

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 12, 2005 at
8:00 A.M., in Room 317-B Capitol.

ROLL CALL

Members Present:

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

Members Excused: Rep. Rosalie (Rosie) Buzzas (D)

Members Absent: None.

Staff Present: 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: Department of Transportation

EXECUTIVE ACTION ON THE DEPARTMENT OF TRANSPORTATION

CHAIRMAN SINRUD opened the meeting and announced that the Committee was going to be taking executive action in the Department of Transportation. He informed the Committee that they would be starting on Page A-108 and DP 103.

Mr. DeWitt gave a brief presentation on the handout labeled, "Executive Action and Public Testimony."

EXHIBIT(jgh08a01)

Greg DeWitt, LFD, stated that the Committee will want to verify if the Subcommittee rules are right. He stated that there are rules on: 1) executive testimony, 2) public testimony, 3) proxy votes, 4) executive action 5) committee schedule, and 6) cell phones.

Mr. DeWitt stated that the Committee has been given direction to approve the base and statewide present law adjustments as recommended by the Governor, as a starting point for executive action for this Department.

Mr. DeWitt gave a brief overview on the handout labeled, "Standard Motions."

EXHIBIT(jgh08a02)

Mr. DeWitt stated that there are two initiatives in the Department of Transportation that deal with legislation. He explained that when there are initiatives like these that it is recommended by both the Senate Finance and Claims and House Appropriations Committees that there should be no language or fund approved in HB 2.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 12}

**OVERTIME AND DIFFERENTIAL PAY & EQUIPMENT RENTAL FOR ALL
PROGRAMS Page A-104, Figure 3**

SEN. LAIBLE stated that there should be a global motion made on the decision packages for overtime and equivalent pay.

Motion/Vote: **SEN. LAIBLE** moved a GLOBAL MOTION ON DECISION PACKAGES IN ALL PROGRAMS OF THE DEPARTMENT FOR OVERTIME AND DIFFERENTIAL PAY AND EQUIPMENT RENTAL AS SHOWN IN FIGURE 3 ON Page A-104 OF THE BUDGET ANALYSIS BE ADOPTED. Motion carried unanimously by voice vote 8-0. REP. BUZZAS voting aye by proxy.

BASE AND PRESENT LAW ADJUSTMENTS
DEPARTMENT OF TRANSFORMATION Page A-108

Motion/Vote: SEN. COONEY moved that the BASE AND BUDGET STATEWIDE PRESENT LAW ADJUSTMENTS BE ADOPTED FOR ALL PROGRAMS OF THE DEPARTMENT. Motion Carried unanimously by voice vote. REP. BUZZAS voting by proxy.

LANGUAGE ON PAGE A-105

Discussion:

CHAIRMAN SINRUD informed the Committee that the language allows the Department to transfer 10% of their funds between Federal special revenue and State special revenue.

Mr. DeWitt stated that this is an increase in funds to the equipment program to cover full operating costs.

SEN. LAIBLE stated that he has concerns about this going into the base, because the base is growing every year. He stated that he would like to make this language be one-time-only (OTO).

SEN. COONEY stated that he does not understand why SEN. LAIBLE is restricting the language to OTO. He asked for clarification on the motion.

SEN. LAIBLE stated that in the base from last Session, the Committee approved equipment rental into the base. He explained that there is already money in the base for equipment rental and that this language is in addition to the base. He is concerned that there is too much money allotted to equipment rental.

SEN. COONEY asked Mr. Currie if the language is passed as OTO, will the Department have enough funds for equipment rental and replacement for the Biennium. **Mr. Currie** stated that the amount that is stated in the language is what the projected costs for the biennium are, based on the rates that are charged. He commented that the language also allows the Department to appropriately replace equipment in the program that needs to be replaced.

SEN. LAIBLE asked what is the entire base budget for equipment rental. **Mr. Currie** stated that the base budget is approximately \$18 million.

Mr. Currie stated that the \$18 million includes all gasoline, maintenance of the equipment, and operating expenses.

SEN. LAIBLE stated that he has a concern with the ending fund balance, because there is close to \$300 million in the fund balance. He commented that of the \$300 million a large portion of it is OTO money. He stated that if the Committee obligates the taxpayers of the State beyond the biennium, then the Committee runs the risk of having a shortfall of funds. He commented that he wants to give the Department the money that they are requesting; however, he believes that some of this money should not be requested until next session.

