \$2,268,928 in fiscal year 2002 and \$2,278,065 in fiscal year 2003. These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7e.

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Interest revenue of \$4,923 in each year of the 2003 biennium is appropriated to the forestry and conservation experiment station for current unrestricted operating expenses. This amount is in addition to that shown in item 7f.

Proprietary revenue of \$27,310 each year of the 2003 biennium is appropriated to the bureau of mines and geology for current unrestricted operating expenses. This amount is in addition to that shown in item 7g.

Interest revenue of \$4,097 each year of the 2003 biennium is appropriated to the fire services training school for current unrestricted operating expenses. This amount is in addition to that shown in item 7h.

TOTAL SECTION E											
634,847,370	15,989,907	153,789,500	917,580	0	805,544,357	644,821,636	16,190,868	157,602,558	919,153	0	819,534,215
TOTAL STATE FUNDING											
1,142,925,522	414,608,462	1,364,587,747	12,296,769	933,055	2,935,351,555	1,167,079,052	377,310,052	1,384,531,463	1		
2,235,605	933,055	2,942,089,227									

**NEW SECTION. Section 5. Rates.** Internal service fund type fees and charges established by the legislature for the 2003 biennium in compliance with 17-7-123(6)(b) are as follows:

	<u>Fiscal Year 2002</u>	<u>Fiscal Year 2003</u>
Secretary of State - 3201		
1. Administrative Rules of Montana Fees		
a. Administrative Rules of Montana (per set)	\$350.00	\$350.00
b. Quarterly Updates of ARM (per year)	\$250.00	\$250.00
c. Extra Titles (per book)	\$50.00	\$50.00
d. Quarterly Updates of Extra Titles (per year per title)	\$50.00	\$50.00
e. Montana Administrative Register (per subscription)	\$300.00	\$300.00
f. Agency Filing Fee for Pages of Register Publication (per page)	\$40.00	\$40.00
g. Binders (per binder)	\$5.00	\$5.00
h. Lapsed Subscription Fee ARM (per subscription)	\$50.00	\$50.00
i. Lapsed Subscription Fee Extra Title (per title)	\$10.00	\$10.00
j. Fax Fee - 10 Pages or Less (first 10 pages)	\$3.00	\$3.00
k. Fax Fee - Additional Pages Over 10 Pages (per page)	\$0.25	\$0.25
l. Research Fee (per hour)	\$12.00	\$12.00
m. Set Cleanup Fee (per hour)	\$12.00	\$12.00
n. Missing Page Fee (per page up to cost of set)	\$0.50	\$0.50

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o. Rule Edit Fee (per hour)	\$15.00	\$15.00
p. Late Filing Fee (less than 2 hours) (per occurrence)	\$5.00	\$5.00
q. Late Filing Fee (2 hours to 4 hours) (per occurrence)	\$10.00	\$10.00
r. Late Filing Fee (more than 4 hours) (per occurrence)	\$25.00	\$25.00
2. Records Management Fees (based on 2-6-203)		
a. 16MM Microfilm		
Less than 250,000	\$38.58	\$38.58
Nontypical extreme weight and size	\$38.58	\$38.58
8" x 11"; 8" x 14" paperwork	\$30.00	\$30.00
8" x 11"; 8" x 14" computer printout	\$30.00	\$30.00
Extreme size and weight variance	\$31.50	\$31.50
Cards - fixed weight and color	\$15.75	\$15.75
Cards - mixed weight and color	\$26.25	\$26.25
b. 35MM Microfilm		
L (per 12" x 12") aerial photos	\$68.25	\$68.25
16" x 20" bound books	\$63.00	\$63.00
24" x 34" newspapers	\$115.50	\$115.50
24" x 34" bound newspapers	\$136.50	\$136.50
48" x 48" blueprints/maps	\$288.75	\$288.75
c. 105MM Microfilm		
8" x 11" paperwork	\$68.25	\$68.25
8" x 11"; 8" x 14" computer printout	\$77.17	\$77.17
Cards (per 1,000)	\$77.17	\$77.17
Minimum filing charge	\$37.50	\$37.50
d. Film Processing		
16mm, 100 foot roll	\$3.62	\$3.62
16mm, 215 foot roll	\$7.10	\$7.10
35mm, 100 foot roll	\$6.35	\$6.35
16mm, 3M cartridges	\$4.73	\$4.73
e. Film Inspecting		
100 foot roll inspection (per roll)	\$3.65	\$3.65
215 foot roll inspection (per roll)	\$5.23	\$5.23
Film splicing	\$0.79	\$0.79
3M cartridge loading	\$2.25	\$2.25

