

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

Call to Order: Chair Mike Cuffe, on February 18, 2013 at 8:30 AM, in Room 317C
Capitol

ROLL CALL

Members Present:

Rep. Mike Cuffe, Chair (R)
Sen. Matthew M. Rosendale Sr, Vice Chair (R)
Rep. Duane Ankney (R)
Sen. John Brenden (R)
Rep. Galen Hollenbaugh (D)
Sen. Jim Keane (D)
Rep. Lea Whitford (D)

Members Excused: None

Members Absent: None

Staff Present: Christina Butler, Legislative Branch
Catherine Duncan, Legislative Branch
Shawn Graham, OBPP
Tia Hunter, Committee Secretary
Gerry Murphy, OBPP

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Department of Administration Follow-up, Approval of the language and statutory authority on page C-78, DP 51, DP 52, DP 53, DP 101, DP 205, DP 306, DP 2205, DP 5003, DP 102, DP 204, DP 305, DP 2204, DP 5004, DP 107, DP 108, NP 106, DP 206, DP 208, DP 301, DP 303, DP 307, DP 310, Approval of the 60 day working capital rate for the equipment program, DP 2209, DP 2210, DP 2214, DP 2201, DP 4006, DP 4007, DP 4008, DP 4002, DP 5006, DP 5008, DP 5009, DP 5010, DP 5011, Motion to fund the rail commission advisory council at the same level as the previous biennium, Motion to draft a bill to conduct an interim study on rent and other associated maintenance costs with state owned and state rented buildings, Motion to draft a bill to transfer orphan share money to the natural resources operations account and the natural resource projects account.

00:10:42 Chairman Cuffe
00:11:44 Sen Keane
00:11:53 Chairman Cuffe
00:12:16 Gerry Murphy, Office of Budget and Programming and Planning (OBPP)
00:12:28 Chairman Cuffe
00:12:35 Mr. Murphy, OBPP
00:17:54 Chairman Cuffe

Department of Administration

00:18:20 Marvin Eicholtz, Administrator, General Services Division, Department of
Administration (DOA)
00:18:25 Chairman Cuffe
00:18:31 Mr. Eicholtz, DOA
00:18:48 Chairman Cuffe
00:19:13 Mr. Eicholtz, DOA
00:20:43 Chairman Cuffe
00:21:02 Mr. Eicholtz, DOA
00:21:06 Chairman Cuffe
00:21:10 Mr. Eicholtz, DOA
00:21:14 Chairman Cuffe
00:21:19 Mr. Eicholtz, DOA
00:21:33 Chairman Cuffe
00:21:41 Mr. Eicholtz, DOA
00:21:52 Sen. Brenden
00:24:12 Chairman Cuffe
00:24:24 Sen. Keane
00:24:51 Christina Butler, Legislative Fiscal Division (LFD)
00:25:06 Sen. Keane
00:26:10 Mr. Eicholtz, DOA
00:27:17 Sen. Keane
00:27:29 Mr. Eicholtz, DOA
00:27:46 Sen. Keane
00:28:03 Mr. Eicholtz, DOA
00:28:18 Sen. Keane
00:28:27 Mr. Eicholtz, DOA
00:29:13 Sen. Keane
00:29:23 Mr. Eicholtz, DOA
00:29:32 Sen. Keane
00:29:49 Mr. Eicholtz, DOA
00:29:59 Sen. Keane
00:30:27 Mr. Eicholtz, DOA
00:30:45 Sen. Keane
00:31:03 Mr. Eicholtz, DOA
00:31:14 Sen. Keane
00:31:20 Mr. Eicholtz, DOA
00:31:35 Sen. Brenden
00:31:54 Chairman Cuffe
00:32:02 Mr. Eicholtz, DOA

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00:32:07 Chairman Cuffe
00:33:25 Mr. Eicholtz, DOA
00:33:44 Sen. Keane
00:34:17 Sen. Brenden
00:34:53 Mr. Murphy, OBPP
00:35:32 Sen. Brenden
00:35:45 Mr. Murphy, OBPP

EXHIBIT(jnh36a01)