REP. SESSO asked if it is practical for the Committee to pass the budget as OTO. **Mr. Currie** explained that the concern of the Department is ongoing costs of the program, such as: equipment operators, gasoline prices, and maintenance.

REP. SESSO asked if the request is money that is part of the base, based on expansion of various programs. **CHAIRMAN SINRUD** stated that it has nothing to do with the transfers of funds or the language. He explained that those are two separate issues.

CHAIRMAN SINRUD stated that OTO funding would be consistent with some of the requests, such as, the snooper truck.

Mr. Currie stated that any time OTO funding is appropriate, the Department has no problem with it, but there are expenses in the budget request that are not OTO.

CHAIRMAN SINRUD stated that the Committee needs to be careful about the OTO money being put into the base. He announced that the Committee will revisit this language at a later date.

LANGUAGE ON PAGE A-106

CHAIRMAN SINRUD stated that there are three other language requests for the Department. He stated that the language is for biennial designations on appropriations of Federal special revenue for certain programs. He explained that the Committee will review all of the appropriations for the Department in the areas of: 1) general operations, 2) construction, 3) maintenance, and 4) transportation planning.

CHAIRMAN SINRUD stated that the last language that the Committee will review is a Federal pass-through grant appropriation for highway traffic safety, including reversions. He explained that there should be a global motion made for the Committee to vote on all three language appropriations.

{Tape: 1; Side: A; Approx. Time Counter: 12 - 30}

Motion/Vote: SEN. LAIBLE moved THE THREE LANGUAGE REQUESTS on PAGE A-106 BE ADOPTED. Motion carried unanimously by voice vote. REP. BUZZAS voting by proxy.

GENERAL OPERATIONS PROGRAM

Present Law Adjustments

DP 103 COMMERCIAL VEHICLE OPERATIONS ENHANCEMENTS

Page A-108

CHAIRMAN SINRUD explained that this DP is a request for an increase of \$252,132 State special revenue and \$212,530 Federal special revenue to provide enhancements to the software used by the Department to administer and enforce State and Federal commercial motor carrier laws and regulations.

Discussion:

Mr. DeWitt stated that, the LFD issue recommends the funding should be OTO and if the Committee chooses to OTO this DP they would need to include the OTO amount in the motion. He explained that the Committee could refer to the OTO amounts listed in the handout labeled, "Montana Department of Transportation FY 2006-FY2007 Decision Packages."

EXHIBIT (jgh08a03)

Mr. DeWitt explained that an example of a motion might be to approve present law DP 103 with the OTO amounts shown in Exhibit 3.

Mr. DeWitt stated that the figures that are in the narrative portion of Exhibit 3 are biennial numbers. He stated that the Department budget is broken down into fiscal years, not for the biennium.

REP. BUZZAS entered the meeting at 8:45 A.M.

Motion/Vote: SEN. COONEY moved DP 103 AS DESCRIBED IN THE REQUESTED ACTION WITH AN OTO FOR THE AMOUNT SHOWN ON EXHIBIT 3 BE ADOPTED. Motion carried unanimously by voice vote.
{Tape: 1; Side: B; Approx. Time Counter: 0 - 7.4}

DP 104 LOCAL OPTION TAX REQUIRES LEGISLATION
Page A-109

Discussion:

Mr. DeWitt stated that this DP requires legislation, which according to the direction given to the Committee, both the House Appropriations Committee and Senate Finance and Claims Committee would prefer that the House Committee take no action on this DP. He explained that the LC-187 bill draft has been cancelled. He clarified that the bill, LC-1354 would make local governments responsible for collecting and providing refunds for local option fuel taxes. He explained if LC 1354 passes, the Department will not need the additional \$50,000; however, if the bill fails, then the Department will need the additional funding.

REP. BUZZAS commented that the Committee does not have enough information to take any action on this DP.

Christi Moyer, OBPP, stated that the Committee could pass this DP with contingency language on LC1354.

SEN. LAIBLE said that he agrees with REP. BUZZAS and commented that the Committee can revisit this DP at a later date.

REP. TAYLOR asked REP. BUZZAS if the Committee decided in the House Appropriations Committee as a policy that the subcommittees would take no action on a decision package, such as this one.

REP. BUZZAS replied that she does not remember any policy regarding this issue.

