

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN SCOTT MENDENHALL**, on March 21, 2005
at 3:12 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Scott Mendenhall, Chairman (R)
Rep. Jill Cohenour, Vice Chairman (D)
Rep. Bernie Olson, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. John Balyeat (R)
Rep. Bob Bergren (D)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Monica Lindeen (D)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)

Members Excused:

Rep. Larry Jent (D)

Members Absent: None.

Staff Present: Kyanne Kelly, Committee Secretary
Leanne Kurtz, Legislative Branch

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:

Hearing & Date Posted: HB 769, 3/16/2005
Executive Action: SB 164, SB 174, SB 277, SB 285, SB
459, SB 465, SB 487, SJ 22, HB 769

HEARING ON HB 769

Opening Statement by Sponsor:

REP. GEORGE GOLIE (D), HD 20, opened the hearing on **HB 769**,
Creating the rail service competition council.
00:01:50

Proponents' Testimony:

00:03:30 Richard Owen, Montana Grain Growers Association
00:05:16 Nancy Schlepp, Montana Farm Bureau Federation
00:05:58 Chris Christiaens, Montana Farmers Union

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:08:57

Closing by Sponsor:

00:15:32

Motion: REP. GOLIE moved that THE COMMITTEE TAKE EXECUTIVE
ACTION ON HB 769.

Discussion:

CHAIRMAN MENDENHALL said he would not recognize that motion.

Motion/Vote: REP. GOLIE MOVED TO OVER RULE THE RULING OF THE
CHAIRMAN TO NOT RECOGNIZE REP. GOLIE'S MOTION TO TAKE EXECUTIVE
ACTION ON HB 769. Motion failed 6-6 by roll call vote with REP.
BERGREN, REP. COHENOUR, REP. GOLIE, REP. JENT, REP. KEANE, and
REP. LINDEEN voting aye. REPS. JENT AND MACCLARAN voted by proxy.

REP. JENT entered the room.

EXECUTIVE ACTION ON SB 164

Motion: REP. OLSON moved that SB 164 BE CONCURRED IN.

Motion: REP. ARNTZEN moved that SB 164 BE AMENDED.

Discussion:

00:32:05

[EXHIBIT](#) (trh62a01)

Vote: Motion carried unanimously by voice vote. REP. MACCLARAN voted by proxy.

Motion/Vote: REP. OLSON moved that SB 164 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. REP. MACCLARAN voted by proxy. REP. GRINDE to carry.

REP. MACCLARAN entered the room.

EXECUTIVE ACTION ON SB 174

Motion: REP. OLSON moved that SB 174 BE CONCURRED IN.

Discussion:

00:35:55

Vote: Motion carried 8-4 by roll call vote with REP. BERGREN, REP. COHENOUR, REP. GOLIE, and REP. LINDEEN voting no. REP. BERGREN voted by proxy. REP. OLSON to carry.

EXECUTIVE ACTION ON SB 277

Motion: REP. OLSON moved that SB 277 BE CONCURRED IN.

Discussion:

00:45:10

Vote: Motion carried 8-4 by roll call vote with REP. BERGREN, REP. COHENOUR, REP. GOLIE, and REP. KEANE voting no. REP. BERGREN voted by proxy. REP. MCNUTT to carry.

EXECUTIVE ACTION ON SB 285

Motion: REP. OLSON moved that SB 285 BE CONCURRED IN.

Discussion:

00:48:24

Motion: REP. OLSON moved that SB 285 BE AMENDED.

Discussion:

00:49:00

[EXHIBIT](#)(trh62a02)

Vote: Motion carried unanimously by voice vote. REP. BERGREN voted by proxy.

Motion: REP. OLSON moved that SB 285 BE CONCURRED IN AS AMENDED.

Motion: REP. OLSON moved that SB 285 BE FURTHER AMENDED.

Discussion:

00:50:13

[EXHIBIT](#)(trh62a03)

Vote: Motion carried unanimously by voice vote. REP. BERGREN voted by proxy.

Motion: REP. OLSON moved that SB 285 BE CONCURRED IN AS AMENDED.

Motion: REP. OLSON moved that SB 285 BE AMENDED.

Discussion:

00:56:57

[EXHIBIT](#)(trh62a04)

Vote: Motion carried unanimously by voice vote. REP. BERGREN voted by proxy.

Motion/Vote: REP. OLSON moved that SB 285 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. REP. BERGREN voted by proxy. REP. BERGREN to carry.

EXECUTIVE ACTION ON SB 459

Motion: REP. OLSON moved that SB 459 BE CONCURRED IN.

Discussion:

00:58:47

Vote: Motion carried 11-1 by voice vote with REP. GOLIE voting no. REP. BERGREN voted by proxy. REP. OLSON to carry.

EXECUTIVE ACTION ON SB 465

Motion: REP. OLSON moved that SB 465 BE CONCURRED IN.

Discussion:
01:04:47

Vote: Motion failed 4-8 by voice vote with REP. BERGREN, REP. KEANE, REP. LINDEEN, and REP. MACLAREN voting aye. REP. BERGREN voted by proxy.

Motion: REP. OLSON moved that SB 465 BE TABLED AND THE VOTE REVERSED. MOTION CARRIED by voice vote. REP. BERGREN voted by proxy.

EXECUTIVE ACTION ON SB 487

Motion: REP. OLSON moved that SB 487 BE CONCURRED IN.

Motion: REP. KEANE moved SB 487 BE AMENDED.

Discussion:
01:08:23
[EXHIBIT](#)(trh62a05)

Vote: Motion carried unanimously by voice vote. REP. BERGREN voted by proxy.

Motion: REP. OLSON moved that SB 487 BE CONCURRED IN AS AMENDED.

Discussion:
01:09:23

Without objection REP. OLSON withdrew his motion for further consideration.

EXECUTIVE ACTION ON SJ 22

Motion: REP. OLSON moved that SJ 22 BE CONCURRED IN.

Discussion:
01:14:58

Vote: Motion carried 8-4 by voice vote with REP. BALYEAT, REP. MALCOLM, REP. MENDENHALL, and REP. OLSON voting no. REP. BERGREN voted by proxy. REP. GOLIE to carry.

EXECUTIVE ACTION ON HB 769

Motion: REP. GOLIE moved that HB 769 DO PASS.

Discussion:

01:19:33

Vote: Motion carried 7-5 by roll call vote with REP. ARNTZEN, REP. BALYEAT, REP. MACLAREN, REP. MENDENHALL, and REP. OLSON voting no. REP. BERGREN voted by proxy.

ADJOURNMENT

Adjournment: 4:35 P.M.

REP. SCOTT MENDENHALL, Chairman

KYANNE KELLY, Secretary

SM/kk

Additional Exhibits:

EXHIBIT ([trh62aad0.PDF](#))