

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

**JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND
TRANSPORTATION**

Call to Order: Chairman Galen Hollenbaugh, on February 6, 2009 at 8:40 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Rep. Galen Hollenbaugh, Chairman (D)
Sen. Rick Ripley, Vice Chairman (R)
Rep. Duane Ankney (R)
Sen. John Brenden (R)
Rep. Llew Jones (R)
Rep. Robert Mehlhoff (D)
Sen. Mitch Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: James Chamberlain, OBPP
Greg DeWitt, Legislative Branch
Shawn Graham, OBPP
Tyrrell Hibbard, Committee Secretary
Barbara Smith, 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:

Subject Addressed: Montana Department of
Transportation

Executive Action: Entire Department of Transportation
decision packages

00:00:10 Chairman Hollenbaugh

EXECUTIVE ACTION ON DEPARTMENT OF TRANSPORTATION

00:01:00 Mr. DeWitt, LFD

EXHIBIT (jnh28a01)

00:01:07 Chairman Hollenbaugh

00:01:11 Mr. DeWitt

00:03:22 Sen. Tropila

00:03:32 Chairman Hollenbaugh

00:03:35 Mr. Chamberlain, OBPP

00:04:02 Chairman Hollenbaugh

00:04:08 Jim Lynch, Director, Montana Department of
Transportation (DOT)

00:05:00 Chairman Hollenbaugh

00:05:29 Mr. Lynch

EXHIBIT (jnh28a02)

00:06:58 Sen. Tropila

00:07:40 Mr. Lynch

00:08:45 Rep. Jones

00:08:53 Mr. Lynch

00:09:44 Rep. Jones

00:10:22 Mr. Lynch

00:10:45 Rep. Jones

00:10:52 Mr. Lynch

00:11:30 Rep. Jones

00:11:32 Mr. Lynch

00:11:45 Rep. Jones

00:12:00 Mr. Lynch

00:12:10 Rep. Jones

00:12:25 Mr. Lynch

00:13:06 Rep. Jones

00:13:20 Mr. Lynch

00:13:45 Rep. Jones

00:15:06 Mr. Lynch

00:16:19 Rep. Jones

00:16:49 Mr. Lynch

00:17:35 Sen. Ripley

00:18:35 Mr. Lynch

00:23:07 Sen. Ripley

00:23:49 Mr. Lynch

00:25:20 Sen. Brenden

00:25:27 Chairman Hollenbaugh

00:25:32 Sen. Brenden

00:26:37 Mr. Lynch

00:30:34 Chairman Hollenbaugh

00:30:37 Rep. Mehlhoff

00:30:44 Chairman Hollenbaugh

00:30:52 Rep. Mehlhoff
00:31:12 Chairman Hollenbaugh

00:31:20 Break
01:29:05 Reconvene

01:29:09 Chairman Hollenbaugh
01:29:52 Sen. Tropila
01:30:15 Mr. Lynch
01:31:14 Chairman Hollenbaugh
01:31:27 Mr. Lynch
01:32:32 Chairman Hollenbaugh
01:32:39 Sen. Ripley
01:32:56 Mr. Lynch
01:33:21 Sen. Ripley
01:33:28 Mr. Lynch
01:33:31 Sen. Brenden
01:34:48 Chairman Hollenbaugh
01:34:55 Sen. Tropila
01:36:00 Mr. Lynch
01:38:01 Chairman Hollenbaugh

01:38:59 Mr. DeWitt
01:39:31 **Motion/Vote:** Rep. Jones moved **TO ADOPT FIRST LANGUAGE AND STATUTORY AUTHORITY on page C-136 of LEGISLATIVE BUDGET ANALYSIS.** Motion carried unanimously by voice vote.

01:39:51 Mr. DeWitt
01:39:58 **Motion/Vote:** Sen. Ripley moved **TO ADOPT SECOND LANGUAGE AND STATUTORY AUTHORITY on page C-136 of LEGISLATIVE BUDGET ANALYSIS.** Motion carried unanimously by voice vote.

01:40:10 Mr. DeWitt
01:40:16 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT THIRD LANGUAGE AND STATUTORY AUTHORITY on page C-136 of LEGISLATIVE BUDGET ANALYSIS.** Motion carried unanimously by voice vote.