CHAIRMAN SINRUD stated that the Committee needs to take an action on this DP so that if LC1354 does not pass, then the Department may still receive the \$50,000.

SEN. STAPLETON suggested that the Committee move on from this DP, he stated that the Committee does not have enough information to make a motion.

Mr. DeWitt commented that there is a \$50,000 operational need that the Department has identified, if the Department needs to account for local option taxes, then they will need the \$50,000.

CHAIRMAN SINRUD stated that the Committee will take no action on DP 104.

{Tape: 1; Side: B; Approx. Time Counter: 7.4 - 18}

DP 108 HUMAN RESOURCE COMPLIANCE Page A-109

SEN. LAIBLE said that he would like to request that a report be given with what the Department is able to accomplish with the additional funding over the biennium.

Motion/Vote: **SEN. LARSON** moved DP 108 FOR \$21,887 STATE SPECIAL REVENUE FOR THE BIENNIUM WITH A REPORT IDENTIFYING ACCOMPLISHMENTS FROM THE FUNDING BE PROVIDED TO THE GENERAL GOVERNMENT AND TRANSPORTATION SUBCOMMITTEE OF THE 2007 LEGISLATURE BE ADOPTED. Motion carried 7-1 by voice vote with **SEN. STAPLETON** voting no.

{Tape: 1; Side: B; Approx. Time Counter: 18 - 21}

DP 109 DBE SUPPORT SERVICES EXPANSION Page A-109

Motion/Vote: **SEN. LAIBLE** moved that DP 109 FOR \$115,653 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM WITH A REPORT IDENTIFYING ACCOMPLISHMENTS FROM THE FUNDING BE PROVIDED TO THE GENERAL GOVERNMENT AND TRANSPORTATION SUBCOMMITTEE OF THE 2007 LEGISLATURE BE ADOPTED. Motion carried unanimously by voice vote.

{Tape: 1; Side: B; Approx. Time Counter: 21 - 22}

DP 110 VIDEO CONFERENCING Page A-109

Motion/Vote: **REP. SESSO** moved DP 110 FOR \$21,600 STATE SPECIAL REVENUE FOR THE BIENNIUM TO FUND SEVEN VIDEO CONFERENCING UNITS BE ADOPTED. Motion carried 7-1 by voice vote with **SEN. STAPLETON** voting no.

SEN. LAIBLE left the meeting at 8:50 A.M.

DP 111 FUEL TAX EVASION Page A-110

CHAIRMAN SINRUD explained that this is for an increase of \$10,000 State special revenue and \$119,950 Federal special revenue for the biennium for fuel tax evasion activities.

SEN LAIBLE stated that this DP is designed to stop some of the dishonest behavior of some individuals in the state. He would like to see what the Department is able to accomplish with the money by the next session.

REP BUZZAS commented that the Committee can put a lot of language into HB 2, but there could be one line in the bill that would state that departments will be held accountable.

CHAIRMAN SINRUD stated that the Committee should have basic language that they have requested a report for the next biennium on certain decision packages.

{Tape: 1; Side: B; Approx. Time Counter: 22 - 30}

Motion/Vote: SEN. COONEY moved that DP 111 FOR \$10,000 STATE SPECIAL REVENUE AND \$119,950 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM WITH A REPORT IDENTIFYING ACCOMPLISHMENTS FROM THE FUNDING BE PROVIDED TO THE GENERAL GOVERNMENT AND TRANSPORTATION SUBCOMMITTEE OF THE 2007 LEGISLATURE BE ADOPTED. Motion carried unanimously by voice vote. SEN. LAIBLE voting by proxy.

REP. TAYLOR left the meeting at 9:00 A.M.

LANGUAGE ON DEPARTMENT REPORTS

CHAIRMAN SINRUD said that he would like to implement language for the Department to report back to the Committee in the next session on specific decision packages.

Motion/Vote: REP. SINRUD moved to REQUIRE THE DEPARTMENTS TO GIVE A REPORT TO THE SUBCOMMITTEE NEXT SESSION ON ACCOMPLISHMENTS ACHIEVED FROM FUNDING IN SPECIFIC DECISION PACKAGES THAT THE GENERAL GOVERNMENT SUBCOMMITTEE REQUESTS BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR and SEN. LAIBLE voting by proxy.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 12}

New Proposals

DP 101 INTEGRATED FINANCIALS Page A-110

Motion/Vote: SEN. LARSON moved that DP 101 FOR AN INCREASE OF \$1.3 MILLION STATE SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR and SEN. LAIBLE voting by proxy.

