

MINUTES OF THE  
SENATE RULES COMMITTEE

March 20, 1987

Chairman Van Valkenburg called the meeting to order at 11:30 a.m. in Room 331, State Capitol. All members were present except for Senator Farrell. Also present were Senator Hofman, Representative Grady, Gary Wicks, Highway Department, and Jamie Zink, Associated Students Montana State University, and Alan Jackson from Montana State University.

Sen. Van Valkenburg stated that Alan Jackson, the Director of the Montana Rural Technical Assistance Transport Center program at MSU was here today to answer questions from the Committee. Mr. Jackson said that the federal highway administration is deeply interested in road safety and that is why funds were made available for this program. The program stresses safety and provides training for cities and counties in order to bring highway safety to the attention of local agencies. He said that some cities and counties don't participate, but the goal of the program is to encourage all of them to participate.

Sen. Van Valkenburg introduced Gary Wicks, Director of the Dept. of Highways. Mr. Wicks stated that the Highway Department supports the passage of House Bill No. 359. He explained that the federal government came to the Department and asked if they wanted to be involved in the federal program. There is a research person from the Department who helps advise the program at MSU. He further stated that the program provides useful information to counties in the areas of the design of better bridges and solving engineering problems. He said that the federal government now has to cut the funding for the program in half and the question is how to provide the additional funds necessary to keep the program in operation. The Highway Department suggested allocating some of its own funding to continue the program. That is how this bill came to be. Mr. Wicks said that he doesn't feel that a 3/5 vote is necessary on this bill if it comes under the anti-diversion clause.

Sen. Van Valkenburg asked Wicks who the money is appropriated to. Mr. Wicks answered that the State Treasurer issues the checks to the cities and counties. Under this bill, the Treasurer would issue the checks to MSU.

Sen. McCallum asked on whose authority this money is appropriated. Sen. Van Valkenburg answered that the legislature provides the

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authority. Sen. Van Valkenburg said he still sees this as an earmarking of a statutory appropriation. He cited page two of the bill, lines 6 and 19, where it authorizes the Department of Highways to pass \$54,000 through to MSU. He stated that the chief legal counsel for the Department of Highways and the Director of the Department of Highways both have clearly said this bill comes within the constitutional provision. He asked what the Committee's pleasure was.

MOTION: Blaylock moved that House Bill No. 359 requires a 3/5 vote. Question called. With Senators McCallum, Aklestad and Blaylock voting yes, and Senators Van Valkenburg, Norman, Jacobson and Himsl voting no, the motion failed 4-3.

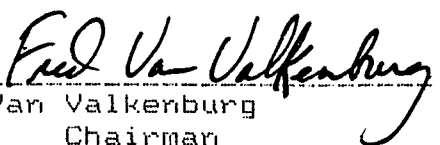
MOTION: Sen. Himsl moved that House Bill No. 359 takes a simple majority vote. With Senators Van Valkenburg, Norman, Jacobson and Himsl voting yes, and Senators McCallum, Aklestad and Blaylock voting no, the motion passed 4-3.

Sen. Van Valkenburg said he will make a motion on the floor to place House Bill No. 359 on third reading this day.

OTHER BUSINESS; Sen. Blaylock asked about Senate Bill 39, Donaldson's bill which has amendments proposed. He questions whether the Senate can add appropriations amendments to the bill. Sen. Van Valkenburg answered as long as the bill has that initial intent, it can be done.

Sen. Aklestad asked if it doesn't have to come over as an appropriation bill. Sen. Van Valkenburg said the bill has to originate in the House. Sen. Aklestad stated that the bill has to have the intent to start with. Sen. Van Valkenburg said the Rules are not definitive enough to say definitely. He said he will do some more work on it and may re-convene another meeting pertaining to this subject.

There being no further business to come before the Committee, it was adjourned at 11:55 a.m.

  
Van Valkenburg  
Chairman

ROLL CALL

Senate Rules

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/20/87

NAME	PRESENT	ABSENT	EXCUSED
Senator Van Valkenburg	✓		
Senator McCallum	✓		
Senator Norman	✓		
Senator Akelstad	✓		
Senator Jacobson	✓		
Senator Farrell		✓	
Senator Blaylock	✓		
Senator Hims1	✓		

Each day attach to minutes.



ROLL CALL VOTE

SENATE COMMITTEE RULES

Date 3/20 Bill No. HB 359 Time \_\_\_\_\_

NAME	YES	NO
SENATOR FRED VAN VALKENBURG	✓	
SENATOR GEORGE MC CALLUM	✓	✓
SENATOR BILL NORMAN	✓	
SENATOR GARY AKLESTAD		✓
SENATOR JUDY JACOBSON	✓	
SENATOR BILL FARRELL		
SENATOR CHET BLAYLOCK		✓
SENATOR MATT HIMSL	✓	

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

Motion: Himsl moved that House Bill No 359  
takes a simple majority vote. Motion  
passed.

# STANDING COMMITTEE REPORT

March 20

37

19.....

MR. PRESIDENT

We, your committee on..... **Senate Rules**.....

having had under consideration..... **House Bill**..... No..... **359**

reference bill reading copy ( salmon )  
color

**DESIGNATE .5% OF FUEL TAX REVENUES TO MT. RURAL TECH ASSIST  
TRANSPORT CENTER**

**House Bill**

**359**

Respectfully report as follows: That..... No.....

**The Senate Rules Committee recommends to the Senate as a whole  
that House Bill 359 requires a majority vote on third reading  
for passage.**

~~XXXXX~~  
~~REPASS~~

~~XXXXXXXX~~  
~~DO NOT PASS~~

.....  
**Van Valkenburg**

Chairman.