01:40:39 Mr. DeWitt
01:41:07 Chairman Hollenbaugh
01:41:11 Mr. DeWitt
01:41:17 **Motion/Vote:** Rep. Ankney moved **TO ADOPT FOURTH LANGUAGE AND STATUTORY AUTHORITY on page C-136 of LEGISLATIVE BUDGET ANALYSIS.** Motion carried unanimously by voice vote.

01:41:31 Mr. DeWitt
01:42:15 Sen. Ripley
01:42:33 Mr. DeWitt
01:43:02 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT THE MOTOR POOL PROGRAM LANGUAGE on page 1 of LEGISLATIVE BUDGET ANALYSIS DOT ADDENDUM.** Motion carried unanimously by voice vote.

01:43:11 Mr. DeWitt
01:43:57 Chairman Hollenbaugh
01:44:02 Mr. DeWitt
01:44:07 **Motion/Vote:** Sen. Ripley moved **TO ADOPT OPTION 1 OF LANGUAGE APPROPRIATION on page 1 of LEGISLATIVE BUDGET ANALYSIS DOT ADDENDUM AS ONE TIME ONLY AND BIENNIAL.** Motion carried unanimously by voice vote.

01:44:37 Mr. DeWitt
01:44:57 Chairman Hollenbaugh
01:45:12 **Motion/Vote:** Rep. Jones moved **TO ADOPT GLOBALLY EQUIPMENT RENTAL DECISION PACKAGES: DP 1001, DP 0214, DP 0302, DP 2208, DP 5002.** Motion carried unanimously by voice vote.

01:45:33 Mr. DeWitt
01:45:37 **Motion/Vote:** Rep. Ankney moved **TO ADOPT GLOBALLY OVERTIME/DIFFERENTIAL DECISION PACKAGES: DP 1002, DP 0215, DP 0301, DP 2210, DP 4003, DP 5003.** Motion carried unanimously by voice vote.

01:46:00 Mr. DeWitt
01:46:10 **Motion/Vote:** Rep. Jones moved **TO ADOPT GLOBALLY TRAINING REDUCTION DECISION PACKAGES: DP 1301, DP 0216, DP 0303, DP 2211, DP 4006, DP 5001.** Motion carried unanimously by voice vote.

01:46:26 Mr. DeWitt
01:46:42 **Motion/Vote:** Rep. Mehlhoff moved that **DP 1101 BE ADOPTED.** Motion carried unanimously by voice vote.

01:46:56 Mr. DeWitt
01:47:05 **Motion/Vote:** Rep. Ankney moved **TO ADOPT DP 1302.** Motion carried 6-1 by voice vote with Sen. Brenden voting no.

01:47:21 Mr. DeWitt
01:47:31 **Motion:** Rep. Mehlhoff moved **TO ADOPT DP 1401 AS ONE TIME ONLY.**

Discussion:

01:47:50 Rep. Mehlhoff
01:48:30 Sen. Brenden
01:49:55 Chairman Hollenbaugh
01:49:59 Mr. Chamberlain
01:50:17 Chairman Hollenbaugh
01:50:47 Larry Flynn, DOT
01:51:02 Rep. Jones
01:51:45 Mr. Lynch
01:52:13 Sen. Brenden
01:52:30 Chairman Hollenbaugh
01:52:38 Mr. Lynch
01:52:58 Chairman Hollenbaugh
01:53:06 Rep. Mehlhoff
01:53:42 Sen. Brenden

01:54:07 **Vote:** Motion carried unanimously by voice vote.

01:54:16 Mr. DeWitt
01:54:38 **Motion/Vote:** Rep. Jones moved that **DP 1402 BE ADOPTED.**
Motion carried 6-1 by voice vote with Sen. Brenden
voting no.

01:55:02 Mr. De Witt
01:55:09 **Motion/Vote:** Rep. Ankney moved that **DP 1404 BE
ADOPTED.** Motion carried unanimously by voice vote.

01:55:25 Mr. DeWitt
01:56:00 **Motion/Vote:** Sen. Ripley moved **TO DEFER DP 1503 and DP
1506.** Motion carried 6-1 by voice vote with Sen.
Tropila voting no.