{Tape: 2; Side: A; Approx. Time Counter: 12 - 14}

DP 102 REMOTE COMPUTER CONNECTIVITY Page A-110

Motion/Vote: SEN. COONEY moved that DP 102 FOR AN INCREASE OF \$500,000 STATE SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried 6-2 by voice vote. SEN. LAIBLE and SEN. STAPLETON voting no. REP. TAYLOR and SEN. LAIBLE voting by proxy.

SEN. LAIBLE entered the meeting at 9:15 A.M.

CONSTRUCTION PROGRAM

Present Law Adjustments

DP 201 TRAFFIC ENGINEERS Page A-113

Motion/Vote: REP. SESSO moved DP 201 FOR AN INCREASE OF \$92,020 STATE SPECIAL REVENUE AND \$144,808 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

**DP 202 CONTRACTOR PAYMENTS STATE CONSTRUCTION PROGRAM
PER DEPARTMENT SECOND BUDGET SUBMISSION (EXHIBIT 3)**

Motion/vote: REP. SESSO moved DP 202 BASED ON THE DEPARTMENT'S SECOND BUDGET SUBMISSION FOR A REDUCTION OF \$5 MILLION STATE SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

**DP 203 CONTRACTOR PAYMENTS FEDERAL AID CONSTRUCTION PER
DEPARTMENT SECOND BUDGET SUBMISSION (EXHIBIT 3)**

Motion/Vote: SEN. COONEY moved DP 203 BASED ON THE DEPARTMENT'S SECOND BUDGET SUBMISSION FOR AN INCREASE OF \$8.2 MILLION STATE SPECIAL REVENUE AND \$64.8 MILLION FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 204 US HIGHWAY 93 PER DEPARTMENT SECOND BUDGET SUBMISSION
(EXHIBIT 3)

Motion/Vote: SEN. COONEY moved that DP 204 BASED ON THE DEPARTMENT'S SECOND BUDGET SUBMISSION TO PROVIDE FUNDING ON US HIGHWAY 93 FROM EVARO HILL TO POLSON FOR \$74.6 MILLION STATE SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 205 CONSTRUCTION MANAGEMENT FTE PER DEPARTMENT SECOND BUDGET
SUBMISSION (EXHIBIT 3)

Motion/Vote: REP. BUZZAS moved DP 205 BASED ON THE DEPARTMENT'S SECOND BUDGET SUBMISSION INCREASE FOR AN ADDITIONAL 20.35 FTE IN FY 2006 AND 39.93 FTE IN FY 2007 AND AN INCREASE IN FUNDING OF \$1,044,094 STATE SPECIAL REVENUE AND \$2,301,824 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 206 AGGREGATE POSITION FUNDING Page A-114

Motion/Vote: SEN. LARSON moved that DP 206 FOR \$1,044,094 STATE SPECIAL REVENUE AND \$2,301,824 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

{Tape: 2; Side: A; Approx. Time Counter: 14 - 22}

New Proposals

NP 213 FEDERAL EARMARKS (EXHIBIT 3)

Motion/Vote: SEN. COONEY moved that NP 213 FOR \$11,297,810 in FY 2006 and \$3,440,000 in FY 2007 as OTO BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

Present Law Adjustments

DP 207 RIGHT-OF-WAY UTILITIES Page A-115

Motion/Vote: SEN. LARSON moved that DP 207 AN INCREASE OF \$276,339 STATE SPECIAL REVENUE AND \$1,295,551 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 208 COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM

Page A-115

Motion/Vote: REP. SESSO moved that DP 208 FOR AN INCREASE OF \$103,120 STATE SPECIAL REVENUE AND \$696,880 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.
{Tape: 2; Side: A; Approx. Time Counter: 22 - 30}

New Proposal

NP 211 CIVIL ENGINEERS (EXHIBIT 3)

CHAIRMAN SINRUD stated that these funds are part of the snooper truck and bridge construction funding.