00:36:02 Chairman Cuffe
00:36:14 Ms. Butler, LFD
00:36:29 Chairman Cuffe
00:36:31 Ms. Butler, LFD
00:36:35 Chairman Cuffe
00:36:44 Ms. Butler, LFD
00:36:55 Mr. Eicholtz, DOA
00:38:03 Sen. Brenden
00:38:14 Chairman Cuffe
00:38:20 Sen. Brenden
00:38:23 Chairman Cuffe
00:38:31 Rep. Hollenbaugh
00:38:45 Sen. Keane
00:39:31 Rep. Hollenbaugh
00:40:20 Chairman Cuffe
00:40:33 Sen. Brenden
00:40:56 Rep. Hollenbaugh
00:41:05 Chairman Cuffe
00:41:27 Mr. Eicholtz, DOA
00:43:08 Chairman Cuffe
00:43:27 Mr. Eicholtz, DOA
00:43:34 Sen. Keane
00:43:51 Chairman Cuffe
00:44:04 Mr. Eicholtz, DOA
00:44:11 Chairman Cuffe
00:44:23 Ms. Butler, LFD

EXHIBIT(jnh36a02)

00:45:13 Sen. Keane
00:45:38 Ms. Butler, LFD
00:45:54 Sen. Keane
00:46:01 Ms. Butler, LFD
00:47:32 Sen. Keane
00:48:07 Ms. Butler, LFD
00:48:36 Sen. Keane
00:48:51 Ms. Butler, LFD
00:49:13 Sen. Keane
00:49:18 Sen. Brenden
00:50:06 Ms. Butler, LFD
00:50:32 Mr. Murphy, OBPP
00:50:49 Chairman Cuffe
00:50:53 Sen. Keane

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00:51:21 Ms. Butler, LFD
00:51:25 Sen. Keane
00:51:34 Ms. Butler, LFD
00:51:37 Sen. Keane
00:51:57 Ms. Butler, LFD
00:52:48 Rep. Hollenbaugh
00:53:28 Ms. Butler, LFD
00:53:49 Chairman Cuffe
00:53:58 Sen. Brenden
00:54:10 Ms. Butler, LFD
00:54:32 Sen. Brenden
00:54:38 Ms. Butler, LFD
00:55:10 Sen. Brenden
00:55:20 Ms. Butler, LFD
00:55:32 Sen. Keane
00:55:58 Chairman Cuffe
00:56:09 Ms. Butler, LFD
00:56:13 Sen. Keane
00:56:23 Ms. Butler, LFD
00:56:30 Sen. Rosendale
00:56:55 Ms. Butler, LFD
00:57:56 Chairman Cuffe

00:59:19 Recessed
01:27:33 Reconvened

01:27:47 Chairman Cuffe
01:28:40 Lynn Zanto, Administrator, Rail, Transit, and Planning Division, Department of
Transportation (MDT)
EXHIBIT(jnh36a03)
01:29:57 Chairman Cuffe
01:29:59 Ms. Zanto, MDT
01:30:41 Sen. Keane
01:31:08 Mr. Tooley, Director, MDT
01:31:30 Sen. Keane
01:31:43 Mr. Tooley, MDT
01:32:09 Chairman Cuffe

