

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on January 5, 1993, at 1:07 p.m.

ROLL CALL

Members Present:

Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. John Harp (R)
Sen. Doc Rea (D)
Sen. Spook Stang (D)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)

Members Excused: Sen. Koehnke, Sen. Swysgood, Sen. Toews

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Council
Beth Satre, Committee Secretary

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

Committee Business Summary:

Hearing: None.
Executive Action: None.

General Summary:

Chairman Weeding introduced himself and the committee staff to committee members. He presented the general organizational principles by which the remaining committee meetings will be run, and invited committee members' response. He then acknowledged the Representatives of the State Department of Transportation, who appeared at his invitation.

General Organizational Principles Discussed

The Committee will follow normal legislative and parliamentary procedure. No bills will be heard unless they have been posted three days except in the final days of session when it might become necessary. The Committee will not take executive action on bills requiring fiscal notes unless the fiscal note has been delivered. As a general rule, the same applies to hearings. Next meeting, however, the Committee will have to make an exception because both bills assigned to it require fiscal notes.

Neither fiscal note will be available before next week.

The Committee will generally take executive action on substantive bills at least one meeting date after the bills are heard so that members have time to "cogitate" a bit. In cases of fast approaching deadlines, housekeeping bills, as well as very simple bills, the committee might take executive action on the same day but the Chair would prefer that members have a day to think before casting their votes.

The role will be noted, not formally called. A quorum must be present for the committee to do any business.

In hearings all of the proponents will speak first, all opponents second, and then questions from the committee will be in order. The sponsor will be allowed to close.

Chairman Weeding then asked if any member wanted to suggest any changes in the procedures that he had outlined.

The Chair next addressed the issue of absentee voting in committee. He passed out a copy of a proxy form, that had been suggested, to committee members, (Exhibit #1) and explained the proposed procedure. In the event that committee members know that they will miss an executive session and have decided how they will vote on a bill, they can stop by the committee secretary's office and fill out and sign the form. That act will constitute an excused absence. If, however, the bill is amended in executive session, proxy votes will not be counted. Sen. Tveit emphasized the necessity of being absolutely sure that executive action on an amended bill would not be finalized if any proxy votes could in anyway change the final vote. The Chair concurred and it was agreed that since the substance of the bill may be totally changed by amendment, if the votes cast by proxy can determine the outcome of the vote, the bill will be held until those members who cast their vote by proxy return. As long as the outcome of the vote cannot be affected by the proxy votes the committee report will be signed and sent on, and proxy votes can be changed and incorporated into the record later.

The Chair asked the Committee to refrain from testifying on bills during hearings and wait until executive session to discuss the bills before the Committee. If members are sponsoring a bill before the Committee, then they will, of course, testify, and after a brief discussion with Sen. Tveit the chair allowed that members with a special interest in a bill should feel free to testify as they see fit.

Discussion on the Type of Bills to Come Before the Committee

In a procedural question Sen. Harp asked if the President of the Senate would be referring potential revenue bills like a gas tax to this committee or Taxation. The Chair responded that to the best of his knowledge, Sen. VanValkenburg was trying to relieve

the bill load of committees like Taxation and Judiciary, but that the bill sponsors often have strong opinions as to which committee should hear bills. In general discussion, the committee members agreed that it would be procedurally possible for them to hear a fuel tax bill and then recommend it to Taxation.

There was a discussion as to expertise in the area of revenue bills and Sen. Harp stated his opinion that this Committee would have a greater understanding than Taxation of the issues and subject matter in the case of revenue bills dealing specifically with highway or transportation issues.

Introduction of the Representatives of the MDT

Marv Dye, the Nominee for Director of the Department of Transportation gave a brief sketch of his personal background which is primarily one of law enforcement and justice. After stating for the record that they had all registered themselves as lobbyists, he then asked the representatives of his staff who were present to introduce themselves and to state their positions. Those present were as follows:

Jim Beck:	Chief Counsel
Tom Barnard:	Administrator of the Highways Division
Bob Champion:	Former Deputy Director, now temporary employee
Gordon Larson:	Highways division, Engineer
Stephen Kologi:	Deputy Director of Planning and Programming
George Walker:	Deputy Director of Operations [missing from visitor's list]
Gary Gilmore:	Highways Division, Operations
Bill Salisbury:	Administration [missing from visitor's list]
Dave Galt:	Motor Carrier Services Division.