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f. Duplication		
16mm, 100 foot roll (per roll)	\$6.81	\$6.81
16mm, 215 foot roll (per roll)	\$13.03	\$13.03
35mm, 100 foot roll (per roll)	\$9.21	\$9.21
105mm, microfiche or jackets	\$0.16	\$0.16
Reader/printer copies	\$0.50	\$0.50
Photocopies/own labor	\$0.10	\$0.10
Photocopies/our labor	\$0.50	\$0.50
16mm, 100 foot roll (per roll)	\$9.92	\$9.92
35mm, 100 foot roll (per roll)	\$14.54	\$14.54
g. Jacket Loading		
16mm, 5 channel jacket	\$0.3150	\$0.3150
Agency's own jacket	\$0.2887	\$0.2887
35mm, 1 and 2 channel jacket	\$0.3150	\$0.3150
Loading 16mm aperture card	\$0.2625	\$0.2625
Jacket title	\$0.2625	\$0.2625
Jacket notching	\$0.0525	\$0.0525
h. Miscellaneous		
Fiche title (per title)	\$0.2625	\$0.2625
Indexing and document prep/hour (per hour)	\$18.00	\$18.00
Camera rental (per day)	\$95.00	\$95.00
i. Supplies		
NMI reader bulbs (per bulb)	\$10.75	\$10.75
16mm, 100 foot roll film (per roll)	\$6.68	\$6.68
16mm, 215 foot roll film (per roll)	\$12.95	\$12.95
35mm, 100 foot roll film (per roll)	\$13.95	\$13.95
j. Records Center Services		
Storage (per square foot per month)	\$0.2565	\$0.2565
Storage (per cubic foot per month)	\$0.295	\$0.295
Retrievals (per occurrence)	\$1.50	\$1.50
Emergency retrievals (per occurrence)	\$6.25	\$6.25
Large retrievals, delivery, interfiling (per occurrence)	\$22.50	\$22.50
Records disposal (per hour)	\$22.50	\$22.50
Shredding confidential records (per hour)	\$23.05	\$23.05

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k. Records Center Boxes		
Records storage boxes: standard size A (per box)	\$1.34	\$1.34
Drawing and map storage boxes: size C (per box)	\$1.34	\$1.34
l. Imaging Services		
Imaging (per image)	\$0.055	\$0.055
Indexing and document preparation (per hour)	\$18.00	\$18.00
Department of Transportation - 5401		
1. State Motor Pool		
a. Class 02 (small utilities)		
per hour assigned	\$1.597	\$1.600
per mile operated	\$0.022	\$0.022
b. Class 04 (large utilities)		
per hour assigned	\$2.116	\$2.335
per mile operated	\$0.056	\$0.056
c. Class 06 (passenger cars)		
per hour assigned	\$1.501	\$1.643
per mile operated	\$0.054	\$0.054
d. Class 07 (small and standard size pickups)		
per hour assigned	\$1.270	\$1.260
per mile operated	\$0.030	\$0.030
e. Class 11 (large 4X4 pickups)		
per hour assigned	\$1.832	\$2.334
per mile operated	\$0.056	\$0.056
f. Class 12 (vans)		
per hour assigned	\$1.449	\$1.632
per mile operated	\$0.071	\$0.071
2. Equipment Program		
a. 60-Day Working Capital		
Department of Revenue - 5801		
1. Customer Service Center		
a. Delinquent Account Collection Fee (percent of amount collected)	10.0%	10.0%
Department of Administration - 6101		
1. Accounting and Management Support		
a. Legal Services Unit		

