

MINUTES

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: Chairman John Brueggeman, on February 19, 2009 at
3:00 P.M., in Room 405 Capitol

ROLL CALL

Members Present:

Sen. John Brueggeman, Chairman (R)
Sen. Bruce Tutvedt, Vice Chairman (R)
Sen. Greg Hinkle (R)
Sen. Jim Keane (D)
Sen. Rick Laible (R)
Sen. Jesse Laslovich (D)
Sen. David E. Wanzenried (D)
Sen. Jonathan Windy Boy (D)
Sen. Ryan Zinke (R)

Members Excused: None

Members Absent: None

Staff Present: Libby Goodwin, Committee Secretary
Tammy McGill, 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: SB 383, 2/13/2009; SB 408,
2/13/2009; SB 409, 2/12/2009, SB
471, 2/17/2009; SB 483, 2/17/2009

Executive Action: SB 203, SB 385, SR 3, SB 383, SB
408, SB 471, SB 483, SB 291, SB
278, SB 409

HEARING ON SB 483

00:00:47 **Opening Statement by Sponsor:** Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 483, Revise law governing speed limit signs in construction zones.

Proponents' Testimony:

00:03:55 Jim Lynch, Department of Transportation (DOT)

Opponents' Testimony:

00:06:38 Gordon Morris, Montana Association of County Road Supervisors

Informational Testimony:

00:08:18 None

Questions from Committee Members and Responses:

00:08:24 Sen. Laible

00:08:46 Sen. Essmann

00:09:03 Sen. Laible

00:09:16 Sen. Essmann

EXHIBIT (his39a01)

00:09:33 Sen. Laible

00:10:16 Sen. Essmann

00:11:05 **Closing by Sponsor:** Sen. Essmann

HEARING ON SB 408

00:11:39 **Opening Statement by Sponsor:** Sen. David Wanzenried (D), SD 49, opened the hearing on SB 408, Revise laws governing operation of taxies, limousines, and charter services.

EXHIBIT (his39a02)

Proponents' Testimony:

00:15:01 Jesse Rumble, Classic Limo

00:16:53 Kirk Hennefer, Valet Limousine

EXHIBIT (his39a03)

00:22:11 Ron Kindsfather, Limo Scene
00:23:53 Albert Guay III, Sunset Limousine Service
00:25:46 Mike Uda, Classic Limo

Opponents' Testimony:

00:30:46 Greg Jergeson, Montana Public Service Commission
[EXHIBIT\(his39a04\)](#)

00:38:14 Jerome Anderson, Montana Mountain Express, LTD
[EXHIBIT\(his39a05\)](#)

00:44:22 Spook Stang, Montana Motor Carriers Association

Informational Testimony:

00:45:25 Butch Huseby, Montana Highway Patrol

Questions from Committee Members and Responses:

00:45:48 Sen. Keane
00:46:11 Mr. Uda, Attorney
00:47:18 Sen. Keane
00:47:34 Mr. Uda, Attorney
00:47:59 Sen. Keane
00:48:10 Mr. Uda
00:48:53 Sen. Zinke
00:49:17 Mr. Uda
00:49:43 Sen. Zinke
00:50:10 Mr. Rumble, Classic Limo

00:51:23 **Closing by Sponsor:** Sen. Wanzenreid

HEARING ON SB 383

00:55:12 **Opening Statement by Sponsor:** Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 383, Require full-size license plates on ATVs and off-highway vehicles.

Proponents' Testimony:

00:58:30 Greg Munther, Back Country Hunters and Anglers
[EXHIBIT\(his39a06\)](#)
[EXHIBIT\(his39a07\)](#)

01:05:26 Larry Copenhaver, Montana Wildlife Federation
01:09:04 William Burgund, Self

01:11:46 Tim Aldrich, Montana Wildlife Federation
[EXHIBIT \(his39a08\)](#)

01:12:51 Jim Kropp, Department of Fish, Wildlife and Parks (FWP)
[EXHIBIT \(his39a09\)](#)

01:13:39 Dennis Price, Self
01:14:18 Adam Rission, Wildlands CPR

Opponents' Testimony:

01:14:35 Cory Swanson, Citizens for Balanced Use; and on behalf
of Roger Hagan and Russ Ehnes, Montana Trailriders
Vehicle Association
01:19:37 Rhonda Wiggers, Montana Snowmobile Association
01:20:59 Bob Gilbert, Walleyes Unlimited

Informational Testimony:

01:23:12 None

Questions from Committee Members and Responses:

01:23:16 Sen. Zinke
01:23:36 Cory Swanson, Citizens for Balanced Use
01:24:27 Sen. Zinke
01:24:38 Sen. Laslovich
01:25:04 Sen. Zinke
01:25:29 Sen. Laslovich
01:25:36 Sen. Wanzenreid
01:26:00 Mr. Kropp, FWP
01:26:31 Sen. Wanzenreid
01:27:08 Mr. Kropp, FWP
01:27:35 Sen. Laible
01:28:43 Sen. Laslovich
01:29:02 Sen. Hinkle
01:29:31 Sen. Laslovich
01:29:46 Sen. Wanzenreid
01:30:03 Mr. Munther, Back Country Hunters and Anglers
01:30:42 Sen. Zinke
01:31:20 Sen. Laslovich

01:31:46 **Closing by Sponsor:** Sen. Laslovich

Additional Exhibit:
[EXHIBIT \(his39a10\)](#)

01:32:56 Chairman Brueggeman relinquished the chair to Vice-Chairman Tutvedt.