EXECUTIVE ACTION ON DEPARTMENT OF TRANSPORTATION

- 01:32:23 **Motion/Vote:** Rep. Hollenbaugh moved **APPROVAL OF THE LANGUAGE APPROPRIATIONS THAT ALLOW THE DEPARTMENT OF TRANSPORTATION TO ADJUST APPROPRIATION AUTHORITY BETWEEN STATE AND FEDERAL SPECIAL REVENUE FUNDS UP TO 10% OF THE TOTAL LEVEL TO BE INCREASED IN THE GENERAL OPERATIONS, CONSTRUCTION, MAINTENANCE, AND PLANNING PROGRAMS, THAT PROVIDE THAT ALL APPROPRIATIONS OF THE DEPARTMENT OF TRANSPORTATION ARE BIENNIAL, AND THAT ALLOW FEDERAL PASS-THROUGH GRANT APPROPRIATIONS IN THE DEPARTMENT OF TRANSPORTATION FOR HIGHWAY SAFETY TO CONTINUE AND THAT THEY ARE APPROPRIATED IN FISCAL YEAR 2014 AND FISCAL YEAR 2015.** Motion carried unanimously by voice vote.
- 01:33:45 **Motion/Vote:** Rep. Whitford moved **DECISION PACKAGE 51 - ADJUSTMENT FOR STATEWIDE PERSONAL SERVICES GLOBALLY WITHIN THE DEPARTMENT OF TRANSPORTATION.** Motion carried unanimously by voice vote.
- 01:34:10 **Motion/Vote:** Rep. Whitford moved **DECISION PACKAGE 52 FOR THE STATEWIDE OPERATIONS GLOBALLY WITHIN THE DEPARTMENT OF TRANSPORTATION TO THE EXTENT ADOPTED BY THE GENERAL GOVERNMENT AND NATURAL RESOURCES AND TRANSPORTATION SUBCOMMITTEES.** Motion carried unanimously by voice vote.
- 01:34:37 **Motion/Vote:** Sen. Rosendale moved **DECISION PACKAGE 53 - BASE FUNDING SWITCH GLOBALLY FOR THE DEPARTMENT OF TRANSPORTATION.** Motion carried unanimously by voice vote.
- 01:34:56 **Motion/Vote:** Sen. Rosendale moved **TO GLOBALLY APPROVE THE OVERTIME AND DIFFERENTIAL PAY ADJUSTMENT REQUESTS OF THE DEPARTMENT OF TRANSPORTATION, WHICH INCLUDES DECISION PACKAGE 101 - OVERTIME AND DIFFERENTIAL, DECISION PACKAGE 205 - OVERTIME AND DIFFERENTIAL, DECISION PACKAGE 306 - OVERTIME AND DIFFERENTIAL, DECISION PACKAGE 2205 - OVERTIME AND DIFFERENTIAL, AND DECISION PACKAGE 5003 - OVERTIME AND DIFFERENTIAL.** Motion carried unanimously by voice vote.
- 01:35:31 **Motion/Vote:** Sen. Rosendale moved **TO GLOBALLY APPROVE THE EQUIPMENT RENTAL REQUESTS OF THE DEPARTMENT OF TRANSPORTATION, WHICH INCLUDES DECISION PACKAGE 102 - EQUIPMENT RENTAL, DECISION PACKAGE 204 - EQUIPMENT RENTAL, DECISION PACKAGE 305 - EQUIPMENT RENTAL, DECISION PACKAGE 2204 - EQUIPMENT RENTAL, AND DECISION PACKAGE 5004 - EQUIPMENT RENTAL.** Motion carried unanimously by voice vote.

01:36:12 **Motion/Vote:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 107 - CREDIT CARD FEES**. Motion carried unanimously by voice vote.

01:36:26 **Motion/Vote:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 108 - CONTRACT INCREASES**. Motion carried unanimously by voice vote.

Discussion:

01:36:45 Rep. Whitford
01:37:01 Larry Flynn, Administrator, Administration Division, MDT
01:37:05 Rep. Whitford
01:37:10 Chairman Cuffe
01:37:36 Rep. Whitford
01:37:59 Mr. Flynn, MDT
01:38:08 Rep. Ankney left.
01:38:16 Sen. Rosendale
01:38:34 Mr. Flynn, MDT
01:38:55 Sen. Rosendale
01:39:10 Mr. Flynn, MDT
01:39:38 Sen. Rosendale
01:39:56 Mr. Flynn, MDT

01:40:11 **Motion/Vote:** Rep. Whitford moved **APPROVAL OF NEW PROPOSAL 106 - SMALL BUSINESS ENTERPRISE**. Motion carried 6-1 by roll call vote with Sen. Keane voting no. Rep. Ankney voted by proxy.

