

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN JEFF MANGAN**, on January 4, 2005 at
3:01 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Jeff Mangan, Chairman (D)
Sen. John Esp (R)
Sen. Kelly Gebhardt (R)
Sen. Kim Gillan (D)
Sen. Bob Hawks (D)
Sen. Rick Laible (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Jim Shockley (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Jennifer Kirby, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: None.
Executive Action: None.

{Tape: 1; Side: A}

SEN. JEFF MANGAN, SD 12, GREAT FALLS welcomed the committee members and told the committee that their name tags and accordion files will be available on Thursday. **SEN. MANGAN** then directed the committee's attention to the agenda sheet that contains the contact information for the committee staff. **SEN. MANGAN** informed the committee that his office and the Committee Secretary's office had a water pipe break and were flooded so they are currently displaced. The office should be dried out and available the next day.

SEN. MANGAN asked the committee members to introduce themselves.

SEN. CAROLYN SQUIRES, SD 48, MISSOULA

SEN. JOHN ESP, SD 31, BIG TIMBER

SEN. LYNDA MOSS, SD 26, BILLINGS

SEN. KELLY GEBHARDT, SD 23, ROUNDUP

SEN. BOB HAWKS, SD 33, BOZEMAN

SEN. JEFF MANGAN, SD 12, GREAT FALLS

SEN. RICK LAIBLE, SD 44, VICTOR

SEN. JIM SHOCKLEY, SD 45, VICTOR

SEN. MICHAEL WHEAT, SD 32, BOZEMAN

SEN. KIM GILLAN, SD 24, BILLINGS

SEN. JERRY ONEIL, SD 3, COLUMBIA FALLS

Staffer Leanne Kurtz and Committee Secretary Jennifer Kirby

SEN. MANGAN explained the organizational procedure of the committee. He asked committee members to work out attendance, proxy, general committee decorum, and other issues through a "Committee Whip". The Democrats of the committee should work through **SEN. HAWKS** and the Republicans through **SEN. LAIBLE**.

SEN. MANGAN introduced the vice chairman, **SEN. HAWKS**, and informed the committee that **SEN. HAWKS** would be taking over the committee in his absence. **SEN. MANGAN** also shared his desire to allow other committee members an opportunity to chair the committee.

SEN. MANGAN asked the committee to always treat the staff with respect, and to be mindful of the staff's time constraints and work load.

SEN. MANGAN discussed proxies and attendance. Members are expected to be present for all hearings and executive action. Executive action will be scheduled and committee members will be notified. Rarely will a hearing and executive action occur on the

same day. If a member is not able to be present, they must fill out a proxy form completely and deliver it to the Committee secretary. If there was a problem, **SEN. MANGAN** said that he would leave the vote open.

SEN. ESP questioned as to whether **SEN. MANGAN** desired a separate proxy form for the bill and each amendment. **SEN. MANGAN** clarified that one form could be used but must list all the amendments to a particular bill.

SEN. O'NEIL asked whether the proxy form needed to list the amendments or just say "and amendments." **SEN. MANGAN** elaborated that proxy forms must list the amendments. **SEN. O'NEIL** expressed concern that the committee members may not know if there are amendments when they would be filling out proxy forms. **SEN. MANGAN** stated that was one of the reasons that attendance was so important during executive action; and furthermore, it was his belief that there would be time between hearings and executive action for the Senators to find out about any amendments. In the case that there was not time for proxy forms to be filled out, the vote would be held open at the Chair's discretion.

Staffer Leanne Kurtz told the Senators that they could call her before filling out a proxy form and ask her if there were any amendments.

SEN. MANGAN informed the committee that they would be using the table motion instead of the indefinitely postpone motion. **SEN. MANGAN** also expressed his preference for amendments to be written.

SEN. MANGAN announced his planned schedule for hearings and executive action. Hearings should be expected on Tuesdays and Thursdays and executive action two to three days after the hearing. He indicated that they may be scheduled for Saturdays, depending on the committee's workload.

SEN. GEBHARDT informed the committee that they must vote whether or not to allow proxies. He said that it was a formality and no member would vote against the motion but the rules demanded a vote on proxies. There was discussion on whether or not the rules stated this. **SEN. MANGAN** said he would look into the issue and determine if a vote was necessary for proxies to be allowed. The issue will be discussed on Thursday, January 6th, 2005.

SEN. ESP asked **SEN. MANGAN** if an amendment was added late, and so was not on the proxy form if the executive action would be postponed. **SEN. MANGAN** clarified that the vote may be held open, depending on how substantive the amendment is.

SEN. LAIBLE asked a question regarding to the motion to table verses the indefinitely postpone. He wanted to know if in the case that a committee member wanted a bill debated on the floor instead of being left in committee, if that committee member could motion to indefinitely postpone. **SEN. MANGAN** decided that in some cases the indefinitely postpone motion may be used but the motion to table is the preferable motion. The motion to indefinitely postpone was not forbidden.

Staffer Leanne Kurtz shared her duties, contact information, and schedule with the committee. **Ms. Kurtz** asked the committee to have amendment to her by 10:00am the morning of executive action. **Ms. Kurtz** discouraged conceptual amendments but they are not forbidden.

SEN. MANGAN informed the committee that due to space and the addition of two senators to the committee since the last session, an extra table was added for the committee's use.

{Tape: 1; Side: B}

SEN. MANGAN went over the hearing and executive action schedule for the next week. The committee would hear SB 20 and SB 32 on Thursday. SB 40, SB 129, and SB 140 will be heard on Tuesday the 11th. The hearing for SB 116 will be held on Thursday the 13th, The committee will take executive action on SB 20 and SB 32 on Tuesday the 18th.

SEN. MANGAN informed the committee that it has been selected as a test committee for the interactive video hearing project. This project will occur after transmittal break. **SEN. MANGAN** promised to keep the committee informed about the project.

SEN. MANGAN asked the committee if they wanted snacks and refreshments available during the meetings. It was decided that the committee wanted snacks and would each contribute five dollars. The Committee Secretary received money from **SENATORS ESP, O'NEIL, GEBHARDT, LAIBLE, MANGAN, GILLAN, WHEAT, SHOCKLEY, HAWKS,** and **MOSS.**

ADJOURNMENT

Adjournment: 3:32 P.M.

SEN. JEFF MANGAN, Chairman

JENNIFER KIRBY, Secretary

JM/jk

Additional Exhibits:

EXHIBIT ([los02aad0.PDF](#))