

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT AND TRANSPORTATION

Call to Order: By **CHAIRMAN JOHN SINRUD**, on January 20, 2005 at
8:00 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. John Sinrud, Chairman (R)
Sen. Lane L. Larson, Vice Chairman (D)
Sen. Rick Laible (R)
Sen. Corey Stapleton (R)
Rep. Janna Taylor (R)

Members Excused: Rep. Rosalie (Rosie) Buzzas (D)
Rep. Jon C. Sesso (D)

Members Absent: Sen. Mike Cooney (D)

Staff Present: Marilyn Daumiller, Legislative Branch
Greg DeWitt, Legislative Branch
Jamie Mickelson, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted:
Executive Action: HB 2 for Consumer Counsel and
Appellate Defender

REP. SINRUD, at the start of the hearing, brought the committee up to date by stating that executive action would be taking place. He announced that Consensus Council was not going to be on the executive action for the day; however, the Consumer Council and Appellate Defender Office were still having executive action taken on them.

SEN. COONEY entered the meeting.

{Tape: 1; Side: A; Approx. Time Counter: 4.1 - 5.4}

EXECUTIVE ACTION ON FOR CONSUMER COUNCIL

REP. SINRUD stated that there are present law and state-wide adjustments.

EXHIBIT(jgh15a01)

Motion/Vote: **SEN. LAIBLE** moved **APPROVAL OF STATEWIDE PRESENT LAW ADJUSTMENTS AND THE BASE ADJUSTMENTS FOR THE CONSUMER COUNCIL ON PAGE A-14**. Motion carried unanimously. Roll call vote With **REP. SESSO** voting by proxy and **REP. BUZZAS** not voting due to no valid proxy.

{Tape: 1; Side: A; Approx. Time Counter: 5.4 - 7.2}

REP. SINRUD explained that Motion - DP 1 on the bottom of A-14, is discussing the present law adjustment contingency and non-contingency professional services and operating expenses for state special revenue for \$65,0322 in 2006 and \$76,998 in FY 2007; pulling out the contingency as a separate line item. That contingency is basically a pool that they can dip back into if they go over, in regard to hiring an attorney or special services. This money can also be used in regard to the electrical and/or telecommunication industries. If the contingency is not used, then it is rolled over and goes back into the proper taxed companies. **REP SINRUD** asked, "Do I hear a motion on that?"

Motion/Vote: **SEN. LAIBLE** moved that **DP 1 ON PAGE A-14 AND A-15 WITH THE CONTINGENCY AS A SEPARATE LINE ITEM BE APPROVED**. Motion carried unanimously. roll call vote **REP. SESSO** voting by proxy and **REP. BUZZAS** not voting due to no valid proxy.

{Tape: 1; Side: A; Approx. Time Counter: 8.5 - 24.7}

Motion: SEN. LAIBLE moved to open DP 2.

Discussion: SEN. LIABLE asked Marilyn Daumiller, LFD, to explain the contingency. Marilyn Daumiller, LFD, explained that any unused funding that the entities have been taxed, credits back into their next billing out of the department of revenue. If their budget goes up there is a rate increase, but if the budget is unused then they get it back.

Substitute Motion/Vote: SEN. LAIBLE moved APPROVE DP 2 FOR A HALF-TIME EMPLOYEE FOR STATE SPECIAL REVENUE. Motion carried unanimously with all members present to vote, by roll call vote.

REP. SINRUD asked Marilyn Daumiller, LFD, about the last budget and what amount reverted back to Marilyn Daumiller, LFD, stated that of the \$500,000 dollars of the biennium, \$60,000 went back to the companies because it was unused. The use of the \$250,000 per year is restricted to legal and other professional consultant and professional services.

SEN. COONEY questioned if there had been any problem with these dollars not being used, but being retained by consumer council. Eileen Rose of OBPP, responded by stating, "The dollars that are not spent spills into the rates that are collected and it cannot be spent."

REP. SINRUD commented that the money spills into the rates that are collected so they are able to manage it better from a fiscal standpoint so we can see what those billing are. It is important that we understand that this is a separate line item that is not within their budget for personnel services and operating expenses. This money is literally brought out and separated for professional consulting and attorney fees.

REP. TAYLOR was unclear about the contingency and asked the chairman to clarify. REP. SINRUD referred the question to Eileen Rose. She commented that the figure \$30,646 will bring their contingency figure up to the \$250,000 mark annually and it is not an addition, again it is just bringing the contingency up to a round number. REP. TAYLOR responds with the statement that \$30,646 is from the tax that the department of revenue charges. Eileen Rose agrees with REP. TAYLOR'S statement.

EXHIBIT(jgh15a02)

REP SINRUD informed the committee that they are now moving on to executive action for the Appellate Defender. He informed the committee that the Appellate Defender Office was under tab #10 and the first thing to do is to approve the statewide present law adjustments and the base.

EXECUTIVE ACTION FOR APPELLATE DEFENDER

Motion/Vote: SEN. LAIBLE moved to approve STATEWIDE PRESENT LAW ADJUSTMENTS and THE BASE. Motion carried unanimously by a roll call vote with REP. SESSO voting by proxy.

{Tape: 1; Side: A; Approx. Time Counter: 26.2 - 29.7}

Motion/Vote: SEN. LAIBLE moved TO APPROVE DP 101 ONE-TIME-ONLY \$3,819 in FY 2006 FOR COMPUTER REPLACEMENTS. Motion carried unanimously by a roll call vote of 8-0 with REP. SESSO voting by proxy.

REP. SINRUD addressed the funding deficiencies identified in the previous day's hearing and said the committee had two options to choose from. The first option is to not pass DP 102 and therefore they will not take out the \$3,150 in 2006 and 2007, which means that they would be made whole for the Broadband Pay Plan approved by the 2003 legislature. He said he preferred that they bypass this issue. **REP. SINRUD** referred to **Exhibit 2** and briefly explained the exhibit that showed DP 103 which he requested. It will allow the Appellate Defender's Office to have funds restored so they can have appropriate training in death penalty cases and for the long distance calls.

EXHIBIT(jgh15a03)

Motion/Vote: SEN. LAIBLE moved APPROVE CP 103 COMMUNICATION AND TRAINING. Motion carried 7-1 with SEN STAPLETON voting no and REP. SESSO voting by proxy on a roll call vote

{Tape: 1; Side: B; Approx. Time Counter: 1 - 18.9}

REP. SINRUD stated that he has one more issue and he has two conflicting views in regard to a committee bill, therefore he is going to leave the information with **REP. BUZZAS**.

Chad Wright of Appellate Defenders Office gave a brief description of **Exhibit 3** and his communication budget.

REP SINRUD asked **Director Slaughter** how to make the communication system more effective within the prison system, when dealing with the Appellate Defender. **Director Slaughter** presented some of the problems about using 1-800 numbers and phone cards. **Chad Wright the Appellate Defender** and **Director Slaughter** agreed to have the Appellate Defender Office highlight and submit all of their phone calls from the prison and the Corrections Department would reimburse the Appellate Defender's Office for the calls on a monthly basis.

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ADJOURNMENT

Adjournment: 8:50 A.M.

REP. JOHN SINRUD, Chairman

JAMIE MICKELSON, Secretary

JS/EP

Additional Exhibits:

EXHIBIT ([jgh15aad0.PDF](#))