01:41:03 **Motion/Vote:** Sen. Rosendale moved **APPROVAL OF DECISION PACKAGE 206 - LICENSING FEES**. Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

01:41:48 **Motion/Vote:** Sen. Rosendale moved **APPROVAL OF DECISION PACKAGE 208 - RIGHT OF WAY LAND ACQUISITION**. Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

01:42:07 **Motion/Vote:** Sen. Brenden moved **APPROVAL OF DECISION PACKAGE 301 - SECONDARY ROADS MAINTENANCE, DECISION PACKAGE 303 - EXPANDED TRANSPORTATION INFRASTRUCTURE, DECISION PACKAGE 307 - MAINTENANCE CONTRACTS, DECISION PACKAGE 308 - NOXIOUS WEEDS, DECISION PACKAGE 310 - REST AREA MAINTENANCE**. Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

01:42:34 Rep. Ankney returned.

01:42:41 **Motion:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 801 - ADDITIONAL EQUIPMENT, DECISION PACKAGE 802 - OVERTIME AND DIFFERENTIAL PAY, DECISION PACKAGE 807 - MAINTAIN \$6.4 MILLION PURCHASE**.

Discussion:

- 01:43:02 Catherine Duncan, LFD
01:43:55 Chairman Cuffe
- 01:44:04 **Motion/Vote:** Rep. Hollenbaugh **MODIFIED THE PREVIOUS MOTION TO APPROVE THE 60 DAY WORKING CAPITAL RATE FOR THE EQUIPMENT PROGRAM.** Motion carried unanimously by voice vote.
- 01:44:33 **Motion/Vote:** Sen. Rosendale moved **APPROVAL OF DECISION PACKAGE 2209 - COMMERCIAL VEHICLE INFORMATION EXCHANGE WINDOW AND COMMERCIAL CARRIER ACCOUNT MANAGEMENT SYSTEM PROJECTS, BIENNIAL, ONE-TIME-ONLY.** Motion carried unanimously by voice vote.
- 01:45:14 **Motion/Vote:** Sen. Rosendale moved **APPROVAL OF DECISION PACKAGE 2210 - WYOMING AND MONTANA JOINT PORT PROJECT.** Motion carried unanimously by voice vote.
- 01:45:32 **Motion/Vote:** Sen. Rosendale moved **APPROVAL OF DECISION PACKAGE 2214 - SCALE SITE REPAIR, ONE-TIME-ONLY, RESTRICTED.** Motion carried unanimously by voice vote.
- 01:45:55 **Motion/Vote:** Sen. Rosendale moved **APPROVAL OF DECISION PACKAGE 2201 - MOTOR CARRIER SERVICES PATROL FULL-TIME-EMPLOYEES AND DECISION PACKAGE 2202 - BORDER ENFORCEMENT FULL-TIME-EMPLOYEES.** Motion carried unanimously by voice vote.
- 01:46:18 **Motion/Vote:** Sen. Keane moved **APPROVAL OF DECISION PACKAGE 4006 - AERONAUTICS GRANTS, LOANS, AND PAVEMENT PRESERVATION.** Motion carried unanimously by voice vote.
- 01:46:41 **Motion/Vote:** Sen. Keane moved **APPROVAL OF DECISION PACKAGE 4007 - AERONAUTICS STATE SYSTEM PLAN, BIENNIAL.** Motion carried unanimously by voice vote.
- 01:47:00 **Motion/Vote:** Sen. Keane moved **APPROVAL OF DECISION PACKAGE 4008 - REESTABLISH AERONAUTICS BASES.** Motion carried unanimously by voice vote.
- 01:47:18 **Motion/Vote:** Sen. Keane moved **APPROVAL OF DECISION PACKAGE 4002 - LINCOLN AIRPORT RUNWAY IMPROVEMENTS, ONE-TIME-ONLY, RESTRICTED.** Motion carried unanimously by voice vote.
- 01:47:46 **Motion/Vote:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 5006 - MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT ADJUSTMENT TO GRANT PROGRAMS.** Motion carried unanimously by voice vote.

01:48:07 **Motion/Vote:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 5008 - MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT PERFORMANCE BASED PLANNING**. Motion carried 6-1 by roll call vote with Sen. Brenden voting no.

01:48:48 **Motion:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 5009 - CITY PARK REST AREAS**.

Discussion:

01:48:54 Sen. Brenden

01:49:44 **Vote:** Motion carried 4-3 by roll call vote with Sen. Brenden, Sen. Keane, and Sen. Rosendale voting no.

Discussion:

01:50:24 Rep. Hollenbaugh

01:50:49 Ms. Zanto, MDT

01:51:04 **Motion/Vote:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 5010 - POLLUTION PREVENTION AND ABATEMENT, RESTRICTED**. Motion carried 5-2 by roll call vote with Sen. Brenden and Chairman Cuffe voting no.

Discussion:

01:51:42 Sen Keane

01:52:34 Ms. Zanto, MDT

01:54:02 Rep. Hollenbaugh

01:54:11 Ms. Zanto, MDT

01:54:26 Sen. Keane

01:54:39 Sen. Brenden

01:54:41 Chairman Cuffe

01:54:58 Mr. Tooley, MDT

01:55:09 Chairman Cuffe

01:55:28 Sen. Keane

01:55:37 Rep. Hollenbaugh

01:56:05 Ms. Zanto, MDT

01:56:29 Rep. Hollenbaugh

01:56:59 Ms. Zanto, MDT

01:57:08 Rep. Hollenbaugh

01:57:25 Sen. Brenden

01:57:44 Ms. Zanto, MDT

01:58:15 Sen. Brenden

01:58:23 Ms. Zanto, MDT

01:58:30 Chairman Cuffe

01:58:38 Ms. Zanto, MDT

01:58:43 Sen. Rosendale

01:58:54 Ms. Zanto, MDT

01:59:01 **Motion/Vote:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 5011 - EMERGENCY MEDICAL SERVICES GRANT LOCAL MATCH. AND TO INCREASE THE BASE AMOUNT TO 1.3 MILLION DOLLARS.** Motion carried unanimously by voice vote.

Discussion:

01:59:41 Sen. Keane
02:00:02 Ms. Zanto, MDT

02:00:17 **Motion/Vote:** Sen. Keane moved **FUND THE RAIL COMMISSION ADVISORY COUNCIL AT THE SAME LEVEL AS THE PREVIOUS BIENNIUM.** Motion carried unanimously by voice vote.

Discussion:

02:01:08 Ms. Duncan, LFD
02:01:28 Sen. Keane
02:01:44 Chairman Cuffe
02:02:10 Ms. Zanto, MDT
02:02:40 Chairman Cuffe
02:02:47 Ms. Zanto, MDT
02:02:54 Sen. Brenden
02:03:22 Ms. Zanto, MDT
02:03:26 Chairman Cuffe
02:03:42 Sen. Brenden
02:04:02 Ms. Duncan, LFD
02:04:31 Chairman Cuffe
02:06:22 Mr. Tooley, MDT
02:06:51 Chairman Cuffe
02:06:54 Mr. Tooley, MDT
02:07:00 Chairman Cuffe
02:07:08 Mr. Tooley, MDT
02:07:22 Chairman Cuffe
02:07:54 Mr. Tooley, MDT
02:08:21 Chairman Cuffe
02:08:31 Rep. Ankney left.
02:08:32 Mr. Tooley, MDT
02:08:42 Chairman Cuffe
02:09:59 Ms. Butler, LFD

02:10:20 **Motion/Vote:** Sen. Keane moved **TO DRAFT A BILL TO CONDUCT AN INTERIM STUDY ON RENT AND OTHER ASSOCIATED MAINTENANCE COSTS WITH STATE OWNED AND STATE RENTED BUILDINGS.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

02:11:21 Chairman Cuffe

02:11:24 **Motion/Vote:** Sen. Brenden moved **TO DRAFT A BILL TO TRANSFER ORPHAN SHARE MONEY TO THE NATURAL RESOURCE OPERATIONS ACCOUNT AND THE NATURAL RESOURCE PROJECTS ACCOUNT.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

02:11:55 Chairman Cuffe

02:12:25 Sen. Keane

02:12:29 Chairman Cuffe

02:12:50 Sen. Keane

02:13:21 Ms. Butler, LFD

02:13:40 Sen. Keane

02:13:54 Ms. Butler, LFD

02:13:57 Chairman Cuffe

ADJOURNMENT

Adjournment: 02:14:09

Tia Hunter, Secretary

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Additional Documents:

EXHIBIT([jnh36aad.pdf](#))