The Chair expressed his appreciation that all of above people came to this introductory meeting. The logistics of a legislative briefing the executive staff of the Montana Department of Transportation will hold on Friday January 8, 1993 were discussed. The Senators asked that a tour of the department's facility be included in the program.

Dave Bohyer, Legislative Council Staff passed out two handouts (Exhibit #2 and #3) which included a short resume of his legislative experiences and a summary of the scope of committee staffing duties. He emphasized his availability to all members of the committee.

The Chair also noted that when spontaneous amendments come from lobbyists or others on a bill being heard before the committee, executive action will be delayed for at least 24 hours. This delay will give Dave Bohyer will have enough time to review the

suggested amendments and run them through the legal department to make sure they are allowable before the bill is moved out of committee.

ADJOURNMENT

Adjournment: 1:34 p.m.



SENATOR CECIL WEEDING, Chair



BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE JAN 5, 1993

NAME	PRESENT	ABSENT	EXCUSED
SEN. CECIL WEEBING, CHAIR	X		
SEN. BETTY BRUSKI-MAUS, VICE-CHAIR	X		
SEN. JOHN HARP	X		X
SEN. FRANCIS KOEHNKE			
SEN. HENRY McCLENNAN	X		
SEN. JACK "DOC" REA	X		
SEN. BARRY "SPOOK" STANG	X		
SEN. CHARLES "CHUCK" SWYSGOOD			X
SEN. DARYL TOEWS			X
SEN. LARRY TVEIT	X		

FC8

Attach to each day's minutes

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE JANUARY 5, 1973

BILL NO. N/A

53rd LEGISLATIVE SESSION

SENATE HIGHWAYS AND TRANSPORTATION

PROXY VOTE

I, Senator _____ do hereby grant my proxy vote to Chairman Weeding or Secretary Satre as follows:

BILL NUMBER _____

MOTION

Do Pass
Yes _____ No _____

Do Not Pass
Yes _____ No _____

Indefinitely Postponed
Yes _____ No _____

Tabled
Yes _____ No _____

Signature

Date

Ex. 2

SENATE HIGHWAYS

EXHIBIT NO. 2

DATE JANUARY 5, 1993

BILL NO. N/A



Senate Members
GARY C. AKLESTAD
VICE CHAIRMAN
DELWYN GAGE
MIKE HALLIGAN
J.D. LYNCH

Executive Director
ROBERT B. PERSON

Division Director
DAVID D. BOHYER

Library
BETH FURBUSH
NANCY ZALUTSKY
RITA GIBSON

House Members
RED MENAHAN
CHAIRMAN
JAN BROWN
MARY LOU PETERSON
JIM RICE

Researchers
CONNIE ERICKSON
SUSAN FOX
TOM GOMEZ
SHERI S. HEFFELFINGER
JEFF MARTIN
ANDREA MERRILL

Montana Legislative Council

Research and Reference Services

Room 138 • State Capitol
Helena, Montana 59620-1706
(406) 444-3064
FAX (406) 444-3036

January 5, 1993

TO: Members of the Senate Highways Committee
FROM: Dave Bohyer, Staff Researcher
SUBJECT: Scope of Committee Staffing Duties

As staff to the Senate Committee on Highways, I have a variety of duties and responsibilities. I have listed below the tasks that are normally assigned to the Committee's staff.

Additionally, my office is in Room 140-B on the first floor of the Capitol. I will be in my office from 7:30 a.m. to 5 p.m., Monday through Friday. (I am usually in the office until about 6 p.m.) For at least the first half of the session, I will also be in my office on Saturday's from 8 a.m. until noon. My work phone number is 444-3592 or 444-3064.