Share (percent) of Total Revenue Each Program or Division Will Pay

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Teachers' Retirement	20%	20%
Employee Benefits Program	26%	26%
Risk Management and Tort Defense	2%	2%
General Services Division	7%	7%
Architecture and Engineering	18%	18%
Information Services Division	27%	27%
Total	100%	100%
b. Network Support Unit		
Programming cost		60-day working capital reserve
Computer support (per computer)	\$714	\$732
Server support (per server)	\$1,072	\$1,098
c. Warrant Writing (per warrant)		
Mailer warrants	\$0.6170	\$0.6145
Nonmailers	\$0.2080	\$0.2055
Emergency warrant	\$4.1329	\$4.1320
Duplicate warrant	\$5.6632	\$5.6624
Direct deposits	\$0.1671	\$0.1660
Externals - printed from an outside system	\$0.1850	\$0.1825
d. Personnel Unit		
Allocation to supported divisions (per FTE basis)	\$88,262	\$92,691
2. Procurement and Printing		
a. Publications and Graphics		60-day working capital reserve
b. Central Stores		60-day working capital reserve
c. Natural Gas Procurement		break-even (no reserve)
d. Statewide Fueling Network (percent of gross purchases)	5.0%	5.0%
e. Statewide Procurement Card Program (per card)	\$1.00	\$1.00
3. Information Services Division		
a. Data Network Fee (per connected terminal per month)	\$72.60	\$72.60
b. Statewide Accounting, Budgeting, and Human Resources System (SABHRS) Allocation to Agriculture	\$4,168,460	\$4,211,734
c. All Remaining Operations of the Division		45-day working capital reserve
4. General Services Division		
a. Office Space Rent (per square foot)	\$4.77	\$4.88
b. Warehouse Space Rent (per square foot)	\$2.12	\$2.12

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5. Mail and Distribution Bureau		
a. Interagency Mail (total amount allocated to agencies)	\$171,655	\$171,655
b. All Other Operations Except for Interagency Mail		60-day working capital reserve
6. State Personnel Division		
a. Intergovernmental Training (per hour)	\$113	\$113
b. State Payroll Unit (total amount allocated to agencies)	\$356,958	\$366,248
c. Employee Benefits Program - Because state employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of the premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to meet the requirements of 2-18-812(1) to maintain state employee group benefit plans on an actuarially sound basis, the legislature defines "rates and fees" for state employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to meet the requirements of 2-18-812(1).		
7. Risk Management and Tort Defense		
a. General Liability (total allocation to agencies)	\$4,793,553	\$4,985,295
b. Automobile Liability (total allocation to agencies)	\$1,137,500	\$1,225,000
c. Property (total allocation to agencies)	\$1,200,500	\$1,270,930
d. Airport/Aircraft (total allocation to agencies)	\$116,567	\$128,222
e. All Other Lines (total allocation to agencies)	\$239,413	\$258,508
Fish, Wildlife & Parks - 5201		
1. Administration and Finance (% markup)		
a. Warehouse Overhead	14%	14%
2. Vehicle Account Rates Per Mile		
a. Sedans	\$0.20	\$0.24
b. Suburban - 4x4	\$0.33	\$0.35
c. Vans 1/2 Ton	\$0.18	\$0.21
d. Vans 1/2 Ton Window	\$0.27	\$0.32
e. Pickup 1/2 Ton 2x4	\$0.33	\$0.34
f. Pickup 3/4 Ton 4x4 V8	\$0.20	\$0.22
g. Grounds Maintenance	\$0.75	\$0.85
h. Bronco 4x4	\$0.24	\$0.28
i. Pickup 1/2 Ton 4x4	\$0.27	\$0.34
j. Pickup 3/4 Ton 4x4 HD	\$0.30	\$0.35
k. Pickup 3/4 Ton 4x4 HD XC	\$0.35	\$0.38
l. Pickup 1 Ton 4x4	\$0.33	\$0.37
m. Pickup 3/4 Ton 4x4 MD	\$0.24	\$0.27