HEARING ON SB 409

01:34:02 **Opening Statement by Sponsor:** Sen. John Brueggeman (R), SD 6, opened the hearing on SB 409, Revise motor vehicle laws.

Proponents' Testimony:

01:36:08 Jason Todhunter, Montana Logging Association

01:37:36 Spook Stang, Montana Motor Carriers Association

Opponents' Testimony:

01:39:28 None

Informational Testimony:

01:39:33 None

Questions from Committee Members and Responses:

01:39:37 Sen. Zinke

01:39:55 Jason Todhunter, Montana Logging Association

01:39:59 Sen. Zinke

01:40:08 Jason Todhunter, Montana Logging Association

01:40:34 Mr. Lynch, DOT

01:42:09 Sen. Wanzenreid

01:42:27 Sen. Brueggeman

01:42:52 Sen. Hinkle

01:43:30 Sen. Brueggeman

01:43:46 Sen. Hinkle

01:43:53 Sen. Zinke

01:44:20 Mr. Lynch, DOT

01:44:34 Sen. Zinke

01:44:42 Mr. Lynch, DOT

01:45:09 Chairman Tutvedt

01:45:24 Sen. Brueggeman

01:45:45 **Closing by Sponsor:** Sen. Brueggeman

HEARING ON SB 471

01:47:31 **Opening Statement by Sponsor:** Sen. John Brueggeman (R), SD 6, opened the hearing on SB 471, Fuel criteria for state fleet and contractors.

Proponents' Testimony:

01:49:56 Tyler Evilsizer, S.A.V.E. Foundation

EXHIBIT (his39a11)

01:53:23 Kyla Wiens, Montana Environmental Information Center

01:54:04 Samantha Omey, Honeywell

01:57:43 Sheena Rice, Montana Public Interest Research Group

Opponents' Testimony:

01:59:20 None

Informational Testimony:

01:59:28 None

Questions from Committee Members and Responses:

01:59:33 Sen. Zinke
01:59:48 Sen. Brueggeman
02:02:05 Sen. Zinke
02:02:58 Sen. Brueggeman
02:03:30 Sen. Laible
02:03:58 Ms. Omey, Honeywell
02:04:54 Sen. Laible
02:04:57 Ms. Omey, Honeywell
02:05:34 Sen. Laible
02:05:42 Ms. Omey, Honeywell
02:06:32 Sen. Keane
02:07:08 Mr. Lynch, DOT
02:07:25 Sen. Keane
02:07:28 Mr. Lynch, DOT
02:08:52 Chairman Tutvedt
02:09:19 Ms. Omey, Honeywell
02:10:28 Chairman Tutvedt
02:10:39 Ms. Omey, Honeywell
02:11:22 Chairman Tutvedt
02:11:27 Ms. Omey, Honeywell
02:11:38 Sen. Keane
02:11:50 Brenda Nordlund, DOT
02:12:06 Chairman Tutvedt
02:12:39 Sen. Brueggeman

02:14:15 Chairman Tutvedt
 02:14:42 Sen. Brueggeman
 02:15:19 Chairman Tutvedt
 02:15:25 Sen. Brueggeman
 02:16:15 Chairman Tutvedt
 02:16:18 Sen. Brueggeman
 02:16:24 Chairman Tutvedt
 02:16:31 Sen. Zinke
 02:18:17 Sen. Brueggeman

 02:19:34 **Closing by Sponsor:** Sen. Brueggeman

02:22:32 recess
 02:34:40 reconvene

02:34:34 Senator Brueggeman resumed the chair.

EXECUTIVE ACTION ON SB 483

02:35:31 **Motion:** Sen. Tutvedt moved that **SB 483 DO PASS.**
 02:35:34 **Motion:** Sen. Tutvedt moved that **SB 483 BE AMENDED**
 (Exhibit 1).
 02:35:55 Sen. Tutvedt
 02:36:15 **Vote:** Motion carried 7-2 by voice vote with Sen.
 Laslovich and Sen. Wanzenried voting no. Sen.
 Wanzenried voted by proxy.
 02:36:34 **Motion:** Sen. Tutvedt moved that **SB 483 DO PASS AS**
AMENDED.

Discussion:

02:36:39 Sen. Laible
 02:37:18 Sen. Tutvedt
 02:37:35 Sen. Zinke
 02:38:15 Sen. Keane
 02:38:26 Sen. Tutvedt
 02:38:51 Sen. Zinke
 02:38:59 Sen. Hinkle
 02:39:45 Chairman Brueggeman

02:40:08 **Vote:** Motion failed 4-5 by roll call vote with Sen. Brueggeman, Sen. Tutvedt, Sen. Wanzenried, and Sen. Windy Boy voting aye. Sen. Wanzenried voted by proxy.

02:41:28 Chairman Brueggeman, without objection from the committee, tabled the bill and reversed the vote.

EXECUTIVE ACTION ON SB 383

02:41:56 **Motion:** Sen. Laslovich moved that **SB 383 DO PASS.**

02:42:09 **Substitute Motion/Vote:** Sen. Laslovich moved that **SB 383 BE TABLED.** Motion carried 6-3 by roll call vote with Sen. Laslovich, Sen. Windy Boy, and Sen. Zinke voting no. Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SB 385

02:44:21 **Motion:** Sen. Tutvedt moved that **SB 385 DO PASS.**

Discussion:

02:44:33 Sen. Tutvedt

02:44:46 Brenda Nordlund, DOT

02:45:46 **Substitute Motion/Vote:** Sen. Zinke moved that **SB 385 BE TABLED.** Motion carried 8-1 by voice vote with Sen. Brueggeman voting no. Sen. Wanzenried voted by proxy.

02:46:42 Sen. Laible

02:47:03 Ms. Nordlund, DOT

EXECUTIVE ACTION ON SB 203

02:47:40 **Motion:** Sen. Keane moved that **SB 203 DO PASS.**

02:48:00 Chairman Brueggeman

02:48:16 **Substitute Motion/Vote:** Sen. Laslovich made a substitute motion that **SB 203 BE TABLED.** Substitute motion carried 8-1 by voice vote with Sen. Tutvedt voting no. Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SB 291

02:49:10 **Motion:** Sen. Tutvedt moved to **RECONSIDER THE PREVIOUS ACTION** on SB 291.

Discussion:

02:49:18 Sen. Laible

02:49:55 Sen. Tutvedt

02:50:32 Sen. Laible

02:50:48 **Vote:** Motion carried 5-4 by roll call vote with Sen. Keane, Sen. Laslovich, Sen. Wanzenried, and Sen. Windy Boy voting no. Sen. Wanzenried voted by proxy.

02:51:54 **Motion:** Sen. Tutvedt moved that **SB 291 DO PASS**.

02:51:57 **Substitute Motion:** Sen. Tutvedt made a substitute motion that **SB 291 DO PASS AS AMENDED**.

EXHIBIT (his39a12)

02:52:07 **Vote:** Motion carried 5-4 by roll call vote with Sen. Keane, Sen. Laslovich, Sen. Wanzenried, and Sen. Windy Boy voting no. Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SB 278

02:52:43 **Motion:** Sen. Laslovich moved to **RECONSIDER THE PREVIOUS ACTION** on SB 278.

02:53:04 Sen. Windy Boy

02:52:56 **Vote:** Motion carried 5-4 by roll call vote with Sen. Hinkle, Sen. Laible, Sen. Tutvedt, and Sen. Zinke voting no. Sen. Wanzenried voted by proxy.

02:54:04 **Motion/Vote:** Sen. Laslovich moved that **SB 278 DO PASS AS AMENDED**. Motion carried 5-4 by roll call vote with Sen. Hinkle, Sen. Laible, Sen. Tutvedt, and Sen. Zinke voting no. Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SB 409

- 02:55:31 **Motion:** Sen. Brueggeman moved that **SB 409 DO PASS.**
- 02:55:51 **Motion:** Sen. Brueggeman moved that **SB 409 BE CONCEPTUALLY AMENDED** (Section 61-9-501, MCA: amended to strike 5 days and insert 14 days).

Discussion:

- 02:56:11 Sen. Laible
02:56:21 Chairman Brueggeman
- 02:56:33 **Vote:** Motion carried unanimously by voice vote. Sen. Wanzenried voted by proxy.
- 02:56:48 **Motion/Vote:** Sen. Brueggeman moved that **SB 409 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SB 408

- 02:57:30 **Motion:** Sen. Laible moved that **SB 408 DO PASS.**
- 02:57:38 **Substitute Motion/Vote:** Sen. Keane made a substitute motion that **SB 408 BE TABLED.** Substitute motion carried 7-2 by voice vote with Sen. Laslovich and Sen. Wanzenried voting no. Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SB 471

- 02:58:09 **Motion:** Sen. Brueggeman moved that **SB 471 DO PASS.**

Discussion:

- 02:58:21 Sen. Laible
02:58:33 Chairman Brueggeman
02:59:22 Sen. Tutvedt
03:00:08 Chairman Brueggeman
03:00:53 Sen. Tutvedt
03:00:56 Chairman Brueggeman
03:01:01 Sen. Tutvedt
03:01:04 Sen. Keane

03:01:35 Sen. Hinkle

03:02:00 Sen. Keane

03:02:07 **Vote:** Motion carried 5-4 by roll call vote with Sen. Hinkle, Sen. Keane, Sen. Laible, and Sen. Tutvedt voting no. Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SR 3

03:03:21 **Motion/Vote:** Sen. Brueggeman moved that **SR 3 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Wanzenried voted by proxy.

ADJOURNMENT

Adjournment: 6:07 P.M.

Libby Goodwin, Secretary

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Additional Documents:

EXHIBIT ([his39aad.pdf](#))