I. Amendments

- A. Using standard bill drafting guidelines, I will review all amendments proposed to the Committee. If I receive amendments prior to the hearing, I can usually have them reviewed and ready to be adopted during executive action on the bill. If I receive amendments at the hearing or during executive action on the bill, I will need one day to review them. With the approval of the Chairman, I will also make necessary changes in grammar, punctuation, word choice, and sentence structure. (I won't change the meaning of the amendment or the bill.)
- B. Prior to Committee action on a bill, I will draft amendments at the request of a Committee member or the sponsor of the bill. (I do not draft amendments for lobbyists!)
- C. When requested, I will also draft amendments to be moved on Second Reading during Committee of the Whole debate.

II. Statements of Intent

When necessary, I will draft a statement of intent or obtain a statement of intent from the affected or requesting agency.

III. Committee Bills

Upon an adopted motion by the Committee, I will submit a drafting request for a Committee bill.

IV. Review proposed legislation

Prior to Committee consideration of a bill, I will review the legislation for constitutionality, internal consistency, conflict with or duplication of existing statutory provisions, and compliance with general bill drafting requirements.

V. Subcommittee meetings

When requested by the Chairman of the Committee or by a subcommittee, I will attend subcommittee meetings and perform the same functions as I perform for the Committee. (Please let me know as soon as possible when and where a subcommittee meeting will occur.)

VI. Conference Committee and Free Conference Committee meetings

When requested, I will attend Conference Committee and Free Conference Committee meetings to perform the same functions as I perform for the Committee. (Again, please let me know as soon as possible when and where the meeting will occur.)

VII. Research

I will assist the Committee or an individual member in obtaining data or other information that pertains to bills under deliberation.

I look forward to working with you and serving as your staff person for the 1993 Legislative Session. I welcome you to stop by my office any time for information or just to shoot the breeze.

Ex. 3

SENATE HIGHWAYS

EXHIBIT NO. 3

DATE JANUARY 5, 1993

BILL NO. N/A



Senate Members
GARY C. AKLESTAD
VICE CHAIRMAN
DELWYN GAGE
MIKE HALLIGAN
J.D. LYNCH

House Members
RED MENAHAN
CHAIRMAN
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MARY LOU PETERSON
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Library
BETH FURBUSH
NANCY ZALUTSKY
RITA GIBSON

January 5, 1993

TO: Members of the Senate Committee on Highways
FROM: Dave Bohyer

The following is my abbreviated resume. I joined the Legislative Council staff in October 1981, and have staffed committees for five regular sessions, a dozen special sessions, and six interims. Although I have never had the pleasure of staffing the Senate Committee on Highways, I will do my best to assist you.

Abbreviated Resume of
David D. Bohyer
Montana Legislative Council

11 years with the Legislative Council
Appointed Research Director in September 1987

B.A., Political Science/Public Administration, Montana State University
Master of Public Administration, Montana State University

Staffed the following committees:

- Senate Local Government (1983)
- House Health and Human Services (1983)
- House Taxation (1985, 1987, 1989)
- Interim subcommittees on
 - > Fish and Game (1981-82)
 - > Business (1981-82)
 - > Task Force on Corrections (1982)
 - > Agricultural Land Taxation (1983-84)
 - > Revenue Oversight Committee (1982-1987)
 - > Legislative Improvement Commission (1988-89)
 - > Legislative Council (1981-92)
 - > Districting and Apportionment Commission (1989-90)

I also served as a planner for Lewistown and Fergus County, Montana, and for the county and communities of the Flathead Valley, and served as assistant director of community development in Kalispell, Montana.

DATE January 5, 1993

SENATE COMMITTEE ON Highways and Transportation

BILLS BEING HEARD TODAY: None

Name	Representing	Bill No.	Check One	
			Support	Oppose
Stephen C. Kalogi	MDOT			
James R. Beck	"			
Tom Barnard	"			
BOB CHAMPION	"			
Gordon Larson	"			
GARY GILMORE	"			
MARV DYE				
Dave GALT	"			

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY