

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: Chairman Jon Sonju, on February 20, 2009 at 3:00 P.M., in Room 455 Capitol

ROLL CALL

Members Present:

Rep. Jon Sonju, Chairman (R)
Rep. Bob Ebinger, Vice Chairman (D)
Rep. Gordon Vance, Vice Chairman (R)
Rep. Dick Barrett (D)
Rep. Deborah Kottel (D)
Rep. Margaret MacDonald (D)
Rep. Lee Randall (R)
Rep. J. David Roundstone (D)
Rep. Janna Taylor (R)

Members Excused: Rep. Elsie Arntzen (R)
Rep. Tom Berry (R)
Rep. Bill Wilson (D)

Members Absent: None

Staff Present: Katie Butcher, Committee Secretary
Rachel Weiss, 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 469, HB 510, HB 526, HB 561
HB 601

Executive Action: HB 536, HB 526, HB 561, HB 441
HB 600, HB 469, HB 607, HB 573
HB 510, HB 601

00:00:00 Call to order

EXECUTIVE ACTION ON HB 536

00:01:16 **Motion:** Rep. Ebinger moved that **HB 536 DO PASS.**

Discussion:

00:01:30 Rep. Barrett
(Rep. Berry, Rep. Arntzen arrived.)

00:02:07 Rep. Kottel

00:02:43 Rep. Arntzen

00:03:10 Rep. Barrett

00:04:35 **Vote:** Motion carried unanimously by voice vote.
Rep. Wilson voted by proxy.

EXECUTIVE ACTION ON HB 607

00:05:33 **Motion:** Rep. Ebinger moved that **HB 607 DO PASS.**

Discussion:

00:05:42 Rep. Kottel

00:06:40 **Substitute Motion/Vote:** Rep. Vance made a substitute motion that **HB 607 BE TABLED.** Substitute motion carried 11-1 by voice vote with Rep. Arntzen voting no.
Rep. Wilson voted by proxy.

EXECUTIVE ACTION ON HB 573

00:07:49 **Motion:** Rep. Ebinger moved that **HB 573 DO PASS.**

Discussion:

00:08:03 Rep. Arntzen

00:08:49 Rep. Barrett

00:10:09 Rep. Berry

00:10:35 Chairman Sonju

00:11:05 **Vote:** Motion failed 6-6 by roll call vote with Rep. Barrett, Rep. Ebinger, Rep. Kottel, Rep. MacDonald, Rep. Roundstone, and Rep. Wilson voting aye. Rep. Wilson voted by proxy.

00:11:50 Rep. Arntzen

HEARING ON HB 526

Opening Statement by Sponsor:

00:12:44 Rep. Scott Sales (R), HD 68, opened the hearing on
HB 526, Prohibit use of salt on local and state roads.

Proponents' Testimony:

00:15:15 Jim Lynch, Director, Department of Transportation
[EXHIBIT](#)(trh40a01)

Opponents' Testimony:

00:18:44 Gordon Morris, Lewis and Clark Commission
00:21:00 John MacDonald, City of Missoula
00:21:58 Willy Duffield

Informational Testimony: None

Questions from Committee Members and Responses:

00:23:00 Rep. Ebinger
00:23:23 Mr. Lynch
00:24:13 Chairman Sonju
00:24:19 Mr. Lynch

Closing by Sponsor:

00:25:24 Rep. Sales

HEARING ON HB 510

Opening Statement by Sponsor:

00:26:29 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB
510, Minor passenger seat belt violation as primary
offense.

[EXHIBIT](#)(trh40a02)

Proponents' Testimony:

00:33:42 Frank Smith, Poplar, Montana
[EXHIBIT](#)(trh40a03)
00:38:31 Jim Lynch, Director, Department of Transportation
00:39:07 Greg Van Horssen, State Farm Insurance, American
Insurance Association

00:39:42 Bruce Spencer, Montana Auto Dealers, Property Causality
Insurers, Auto Alliance

00:40:13 Gary MacDonald, Roosevelt County Commissioner

00:41:38 Carl Peil, AARP Montana

00:43:35 Rebecca Sturdevant, Montana Nurses Association

EXHIBIT (trh40a04)

00:46:24 Mona Jamison, General Motors

00:46:54 Barry "Spook" Stang, Montana Motor Carriers Association

Opponents' Testimony:

00:47:46 Willy Duffield

00:49:39 Bob Gilbert

Informational Testimony:

00:52:00 Butch Husby, Montana Highway Patrol

Questions from Committee Members and Responses:

00:52:47 Rep. Roundstone

00:53:07 Mr. Duffield

00:54:18 Rep. Vance

00:54:39 Rep. Cohenour

00:55:47 Rep. Ebinger

00:56:01 Rep. Cohenour

00:58:36 Rep. Kottel

00:58:42 Rep. Cohenour

00:58:51 Rep. Kottel

00:59:03 Mr. Husby

00:59:18 Rep. Arntzen

00:59:40 Rep. Cohenour

01:01:31 Rep. Arntzen

01:01:34 Mr. Husby

01:02:17 Rep. Berry

01:02:47 Rep. Cohenour

Closing by Sponsor:

01:03:37 Rep. Cohenour

HEARING ON HB 601

Opening Statement by Sponsor:

01:06:49 Rep. Jill Cohenour (D), HD 78, opened the hearing on
HB 601, Revise tow truck law.

EXHIBIT (trh40a05)

Proponents' Testimony:

01:17:56 Bob Gilbert, Montana Automobile Dismantlers and
Recyclers Association, Montana Tow Truck Association

01:20:07 Jim Dusenberry, Montana Tow Truck Association

EXHIBIT (trh40a06)

01:24:21 Gary Becker, Montana Highway Patrol

01:27:34 Harold Hanson, Hanson's Wrecker Company

EXHIBIT (trh40a07)

01:34:04 Tom McGree, Milo's Towing

01:36:50 Casey Collins, A-1 Towing

Opponents' Testimony:

01:38:58 Ron Imberi, Ron's Diesel Repair, Three Forks, Montana

01:40:18 Kevin Burnett, Whitehall Truck and Trailer Repair

Informational Testimony: None

Questions from Committee Members and Responses:

01:41:35 Rep. Roundstone

01:42:43 Rep. Cohenour

01:46:06 Rep. Kottel

01:46:25 Rep. Cohenour

01:46:48 Rep. Berry

01:47:24 Mr. Becker

01:51:32 Rep. Barrett

01:52:25 Mr. Becker

01:52:50 Rep. Barrett

01:53:09 Mr. Imberi

01:53:34 Rep. Arntzen

01:53:49 Mr. Dusenberry

01:57:55 Chairman Sonju

01:58:25 Rep. Cohenour

Closing by Sponsor:

02:03:10 Rep. Cohenour

HEARING ON HB 561

Opening Statement by Sponsor:

02:05:50 Rep. Jill Cohenour (D), HD 78, opened the hearing on
HB 561, Requiring background check for certain tow
truck operators.

Proponents' Testimony:

02:07:59 Bob Gilbert, Montana Tow Truck Association
02:09:09 Gary Becker, Captain, Montana Highway Patrol
02:10:15 Jim Dusenberry, Montana Tow Truck Association
02:10:53 Casey Collins, A-1 Towing

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:12:11 Rep. Arntzen
02:12:41 Mr. Gilbert
02:13:16 Rep. Cohenour
02:14:45 Rachel Weiss, Legislative Services Division
02:15:32 Rep. Arntzen
02:15:46 Rep. Cohenour
02:16:06 Rep. Vance
02:16:14 Rep. Cohenour
02:16:27 Rep. Vance
02:16:44 Rep. Cohenour
02:17:27 Mr. Becker
02:18:53 Rep. Taylor
02:19:30 Rep. Cohenour
02:19:33 Ms. Weiss
02:19:49 Rep. Taylor
02:20:29 Chairman Sonju
02:21:46 Rep. Cohenour
02:22:54 Rep. Kottel
02:24:06 Rep. Cohenour
02:24:55 Rep. Barrett
02:25:27 Rep. Cohenour
02:25:48 Rep. Roundstone
02:26:04 Rep. Cohenour
02:26:34 Mr. Becker

Closing by Sponsor:

02:27:30 Rep. Cohenour

HEARING ON HB 469

Opening Statement by Sponsor:

02:29:04 Rep. Jill Cohenour (D), HD 78, opened the hearing on
HB 469, Exempt tow trucks from parking ordinances.

Proponents' Testimony:

02:30:32 Bob Gilbert, Montana Tow Truck Association
02:31:19 Casey Collins, A-1 Towing
02:35:38 Tom Ruschkawicz, Downtown Wrecker, Billings, Montana

Opponents' Testimony:

02:36:24 John MacDonald, City of Missoula

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:38:00 Rep. Cohenour

02:38:59 Break
(Rep. Wilson arrived)
02:56:12 Reconvene

EXECUTIVE ACTION ON HB 469

02:56:30 **Motion:** Rep. Wilson moved that **HB 469 DO PASS.**

Discussion:

02:56:39 Rep. Kottel
02:56:50 Rep. Vance

02:57:00 **Vote:** Motion failed 2-10 by roll call vote with Rep. MacDonald and Rep. Roundstone voting aye.