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n.	Pickup 3/4 Ton 4x4 MD XC	\$0.29	\$0.33
o.	Pickup 1/2 Ton 4x4 LD XC	\$0.29	\$0.33
3.	Aircraft Per Hour Rates		
a.	Two-Place Single Engine	\$ 54.02	\$ 56.72
b.	Partnavia	\$257.24	\$270.10
c.	Turbine Helicopters	\$313.58	\$329.26
4.	Parks – Capitol Grounds Maintenance	\$0.3696/sq.ft.	\$0.3696/sq.ft.
5.	Duplicating – Number of Copies (includes paper)		
a.	1-20	\$0.045	\$0.050
b.	21-100	\$0.030	\$0.035
c.	101-1000	\$0.025	\$0.030
d.	1001-5000	\$0.020	\$0.025
6.	Bindery		
a.	Collating (per sheet)	\$0.005	\$0.005
b.	Hand Stapling (per set)	\$0.015	\$0.015
c.	Saddle Stitch (per set)	\$0.030	\$0.030
d.	Folding (per sheet)	\$0.005	\$0.005
e.	Punching (per sheet)	\$0.001	\$0.001
f.	Cutting (per minute)	\$0.550	\$0.550
Department of Environmental Quality - 5301			
1.	Central Management		
a.	Expenses Against Personal Services	24%	24%
Department of Natural Resources and Conservation - 5706			
1.	Air Operations Program		
a.	Fixed Wing	\$95	\$95
b.	Bell 206A Helicopter	\$355	\$355
c.	UH-1 Huey Helicopter	\$875	\$875
Department of Commerce - 6501			
1.	Professional and Occupational Licensing		
a.	House Bill No. 2 Programs Recharge Rate	38%	38%
2.	Local Government Services Bureau		
a.	Local Government Assistance Administration Recharge	1.38%	1.38%
3.	Board of Investments		

For purposes of [this act], the legislature defines “rates” as the total collections necessary to operate the board of investments as follows:

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a. Administration Charge (total)	\$2,765,200	\$2,710,200
4. Director's Office/Management Services		
a. Management Services Indirect Charge Rate	10.25%	10.25%
Department of Justice - 4110		
1. Agency Legal Services		
a. Attorney (per hour)	\$70	\$70
b. Investigator/Paralegal (per hour)	\$38	\$38
Department of Corrections - 6401		
1. Montana Corrections Enterprises		
a. Laundry rate to MSP	\$0.39/lb	\$0.39/lb
b. Laundry rate to MSH	\$0.38/lb	\$0.38/lb
c. Laundry rate to MDC	\$0.46/lb	\$0.46/lb
Department of Labor and Industry - 6602		
1. Centralized Services Division		
a. Cost Allocation Plan	9.44%	10.14%
Office of Public Instruction - 3501		
1. OPI Indirect Cost Pool	17%	17%
2. Advanced Driver Education		
a. Workshop Fees		
Full-day workshop/person	\$175.00 - \$200.00	
Half-day refresher/person	\$115.00 - \$125.00	
b. Facility Usage Fees		
Montana state government/day	\$85.00	
High school driver education		
Per year when track not in use	\$500.00	
Per day after hours and not in use	\$25.00	
Private nonprofit/day	\$200.00	
Commercial use/day	\$1,500.00 - \$2,000.00	

MONTANA UNIVERSITY SYSTEM - 5100

Because certain employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of these premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to maintain employee group benefit plans on an actuarially sound basis, the legislature defines rates and fees for Montana university system employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to maintain the employee group benefit plans on an actuarially sound basis.

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-End-

And, as amended, do pass. Report adopted.

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**HUMAN SERVICES** (Thomas, Chairman):  
**SB 38**, be amended as follows:

3/12/2001

1. Title, line 7.  
**Strike:** "40-5-807,"

2. Page 3, line 29.  
**Following:** line 28

**Insert:** "(5) If the department is providing child support enforcement services, the department shall ensure that a parent required by a medical support order to obtain a health benefit plan or individual insurance for a child is informed of any state group health benefit plan, such as the state children's health insurance plan, for which a child may be eligible. If a medical support order requiring enrollment is issued by the department or the court and a determination is made that insurance is not available at a reasonable cost, the tribunal shall notify the primary parent of the determination and of any state group health benefit plan for which a child may be eligible and may order the primary parent to submit an application to the department for enrollment of the child in a state group health benefit plan, such as the state children's health insurance plan. If the department determines that the child is eligible, it shall enroll the child in the program pursuant to standard enrollment procedures."