Motion/Vote: SEN. COONEY moved DP 211 FOR AN INCREASE OF \$1,141,626 IN FY 2006 AND \$141,230 IN FY 2007 WITH \$1,000,000 IN FY 2006 AS OTO BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

NP 212 INDIRECT COSTS ACCOUNTING CHANGE (EXHIBIT 3)

Motion/Vote: SEN. COONEY moved DP 212 INDIRECT COSTS TO ACCOUNTING CHANGE FOR \$36,662,342 IN FY 2006 AND FOR \$37,563,779 IN FY 2007 BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.
{Tape: 2; Side: B; Approx. Time Counter: 0 - 3}

MAINTENANCE PROGRAM

Present Law Adjustments

DP 301 ADDITIONAL SECONDARY ROADS Page A-118

Motion/Vote: REP. SESSO moved that DP 301 FOR AN INCREASE OF \$550,704 BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 304 COMMUNICATIONS - TWO WAY RADIOS Page A-118

Motion/Vote: SEN. COONEY moved that DP 304 FOR AN INCREASE OF \$513,837 STATE SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 305 REST AREAS, VAULTS, AND NEW UTILITIES Page A-118

Motion/Vote: SEN. COONEY moved that DP 305 INCREASE OF \$723,222 STATE SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.
{Tape: 2; Side: B; Approx. Time Counter: 3 - 5.5}

DP 306 RWIS SYSTEM MAINTENANCE AND EXPANSION Page A-118

SEN. LARSON stated that he was concerned about the Hysham Hills area for a camera.

Motion/Vote: SEN. LARSON moved that DP 306 AN INCREASE OF \$460,150 STATE SPECIAL REVENUE FOR THE BIENNIUM WITH \$131,375 EACH YEAR AS OTO BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 309 BIENNIAL APPROPRIATION ADJUSTMENTS Page A-119

Motion/Vote: SEN. COONEY moved that DP 309 FOR A REDUCTION OF \$1,692,994 STATE SPECIAL REVENUE BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 310 PAVEMENT MARKINGS Page A-119

Motion/Vote: REP. BUZZAS moved DP 310 FOR AN INCREASE OF \$230,696 STATE SPECIAL REVENUE AND \$808,942 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.
{Tape: 2; Side: B; Approx. Time Counter: 5.5 - 8}

DP 313 511 TRAVELERS INFORMATION PROGRAM Page A-119

Motion/Vote: SEN. COONEY moved DP 313 FOR AN INCREASE OF \$160,000 STATE SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried 7-1 by voice vote with SEN. STAPLETON voting no. REP. TAYLOR voting by proxy.

DP 314 NOXIOUS WEED CONTROL Page A-120

Motion/Vote: REP. SESSO moved that DP 314 FOR AN INCREASE OF \$610,672 STATE SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 315 CITY MAINTENANCE CONTRACTS Page A-120

Motion/Vote: SEN. COONEY moved that DP 315 FOR AN INCREASE OF \$115,834 BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 316 LAND ACQUISITION Page A-120

REP. BUZZAS asked if this is tied to a request for long range building plan, or if this is separate.

CHAIRMAN SINRUD stated that the Department has purchased properties and made agreements to purchase property for sand and gravel pile storage areas.

REP. BUZZAS asked if this is the "eternal" long range building plan. CHAIRMAN SINRUD said that DP 316 is the long range building plan.

Motion/Vote: SEN. LARSON moved that DP 316 FOR AN INCREASE OF \$86,000 BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.
{Tape: 2; Side: B; Approx. Time Counter: 8 - 11.3}

New Proposal

DP 317 LEWIS AND CLARK 511 EARMARK (EXHIBIT 3)

Motion/Vote: SEN. LARSON moved DP 317 FOR \$900,000 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM AS OTO BE ADOPTED. Motion carried 7-1 by voice vote with SEN. STAPLETON voting no. REP. TAYLOR voting by proxy.

DP 307 CITY REST AREA Page A-121

Motion/Vote: SEN. LARSON moved that DP 307 FOR AN INCREASE OF \$75,000 IN FY 2006 AND \$75,000 IN FY 2007 BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR and SEN. COONEY voting by proxy.
{Tape: 2; Side: B; Approx. Time Counter: 11.3 - 16}

SEN. COONEY entered the meeting at 10:00 A.M.

RATES OF THE STATE MOTOR POOL page A-125

Mr. DeWitt suggested that the Committee approve the motor pool rates as shown for FY 2006 and FY 2007 on Figure 7A on Page A-125.

Motion/Vote: SEN. COONEY moved MOTOR POOL RATES AS SHOWN FOR FY 2006 AND FY 2007 IN FIGURE 7A ON PAGE A-125 BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy. {Tape: 2; Side: B; Approx. Time Counter: 16 - 19}

EQUIPMENT PROGRAM

Present Law Adjustments

60 DAY WORKING CAPITOL Page A-129

REP. BUZZAS asked why there isn't a decision package for the 60-day working capital. **CHAIRMAN SINRUD** explained that the Committee needs to approve the ability for the Department to have a 60-day working capital. Therefore they can adjust their rates. If the Committee approves 30-day working capital, then the Department will have to adjust their rates to accommodate that.

Mr. DeWitt stated that this is an internal service-funded program. The law that applies is that the legislature doesn't appropriate their funds, but approves the Department rates. He explained that the Committee needs to approve the maximum rate that the Department can charge.

Mr. DeWitt suggested that the Committee move to approve a 60-day working capital.

Motion/Vote: SEN. COONEY moved TO APPROVE A 60-DAY WORKING CAPITAL. Motion carried unanimously by voice vote. REP. TAYLOR and SEN. LAIBLE voting by proxy. {Tape: 2; Side: B; Approx. Time Counter: 19 - 23}

MOTOR CARRIER SERVICE DIVISION

Present Law

DP 2204 CREDIT CARD FEES Page A-132

Motion/Vote: SEN. LARSON moved APPROVE DP 2204 \$25,000 IN FY 2006 AND \$25,000 IN FY 2007. Motion carried 5-3 by voice vote with REP. SINRUD, REP. STAPLETON, and SEN. LAIBLE all voting no. REP. TAYLOR voting by proxy.

New Proposals

DP 2201 MONTANA/WYOMING DIETZ JOINT PORT OF ENTRY
Page A-133

Motion/Vote: REP. SESSO moved DP 2201 FOR \$345,000 IN FY 2006 AND \$345,000 IN FY 2007. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 2205 TRANSFER MCSAP FROM THE DEPARTMENT OF JUSTICE
(EXHIBIT 3)

Mr. DeWitt stated that this is a decision package that is pending legislation. According to the direction of the Appropriations Committee and Finance and Claims Committee it is recommended that the Committee takes no action on this DP at this time.

CHAIRMAN SINRUD asked if action can be taken on this bill at any other time during this session.

Mr. DeWitt said that this DP and the one that was skipped over earlier can be addressed at any point until the 2005 Legislature is finished.

AERONAUTICS

Present law Adjustments

DP 212 GRANTS FOR THE BIENNIUM Page A-136

Mr. DeWitt commented that the Department is asking for a biennial appropriation. This gives them the authority to spend the money in 2006 or 2007.

Motion/Vote: REP. BUZZAS moved that DP 212 FOR A REDUCTION OF \$2,328 STATE SPECIAL REVENUE FOR THE BIENNIUM AS BIENNIAL BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 12}

DP 213 SYSTEM PLAN BIENNIAL Page A-136

Motion/Vote: SEN. COONEY moved that DP 213 FOR A INCREASES OF \$4,372 STATE SPECIAL REVENUE AND \$83,050 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM AS BIENNIAL BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 214 PROGRAM SERVICE ADJUSTMENTS Page A-136

Motion/Vote: SEN. LARSON moved that DP 214 FOR INCREASES OF \$51,348 STATE SPECIAL REVENUE AND \$8,882 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 215 WEST YELLOWSTONE AIRPORT BIENNIAL Page A-136

Motion/Vote: REP. SESSO moved DP 215 FOR AN INCREASE OF \$285,000 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM AS BIENNIAL AND OTO BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

New Proposals

DP 207 RUNWAY REHAB LINCOLN AIRPORT BIENNIAL Page A-136

CHAIRMAN SINRUD stated that there is a OTO recommendation by the LFD.

Motion/Vote: SEN. COONEY moved DP 207 FOR INCREASES OF \$127,474 STATE SPECIAL REVENUE AND \$2,549,500 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM AS BIENNIAL AND OTO AS SUGGESTED IN THE DEPARTMENT BUDGET. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

{Tape: 3; Side: A; Approx. Time Counter: 12 - 16.2}

DP 208 AIRCRAFT ENGINE AND PROPELLER BIENNIAL Page A-137

Motion/Vote: SEN. LARSON moved that DP 208 FOR AN INCREASE OF \$32,000 STATE SPECIAL REVENUE FOR THE BIENNIUM AS BIENNIAL AND OTO BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 209 AIRCRAFT PURCHASE Page A-137

REP. SESSO asked why the OTO money of \$32,000 is only listed in FY 2007.