02:58:15 **Motion/Vote:** Rep. Wilson moved that **HB 469 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 526

02:58:50 **Motion:** Rep. Ebinger moved that **HB 526 DO PASS.**

Discussion:

02:59:14 Ms. Weiss

02:59:22 **Motion/Vote:** Rep. Berry moved that **HB 526 BE AMENDED.**
Motion carried unanimously by voice vote.

02:59:41 **Motion:** Rep. Taylor moved that **HB 526 DO PASS AS AMENDED.**

Discussion:

03:00:35 Ms. Weiss

03:01:04 **Motion/Vote:** Rep. Taylor moved that **HB 526 BE AMENDED.**
Motion carried unanimously by voice vote.

03:01:23 **Motion:** Rep. Taylor moved that **HB 526 DO PASS AS AMENDED.**

Discussion:

03:01:39 Rep. Barrett

03:02:13 Rep. MacDonald

03:02:51 Rep. Arntzen

03:05:23 Rep. Kottel

03:05:47 **Vote:** Motion carried 9-3 by roll call vote with Rep. Barrett, Rep. MacDonald, and Rep. Wilson voting no.

EXECUTIVE ACTION ON HB 441

03:07:24 **Motion:** Rep. Ebinger moved that **HB 441 DO PASS.**

Discussion:

03:07:56 Ms. Weiss

03:08:29 Chairman Sonju

03:09:16 Rep. Kottel

03:10:14 Rep. MacDonald

03:11:04 Rep. Kottel

03:11:18 Rep. Ebinger

03:12:34 **Vote:** Motion failed 5-7 by roll call vote with Rep. Arntzen, Rep. Randall, Rep. Sonju, Rep. Taylor, and Rep. Vance voting aye.

03:13:18 **Motion/Vote:** Rep. Vance moved that **HB 441 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

03:14:57 Chairman Sonju

03:15:20 Ms. Weiss

EXECUTIVE ACTION ON HB 600

03:15:42 **Motion:** Rep. Vance moved that **HB 600 DO PASS.**

03:15:47 **Substitute Motion/Vote:** Rep. Randall made a substitute motion that **HB 600 BE TABLED.** Substitute motion carried 8-4 by voice vote with Rep. Arntzen, Rep. Berry, Rep. Taylor, and Rep. Vance voting no.

EXECUTIVE ACTION ON HB 510

03:16:48 **Motion:** Rep. Vance moved that **HB 510 DO PASS.**

Discussion:

03:16:58 Rep. Ebinger
03:17:41 Rep. MacDonald
03:18:33 Rep. Kottel
03:18:47 Chairman Sonju
03:19:37 Rep. Arntzen
03:21:05 Rep. Kottel
03:22:18 Rep. Vance
03:24:19 Rep. Roundstone
03:24:50 Rep. Barrett

03:25:36 **Vote:** Motion failed 6-6 by roll call vote with Rep. Barrett, Rep. Ebinger, Rep. Kottel, Rep. MacDonald, Rep. Roundstone, and Rep. Wilson voting aye.

03:26:47 Ms. Weiss
03:28:14 Rep. Taylor

EXECUTIVE ACTION ON HB 601

03:29:22 **Motion:** Rep. Ebinger moved that **HB 601 DO PASS.**

Discussion:

03:29:35 Rep. Vance
03:31:00 Rep. MacDonald
03:33:02 Rep. Taylor
03:33:37 Rep. Arntzen
03:34:27 Rep. Kottel

03:34:57 Chairman Sonju

03:36:17 **Vote:** Motion failed 5-7 by roll call vote with Rep. Arntzen, Rep. Berry, Rep. MacDonald, Rep. Roundstone, and Rep. Wilson voting aye.

EXECUTIVE ACTION ON HB 561

03:37:29 **Motion:** Rep. Vance moved that **HB 561 DO PASS.**

Discussion:

03:37:54 Rep. Kottel

03:39:03 Rep. Vance

03:40:05 **Vote:** Motion failed 2-10 by roll call vote with Rep. Roundstone and Rep. Wilson voting aye.

03:40:44 **Motion/Vote:** Rep. Vance moved that **HB 561 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

03:42:08 Ms. Weiss

03:43:04 Rep. Taylor

ADJOURNMENT

Adjournment

Katie Butcher, Secretary

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Additional Documents:

EXHIBIT ([trh40aad.pdf](#))