**Renumber:** subsequent subsections

3. Page 4, line 30 through page 5, line 12.  
**Strike:** section 3 in its entirety  
**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 107**, be concurred in. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):  
**SB 152**, be amended as follows:

3/12/2001

1. Page 2, line 12.  
**Following:** "state,"  
**Insert:** "tribal,"

And, as amended, be concurred in. Report adopted.

**SB 300**, be concurred in. Report adopted.  
**SB 318**, be amended as follows:

1. Title, line 5.  
**Following:** "SEASON;"

**Insert:** "INCREASING FROM 50 MILES TO 100 MILES THE DISTANCE THAT VEHICLES MAY TRAVEL FROM THE HARVESTED FIELD; INCREASING FROM 7 PERCENT TO 10 PERCENT THE AMOUNT BY WHICH CERTAIN VEHICLES MAY EXCEED WEIGHT LIMITS WITHOUT INCURRING PENALTIES;"

2. Page 1, line 27.  
**Strike:** "50-mile"  
**Insert:** "100-mile"

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3. Page 2, line 8.

**Strike:** "50-mile"

**Insert:** "100-mile"

4. Page 3, line 3.

**Strike:** "7%, or"

**Strike:** "for garbage trucks, "

5. Page 3, lines 4 and 5.

**Strike:** "7%," on line 4

**Strike:** the first "or" on line 5

**Strike:** "for garbage trucks" on line 5

6. Page 3, line 6.

**Strike:** "7%, or"

**Strike:** "for garbage trucks"

7. Page 3, line 9.

**Strike:** "7%, or"

**Strike:** "for garbage trucks, "

8. Page 3, line 10.

**Strike:** "7%, or"

**Strike:** "for garbage trucks, "

9. Page 3, line 17.

**Strike:** "50-mile"

**Insert:** "100-mile"

10. Page 3, line 25 through line 27.

**Strike:** subsection 4 in its entirety

And, as amended, be concurred in. Report adopted.

**SB 380**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence:

3/10/2001

**SB 134**, introduced by Miller

**SB 4** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on **SB 4**:

3/10/2001

Senator Grimes, Chairman

Senator Cocchiarella

Senator DePratu

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House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/10/2001

**HB 210**, introduced by Ripley

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 134**, introduced by Miller, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jent in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Sliter moved consideration of **SB 175** and **SB 398** be passed for the day. Motion carried.

**HB 129 - Senate Amendments** - Representative Bales moved Senate amendments to **HB 129** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 241 - Senate Amendments** - Representative Thomas moved Senate amendments to **HB 241** be concurred in. Motion carried as follows:

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Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 55** - Representative Bales moved **SB 55** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: Tropila.

Total 1

**SB 161** - Representative Younkin moved **SB 161** be concurred in. Motion carried as follows:

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Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Dale, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Gallus, Gillan, Haines, Harris, Hedges, Holden, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 66

Noes: Adams, Andersen, Balyeat, R. Brown, Clancy, P. Clark, Curtiss, Davies, Dell, Esp, Fritz, Fuchs, Gallik, Galvin-Halcro, Golie, Gutsche, Himmelberger, Hurdle, Jackson, Kasten, Keane, Laible, Laszloffy, Lewis, Lindeen, McCann, Musgrove, Newman, Schrumpf, Smith, Tropila, Vick, Wanzenried, Mr. Speaker.

Total 34

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 168** - Representative Thomas moved **SB 168** be concurred in. Motion carried as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Smith, Thomas, Waddill, Wolery, Younkin.

Total 55

Noes: Adams, Andersen, Balyeat, D. Brown, R. Brown, Brueggeman, Clancy, P. Clark, Curtiss, Dale, Davies, Dell, Eggers, Esp, Fisher, Forrester, Fuchs, Golie, Hedges, Himmelberger, Jackson, Jayne, Kasten, Laszloffy, Lewis, Lindeen, Masolo, McKenney, Olson, Pattison, Rice, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Mr. Speaker.