Mr. DeWitt stated the reason that he wrote the recommendation to spend the OTO money in 2007, was because 2006 is not a base year, so if the money was spent in FY 2006 it would not be in the base for the 2007 Biennium.

SEN. LAIBLE left the meeting at 10:15 A.M.

Poor quality of tape, it is inaudible.

{Tape: 3; Side: A; Approx. Time Counter: 16.5 - 28}

Motion/Vote: REP. SESSO moved that DP 209 FOR AN INCREASE OF \$388,000 STATE SPECIAL REVENUE FOR THE BIENNIUM AS BIENNIAL WITH \$324,000 OTO BE ADOPTED. Motion carried 6-2 by voice vote with SEN. STAPLETON and SEN. LAIBLE voting no. REP. TAYLOR and SEN. LAIBLE voting by proxy.

{Tape: 3; Side: A; Approx. Time Counter: 28 - 30}

SEN. LAIBLE entered the meeting at 10:30 A.M.

TRANSPORTATION PLANNING

Present Law Adjustments

DP 5001 SB 448 TRANSADE Page A-142

Motion/Vote: REP. SESSO moved that DP 5001 FOR AN INCREASE OF \$291,978 STATE SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 5008 ACCRUAL ACCOUNTING ERROR Page A-143

Motion/Vote: SEN. LARSON moved that DP 5008 FOR INCREASES OF \$4,554 STATE SPECIAL REVENUE AND \$18,214 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 5009 FTA GRANTS Page A-143

Motion/Vote: REP. BUZZAS moved that DP 5009 FOR INCREASES OF \$1,938,202 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

DP 5010 FHWA METROPOLITAN PLANNING GRANT Page A-143

Motion/Vote: SEN. LARSON moved that DP 5010 FOR INCREASES OF \$62,366 STATE SPECIAL REVENUE AND \$249,468 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

SEN. LAIBLE left the meeting 10:35 A.M.

New Proposals

DP 5007 CORRIDOR STUDIES Page A-143

CHAIRMAN SINRUD requested that this DP be under the language to receive a report back from the effects of the studies.

Motion/Vote: REP. BUZZAS moved DP 5007 INCREASES OF \$75,000 STATE SPECIAL REVENUE AND \$300,000 FEDERAL SPECIAL REVENUE FOR THE BIENNIUM AS OTO AND WITH A REPORT TO THE GENERAL GOVERNMENT AND TRANSPORTATION SUBCOMMITTEE OF THE 2007 LEGISLATURE THAT IDENTIFIES ACCOMPLISHMENTS FROM THE FUNDING BE ADOPTED. Motion carried 6-2 by voice vote with SEN. LAIBLE and SEN. STAPLETON voting no. REP. TAYLOR and SEN. LAIBLE voting by proxy.
{Tape: 3; Side: B; Approx. Time Counter: 0 - 8}

SEN. LAIBLE entered the meeting at 10:40 A.M.

LANGUAGE APPROPRIATION Page A-105

Motion/Vote: SEN. LARSON moved LANGUAGE ON PAGE A-105 TO ACCEPT A TRANSFER OF 10% AS REQUESTED BE ADOPTED. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

Motion/Vote: SEN. COONEY moved TO CLOSE EXECUTIVE ACTION ON THE DEPARTMENT OF TRANSPORTATION. Motion carried unanimously by voice vote. REP. TAYLOR voting by proxy.

The handouts labeled, "MDT Responses to Questions Asked by the General Government and Transportation Subcommittee," "Montana Department of Transportation Program Delivery Status Report," and, "Transfer MCSAP from the Department of Justice (NP-2205)," were not discussed throughout the entirety of the meeting.

[EXHIBIT\(jgh08a04\)](#)

[EXHIBIT\(jgh08a05\)](#)

[EXHIBIT\(jgh08a06\)](#)

CHAIRMAN SINRUD closed the meeting and announced that the next meeting would take place on 1/13/05.

ADJOURNMENT

Adjournment: 10:30 A.M.

REP. JOHN SINRUD, Chairman

ESTHER POOR, Secretary
Transcribed by Jamie Mickelson

JS/ep

Additional Exhibits:

EXHIBIT ([jgh08aad0.PDF](#))