01:57:03 Mr. DeWitt
01:57:28 **Motion:** Rep. Jones moved that **THE UPDATED DP 0210 BE
ADOPTED.**

Discussion:

01:58:04 Chairman Hollenbaugh
01:58:12 Rep. Mehlhoff
01:58:16 Mr. DeWitt
01:59:36 Sen. Ripley
01:59:46 Mr. Lynch
02:00:01 Sen. Ripley
02:00:14 Mr. Lynch
02:00:33 Rep. Mehlhoff
02:00:39 Mr. Chamberlain

02:00:57 **Vote:** Motion carried unanimously by voice vote.

02:01:07 Mr. DeWitt

02:02:23 Sen. Ripley

02:02:37 Mr. DeWitt

02:03:48 **Motion:** Sen. Ripley moved **TO DEFER DP 0211.**

Discussion:

02:04:23 Mr. Lynch

02:06:15 Sen. Ripley

02:06:32 Mr. Lynch

02:07:18 Sen. Ripley

02:07:26 Mr. Lynch

02:07:28 Sen. Ripley

02:07:32 Chairman Hollenbaugh

02:07:36 Sen. Ripley withdrew his motion.

02:07:43 **Motion/Vote:** Rep. Ankney moved that **DP 0211 BE ADOPTED.** Motion carried unanimously by voice vote.

02:08:00 Mr. DeWitt

02:08:05 **Motion:** Rep. Mehlhoff moved **TO ADOPT DP 0222.**

Discussion:

02:08:14 Chairman Hollenbaugh

02:08:28 Mr. Lynch

02:08:38 Chairman Hollenbaugh

02:08:46 Mr. Lynch

02:09:00 Chairman Hollenbaugh

02:09:15 **Vote:** Motion carried unanimously by voice vote.

02:09:24 Mr. DeWitt

02:09:32 **Motion/Vote:** Rep. Jones moved that **DP 0223 BE ADOPTED.** Motion carried unanimously by voice vote.

02:09:55 Mr. DeWitt

02:10:10 **Motion/Vote:** Rep. Ankney moved **TO ADOPT DP 0306.** Motion carried unanimously by voice vote.

02:10:32 Mr. DeWitt

02:10:36 **Motion/Vote:** Rep. Ankney moved that **DP 0307 BE ADOPTED.** Motion carried unanimously by voice vote.

02:10:47 Mr. DeWitt

02:10:55 **Motion/Vote:** Rep. Jones moved that **DP 0308 BE ADOPTED.**
Motion carried unanimously by voice vote.

02:11:01 Mr. DeWitt

02:11:10 **Motion/Vote:** Rep. Jones moved that **DP 0310 BE ADOPTED.**
Motion carried unanimously by voice vote.

02:11:32 Mr. DeWitt

02:11:36 **Motion/Vote:** Sen. Tropila moved that **DP 0311 BE
ADOPTED.** Motion failed 3-4 by roll call vote with
Sen. Tropila, Rep. Mehlhoff, and Chairman Hollenbaugh
voting aye.

02:12:36 Mr. DeWitt

02:12:47 **Motion/Vote:** Rep. Ankney moved **TO ADOPT DP 0312.**
Motion carried unanimously by voice vote.

02:13:00 Mr. DeWitt

02:13:15 **Motion/Vote:** Rep. Ankney moved that **DP 0314 BE
ADOPTED.** Motion carried 6-1 by voice vote with Sen.
Brenden voting no.

02:13:29 Mr. DeWitt

02:13:33 **Motion/Vote:** Sen. Brenden moved **TO ADOPT DP 0316.**
Motion carried unanimously by voice vote.

02:13:43 Mr. DeWitt

02:13:57 **Motion/Vote:** Rep. Jones moved that **DP 0318 BE ADOPTED.**
Motion carried unanimously by voice vote.

02:14:15 Mr. DeWitt

02:14:48 Sen. Ripley

02:15:00 Mr. DeWitt

02:15:58 Chairman Hollenbaugh

02:16:19 Mr. DeWitt

02:16:53 **Motion/Vote:** Rep. Mehlhoff moved **DP 0320 BE ADOPTED.**
Motion carried unanimously by voice vote.

02:17:08 Mr. DeWitt

02:19:05 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT STATE MOTOR
POOL FUND PROPRIETARY RATES.** Motion carried
unanimously by voice vote.

02:19:21 Mr. DeWitt

02:20:56 Rep. Jones

02:21:31 Sen. Ripley

02:21:54 Mr. DeWitt

EXHIBIT (jnh28a03)

02:23:31 Rep. Jones
02:23:38 Sen. Tropila
02:24:03 Mr. Lynch
02:25:24 Sen. Tropila
02:26:06 Mr. Lynch
02:26:16 **Motion/Vote:** Rep. Mehlhoff moved **TO DEFER HIGHWAY
EQUIPMENT FUND PROPRIETARY RATES on page C-165 of
LEGISLATIVE BUDGET ANALYSIS.** Motion carried without
objection.

02:26:42 Mr. DeWitt
02:26:56 **Motion:** Rep. Jones moved that **DP 2202 BE ADOPTED.**

Discussion:

02:27:02 Sen. Brenden
02:27:34 Chairman Hollenbaugh

02:27:39 **Vote:** Motion carried unanimously by voice vote.

02:27:47 Mr. DeWitt
02:28:20 **Motion/Vote:** Rep. Mehlhoff moved that **DP 2205 BE
ADOPTED.** Motion carried 6-1 by voice vote with Sen.
Brenden voting no.

02:28:37 Mr. DeWitt
02:29:29 **Motion:** Sen. Ripley moved that **DP 2214 DO NOT PASS.**

Discussion:

02:29:52 Chairman Hollenbaugh
02:29:56 Mr. Lynch
02:30:26 Chairman Hollenbaugh
02:30:31 Rep. Mehlhoff
02:30:47 Mr. Chamberlain
02:31:42 Mr. DeWitt

02:32:40 **Vote:** Motion carried 6-1 by roll call vote with
Chairman Hollenbaugh voting no.

02:32:48 Mr. DeWitt
02:32:53 **Motion/Vote:** Rep. Ankney moved that **DP 2215 BE
ADOPTED.** Motion carried unanimously by voice vote.

02:33:01 Mr. DeWitt
02:33:12 **Motion:** Rep. Mehlhoff moved that **DP 2216 BE ADOPTED.**

Discussion:

02:33:16 Sen. Ripley
02:33:25 Chairman Hollenbaugh
02:33:38 Mr. Lynch

02:33:57 **Vote:** Motion carried 6-1 by voice vote with Sen.
Ripley voting no.

02:34:10 Mr. DeWitt
02:34:19 **Motion:** Sen. Tropila moved that **DP 2201 BE ADOPTED.**

Discussion:

02:34:30 Sen. Ripley
02:34:38 Chairman Hollenbaugh

02:34:53 **Vote:** Motion failed 3-4 by roll call vote with Sen.
Tropila, Rep. Mehlhoff, and Chairman Hollenbaugh voting
aye.

02:35:23 Mr. DeWitt
02:35:39 **Motion/Vote:** Rep. Ankney moved that **DP 2206 BE
ADOPTED.** Motion carried unanimously by voice vote.

02:35:55 Mr. DeWitt
02:36:04 **Motion/Vote:** Rep. Jones moved that **DP 2207 BE ADOPTED.**
Motion carried unanimously by voice vote.

02:36:17 Mr. DeWitt
02:36:46 Sen. Ripley
02:37:26 Mr. Lynch
EXHIBIT (jnh28a04)
02:37:58 Sen. Tropila
02:38:20 Sen. Ripley
02:38:37 Rep. Mehlhoff
02:39:17 Mr. Lynch
02:40:11 Rep. Mehlhoff
02:40:59 Rep. Jones
02:41:17 Mr. Lynch
02:41:37 Mr. DeWitt
02:42:02 Sen. Ripley
02:42:36 **Motion:** Rep. Mehlhoff moved **TO DEFER DP 2212.**

Discussion:

02:42:58 Rep. Ankney
02:44:16 Sen. Brenden

02:44:25 **Vote:** Motion carried without objection.

02:44:33 Mr. DeWitt

02:44:43 **Motion/Vote:** Rep. Ankney moved that **DP 4007 BE ADOPTED.** Motion carried unanimously by voice vote.

02:44:56 Mr. DeWitt

02:45:00 **Motion/Vote:** Sen. Ripley moved that **DP 4008 BE ADOPTED.** Motion carried unanimously by voice vote.

02:45:15 Mr. DeWitt

02:45:21 **Motion/Vote:** Rep. Jones moved that **DP 4009 BE ADOPTED.** Motion carried unanimously by voice vote.

02:45:40 Mr. DeWitt

02:45:43 **Motion/Vote:** Sen. Ripley moved that **DP 4010 BE ADOPTED.** Motion carried unanimously by voice vote.

02:45:56 Mr. DeWitt

02:46:03 **Motion/Vote:** Rep. Jones moved that **DP 4011 BE ADOPTED.** Motion carried unanimously by voice vote.

02:46:20 Mr. DeWitt

02:46:41 **Motion/Vote:** Rep. Ankney moved that **DP 4015 BE ADOPTED.** Motion carried unanimously by voice vote.

02:47:01 Mr. DeWitt

02:47:13 **Motion/Vote:** Rep. Jones moved that **DP 5004 BE ADOPTED.** Motion carried unanimously by voice vote.

02:47:29 Mr. DeWitt

02:47:36 **Motion/Vote:** Sen. Brenden moved that **DP 5005 BE ADOPTED.** Motion carried 6-1 by voice vote with Sen. Ripley voting no.

02:47:59 Mr. DeWitt

02:48:27 **Motion/Vote:** Sen. Ripley moved **TO DEFER DP 5006.** Motion carried 6-1 by voice vote with Sen. Tropila voting no.

02:48:55 Mr. DeWitt

02:49:14 **Motion/Vote:** Rep. Ankney moved that **DP 5008 BE ADOPTED.** Motion carried unanimously by voice vote.

02:49:25 Mr. DeWitt

02:49:31 **Motion/Vote:** Rep. Mehlhoff moved that **DP 5009 BE ADOPTED.** Motion carried unanimously by voice vote.

02:49:49 Mr. DeWitt
02:50:26 Rep. Mehlhoff
02:50:46 **Motion/Vote:** Rep. Ankney moved that **DP 5010 BE ADOPTED.** Motion carried unanimously by voice vote.

02:51:00 Mr. DeWitt
02:51:10 **Motion/Vote:** Sen. Tropila moved that **DP 5011 BE ADOPTED.** Motion carried 5-2 by voice vote with Sen. Ripley and Sen. Brenden voting no.

02:51:31 Mr. DeWitt
02:51:41 **Motion/Vote:** Rep. Mehlhoff moved **DP 5012 BE ADOPTED.** Motion carried 6-1 by voice vote with Sen. Ripley voting no.

02:52:13 Mr. DeWitt
02:52:16 **Motion/Vote:** Sen. Ripley moved that **DP 5013 BE ADOPTED.** Motion carried unanimously by voice vote.

02:52:33 Sen. Tropila
02:53:04 Mr. DeWitt
02:53:45 **Motion:** Sen. Ripley moved **TO ELIMINATE ALL FTE'S THAT HAVE BEEN VACANT FOR 12 MONTHS.**

Discussion:

02:54:28 Sen. Tropila
02:55:11 Chairman Hollenbaugh
02:55:12 Sen. Ripley
02:55:30 Sen. Brenden
02:56:16 Rep. Mehlhoff
02:57:09 Sen. Ripley
02:57:42 Rep. Ankney
02:58:55 Rep. Jones
02:59:27 Rep. Mehlhoff
02:59:39 Sen. Ripley
03:00:10 Chairman Hollenbaugh
03:00:39 **Vote:** Motion carried 4-3 by roll call vote with Sen. Tropila, Rep. Mehlhoff, and Chairman Hollenbaugh voting no.
03:00:44 Rep. Ankney

Public Comment: None

03:01:28 Chairman Hollenbaugh

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03:01:33 Sen. Tropila
03:01:41 Chairman Hollenbaugh
03:02:21 Sen. Riley
03:02:31 Chairman Hollenbaugh
03:02:50 Rep. Mehlhoff
03:02:54 Rep. Jones left hearing.
03:03:02 Chairman Hollenbaugh

ADJOURNMENT

03:03:19 Adjournment: 11:43 A.M.

Tyrrell Hibbard, Secretary

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Additional Documents:

EXHIBIT ([jnh28aad.pdf](#))