Total 45

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 234** - Representative Price moved **SB 234** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,



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Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 269** - Representative Kasten moved **SB 269** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 609** - Representative Story moved **HB 609** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

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Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

**SB 23** - Representative Gallik moved **SB 23** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**SB 33** - Representative Younkin moved **SB 33** be concurred in.

**SB 33** - Representative Harris moved **SB 33**, second reading copy, be amended as follows :

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1. Title, page 1, line 5.

**Following:** "ISSUES"

**Insert:** "RELATING TO THE ADEQUACY OR CONTENT OF AN ENVIRONMENTAL REVIEW DOCUMENT"

2. Page 3, line 10.

**Following:** "issue"

**Insert:** "relating to the adequacy or content of the agency's environmental review document"

3. Page 3, line 14.

**Following:** "issues"

**Insert:** "relating to the adequacy or content of the agency's environmental review document"

4. Page 3, line 16.

**Following:** "issue"

**Insert:** "relating to the adequacy or content of the agency's environmental review document"

5. Page 3, line 17.

**Following:** "issue"

**Insert:** "relating to the adequacy or content of the agency's environmental review document"

6. Page 3, line 18.

**Following:** "issues"

**Insert:** "relating to the adequacy or content of the agency's environmental review document"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bitney, Erickson.

Total 2

Absent or not voting: None.

Total 0

Motion that **SB 33**, as amended, be concurred in carried as follows:

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Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Dell, Esp, Gillan, McCann, Sliter, Vick, Wanzenried.

Total 8

Excused: Bitney, Erickson.

Total 2

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

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**BILLS** (Bookout-Reinicke, Chairman): 3/12/2001  
Correctly printed: **HB 2, HB 225.**  
Correctly enrolled: **HB 175, HB 238, HB 268, HB 281, HB 286, HB 358, HB 458, HB 462, HJR 9, HJR 11.**  
Examined by the sponsor and found to be correct: **HB 174, HB 175, HB 238, HB 268, HB 281, HB 286, HB 300, HB 358, HB 458, HB 462, HJR 9, HJR 11.**

**BUSINESS AND LABOR** (McKenney, Chairman): 3/12/2001  
**SB 74**, be concurred in. Report adopted.  
**SB 421**, be amended as follows:

1. Title, line 16.

**Strike:** "45"

**Insert:** "60"

2. Page 2, line 14.

**Strike:** "45"

**Insert:** "60"

3. Page 2, line 20.

**Strike:** "45-day"

**Insert:** "60-day"

4. Page 2, line 24.

**Strike:** "45-day"

**Insert:** "60-day"

And, as amended, be concurred in. Report adopted.

**SB 432**, be concurred in. Report adopted.

**EDUCATION** (Masolo, Chairman): 3/12/2001  
**HB 31**, introduced bill, be amended as follows:

1. Title, line 15.

**Following:** "YEARS;"

**Insert:** "PROVIDING AN APPROPRIATION;"

2. Page 5.

**Following:** line 15

**Insert:** "NEW SECTION. Section 3. Appropriation. There is appropriated \$66,665,369 from the general fund to the superintendent of public instruction for the biennium beginning July 1, 2001."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 121**, introduced bill, be amended as follows:

1. Title, line 6.

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**Following:** "2002;"

**Insert:** "ALLOWING THE MAXIMUM GENERAL FUND BUDGET OF A DISTRICT TO BE CALCULATED FROM 105 PERCENT OF THE BASIC ENTITLEMENT AND 105 PERCENT OF THE TOTAL PER-ANB ENTITLEMENT;"

2. Title, line 12.

**Following:** "\$5,165;"

**Insert:** "PROVIDING AN APPROPRIATION;"

**Strike:** "AN"

3. Title, line 13.

**Strike:** "DATE AND AN"

**Insert:** "DATES,"

**Strike:** the second "DATE"

**Insert:** "DATES, AND TERMINATION DATES"

4. Page 1.

**Following:** line 15

**Insert:** "**Section 1.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) \$206,000 for each high school district;

(b) \$18,540 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) \$18,540 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) \$206,000 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade

8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement

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for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from 105% of the basic entitlement for the district, 105% of the total per-ANB entitlement for the district, and up to 153% of special education allowable c

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of \$5,015 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of \$3,763 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of \$3,763 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of \$5,015 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

**Renumber:** subsequent sections

5. Page 2, line 21.

**Following:** "from"

**Insert:** "105% of"

**Following:** the first "district,"

**Insert:** "105% of"

6. Page 3.

**Following:** line 13

**"Section 3.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share

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of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ \$212,180 for each high school district;

(b) ~~\$18,540~~ \$19,096 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$18,540~~ \$19,096 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ \$212,180 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,165 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,876 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,876 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,165 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

**Insert:** "NEW SECTION. Section 4. Appropriation. There is appropriated \$13,230,068 from the general fund to the superintendent of public instruction for the fiscal year beginning July 1, 2002."

**Renumber:** subsequent sections

7. Page 3, line 15.

**Strike:** "date"

**Insert:** "dates"

**Following:** "applicability."

**Insert:** "(1)"

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1, 4, and 6 and this section] are"

**Strike:** "2002"



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**Insert:** "2001"

8. Page 3, line 16.

**Following:** "and"

**Insert:** "[section 1]"

**Strike:** "2002"

**Insert:** "2001"

9. Page 3.

**Following:** line 16

**Insert:** "(2) [Section 2] is effective July 1, 2002, and applies to school budgets for school fiscal years beginning on or after July 1, 2002.

(3) [Section 3] is effective July 1, 2003, and applies to school budgets for school fiscal years beginning on or after July 1, 2003."

**Insert:** "NEW SECTION. Section 6. Termination dates. (1) [Section 1] terminates June 30, 2002.

(2) [Section 2] terminates June 30, 2003."

And, as amended, do pass. Report adopted.

**SB 65**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

3/12/2001

**SB 31**, be concurred in. Report adopted.

**SB 146**, be concurred in. Report adopted.

**SB 159**, be amended as follows:

1. Page 1, line 12 through line 18.

**Strike:** subsection (1) in its entirety

**Insert:** "(1) Upon proper application as provided in 77-2-102, the board may grant easements on state lands for the following purposes:

(a) schoolhouse sites and grounds;

(b) public parks;

(c) community buildings;

(d) cemeteries;

(e) conservation purposes:

(i) to the department of fish, wildlife, and parks for parcels that are surrounded by or adjacent to land owned by the department of fish, wildlife, and parks as of January 1, 2001;

(ii) to a nonprofit corporation for parcels that are surrounded by or adjacent to land owned by that same nonprofit corporation as of January 1, 2001; and

(iii) to a nonprofit corporation for the Owen Sowerwine natural area located within section 16, township 28 north, range 21 west, in Flathead County; and

(f) for other public uses."

2. Page 1, line 19.

**Strike:** "in"

**Insert:** "on"

And, as amended, be concurred in. Report adopted.

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**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 634**, introduced by Lindeen, referred to Fish, Wildlife and Parks.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 36**, introduced by Bookout-Reinicke (by request of the House Transportation Standing Committee), referred to Transportation.

**MOTIONS**

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 4**. Motion carried.

The Speaker appointed the following members:

Representative Adams, Chairman  
Representative Shockley  
Representative Gallus

Representative Sliter moved that **SB 226** be taken from the Committee on Local Government and rereferred to the Committee on Judiciary. Motion carried.

Representative Sliter moved that **SB 368** be taken from the Committee on Local Government and rereferred to the Committee on Judiciary. Motion carried.

Representative Sliter moved that **SB 402** be taken from the Committee on Local Government and rereferred to the Committee on Judiciary. Motion carried.

Representative Sliter moved that **SB 181** be taken from the Committee on Local Government and rereferred to the Committee on Human Services. Motion carried.

Representative Sliter moved that **SB 210** be taken from the Committee on Local Government and rereferred to the Committee on State Administration. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HJR 36**: Hedges, Keane, Matthews, and Rome.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Tuesday, March 13, 2001. Motion carried.

House adjourned at 2:05 p.m.

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MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House