

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: Chairman John Brueggeman, on February 17, 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. Jim Keane (D)
Sen. Rick Laible (R)
Sen. Jesse Laslovich (D)
Sen. David E. Wanzonried (D)
Sen. Jonathan Windy Boy (D)
Sen. Ryan Zinke (R)

Members Excused: Sen. Greg Hinkle (R)

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 291, 2/9/2009; SB 385,
2/13/2009; SB 386, 2/13/2009; SB
443, 2/12/2009; SB 457, 2/13/2009

Executive Action: SB 291, SB 457, SB 385, SB 386,
SB 443, SB 278

00:00:06 Chairman Brueggeman relinquished the chair to Vice-Chairman Tutvedt.

HEARING ON SB 385

000:01:02 **Opening Statement by Sponsor:** Sen. Bob Story (R), SD 30, opened the hearing on SB 385, Exempt certain farm product process vehicles from def of comm motor vehicle.

EXHIBIT(his37a01)

EXHIBIT(his37a02)

Proponents' Testimony:

00:05:11 Chuck Faust, self

00:09:12 Sen. Peterson, self

00:12:02 Nicole Rolf, Montana Farm Bureau, and on behalf of Montana Stock Growers Association

Opponents' Testimony:

00:14:16 Tim Reardon, Department of Transportation (DOT)

Informational Testimony:

00:16:57 Brenda Nordlund, DOT

Questions from Committee Members and Responses:

00:17:29 Sen. Keane

00:17:54 Ms. Nordlund, DOT

00:18:54 Sen. Keane

00:19:04 Ms. Nordlund, DOT

00:19:14 Sen. Zinke

00:19:47 Sen. Story

00:20:13 Sen. Zinke

00:20:22 Sen. Story

00:20:38 Sen. Zinke

00:20:50 Mr. Faust, self

00:22:27 Sen. Zinke

00:22:48 Mr. Reardon, DOT

00:23:40 Sen. Zinke

00:23:46 Mr. Reardon, DOT

00:24:30 Sen. Laible

00:24:56 Ms. Nordlund, DOT

00:25:43 Mr. Faust, self

00:26:45 Vice-Chairman Tutvedt

00:27:01 Ms. Nordlund, DOT

00:28:35 Sen. Keane
00:28:44 Mr. Faust, self
00:30:35 Vice-Chairman Tutvedt
00:30:47 Ms. Nordlund, DOT

00:31:00 **Closing by Sponsor:** Sen. Story

HEARING ON SB 386

00:33:31 **Opening Statement by Sponsor:** Sen. Bob Story (R), SD
30, opened the hearing on SB 386, Exempt from weight
limits certain vehicles that process ag products.

Proponents' Testimony:

00:33:56 Nicole Rolf, Montana Farm Bureau, and on
behalf of Montana Stockgrowers Association
00:34:49 Sen. Peterson, self

Opponents' Testimony:

00:35:10 None

Informational Testimony:

00:35:29 Tim Reardon, DOT

Questions from Committee Members and Responses:

00:36:38 Sen. Keane
00:36:48 Mr. Reardon, DOT
00:37:14 Sen. Laslovich
00:37:28 Sen. Story
00:38:44 Sen. Laslovich
00:38:52 Sen. Story
00:39:07 Sen. Laslovich
00:39:29 Mr. Reardon, DOT
00:39:56 Sen. Laslovich
00:40:27 Mr. Reardon, DOT
00:40:57 Sen. Laible
00:41:20 Mr. Reardon, DOT
00:41:34 Vice-Chairman Tutvedt
00:41:55 Mr. Reardon, DOT

00:42:22 **Closing by Sponsor:** Sen. Story

00:44:37 Sen. Brueggeman resumed the chair.

HEARING ON SB 457

00:46:03 **Opening Statement by Sponsor:** Sen. Gary Branae (D), SD 27, opened the hearing on SB 457, Revise scenic byways laws.

EXHIBIT(his37a03)

EXHIBIT(his37a04)

Proponents' Testimony:

00:55:22 Mike Penfold, Frontier Heritage Alliance

EXHIBIT(his37a05)

01:01:08 Howard Boggess, Frontier Heritage Alliance

01:08:04 Ed Bartlett, City of Billings

01:08:15 Bruce MacIntyre, Billings Chamber of Commerce

01:08:37 Tony Marchi, Philipsburg Chamber of Commerce and
Philipsburg Rotary

01:09:45 Ken Swain, self

Opponents' Testimony:

01:10:51 Dave Galt, Montana Petroleum Association; and on behalf
of Montana Farm Bureau, and Montana Stockgrowers
Association

01:16:16 Spook Stang, Montana Motor Carriers Association

01:17:59 Jason Todhunter, Montana Logging Association

01:18:31 Don Allen, Western Environmental Trade Association
(WETA)

01:19:33 Rick McAlmond, Lamar Outdoor Advertising

Informational Testimony:

01:20:09 None

Questions from Committee Members and Responses:

01:20:20 Sen. Laslovich

01:20:41 Sen. Branae

01:21:29 Mr. Penfold, Frontier Heritage Alliance

01:22:23 Sen. Laslovich

01:22:35 Mr. Penfold, Frontier Heritage Alliance

01:24:09 Sen. Laible

01:24:53 Mr. Penfold, Frontier Heritage Alliance

01:26:05 Vice-Chairman Tutvedt

01:26:38 Mr. Allen, WETA

01:27:25 Vice-Chairman Tutvedt

01:28:04 Mr. Galt, Montana Petroleum Association

01:30:07 Sen. Windy Boy

01:31:17 Mr. Penfold, Frontier Heritage Alliance
01:31:32 Vice-Chairman Tutvedt
01:31:51 Mr. Galt, Montana Petroleum Association
01:32:14 Lynn Zanto, DOT
01:33:20 Sen. Keane
01:33:41 Sen. Branae

01:34:03 **Closing by Sponsor:** Sen. Branae

01:35:14 Recess

01:36:43 Reconvene

HEARING ON SB 291

01:36:51 **Opening Statement by Sponsor:** Sen. Jerry Black (R), SD
14, opened the hearing on SB 291, Montana railroad
authority.

EXHIBIT(his37a06)

Proponents' Testimony:

01:44:33 Larry Bonderud, City of Shelby
01:47:42 Leo Berry, Burlington Northern Santa Fe Railroad (BNSF)

Opponents' Testimony:

01:48:22 Evan Barrett, Governor's Office
01:53:39 Joel Clairmont, Department of Agriculture

Informational Testimony:

01:54:35 None

Questions from Committee Members and Responses:

01:54:44 Sen. Tutvedt
01:54:59 Sen. Black
01:55:41 Chairman Brueggeman
01:56:45 Sen. Black
01:59:48 Sen. Laible
02:00:04 Mr. Barrett, Governor's Office
02:00:11 Sen. Laible
02:00:42 Mr. Barrett, Governor's Office

02:04:58 **Closing by Sponsor:** Sen. Black

HEARING ON SB 443

02:08:44 **Opening Statement by Sponsor:** Sen. Jerry Black (R), SD 14, opened the hearing on SB 443, Revise transportation law.

EXHIBIT(his37a07)

Proponents' Testimony:

02:10:15 Larry Bonderud, City of Shelby

Opponents' Testimony:

02:12:06 None

Informational Testimony:

02:14:42 None

Questions from Committee Members and Responses:

02:12:16 None

02:12:23 **Closing by Sponsor:** Sen. Black

EXECUTIVE ACTION ON SB 291

02:14:45 **Motion:** Sen. Laslovich moved that **SB 291 DO PASS.**

02:14:55 **Motion/Vote:** Sen. Laslovich moved that **SB 291 BE AMENDED** (Exhibit 6). Motion carried unanimously by voice vote. Sen. Hinkle, Sen. Wanzonried, Sen. Windy Boy, and Sen. Zinke voted by proxy.

02:15:49 **Motion:** Sen. Laslovich moved that **SB 291 DO PASS AS AMENDED.**

Discussion:

02:17:25 Sen. Laible
02:17:44 Chairman Brueggeman
02:17:23 Sen. Laible
02:18:32 Sen. Tutvedt
02:18:45 Chairman Brueggeman
02:19:25 Sen. Laible
02:19:35 Sen. Tutvedt

02:20:10 **Vote:** Motion failed 3-6 by roll call vote with Sen. Brueggeman, Sen. Keane, and Sen. Windy Boy voting aye. Sen. Hinkle, Sen. Wanzenried, Sen. Windy Boy, and Sen. Zinke voted by proxy.

02:21:06 Chairman Brueggeman, without objection from the committee, tabled the bill and reversed the vote.

EXECUTIVE ACTION ON SB 457

02:21:30 **Motion:** Sen. Laslovich moved that **SB 457 DO PASS.**

02:21:47 **Motion:** Sen. Laslovich moved that **SB 457 BE AMENDED** (Exhibit 4).

02:21:31 **Vote:** Motion carried unanimously by voice vote. Sen. Hinkle, Sen. Wanzenried, Sen. Windy Boy, and Sen. Zinke voted by proxy.

02:22:12 **Motion:** Sen. Laslovich moved that **SB 457 DO PASS AS AMENDED.**

02:23:02 **Motion:** Sen. Keane moved that **SB 457 BE CONCEPTUALLY AMENDED** (Strike Section 2 and re-inserted as it is in current law).

Discussion:

02:22:25 Sen. Laslovich
02:22:52 Chairman Brueggeman
02:23:02 Tammy McGill

02:24:15 **Vote:** Motion carried 7-0 by voice vote with Sen. Laslovich and Sen. Wanzenried voting no. Sen. Hinkle, Sen. Wanzenried, Sen. Windy Boy, and Sen. Zinke voted by proxy.

02:24:47 **Motion:** Sen. Keane moved that **SB 457 DO PASS AS AMENDED.**

02:24:04 **Motion/Vote:** Sen. Keane moved that **SB 457 BE CONCEPTUALLY AMENDED** (Add language in Section 1 to include highway from Butte to Whitehall). Motion carried unanimously by voice vote. Sen. Hinkle, Sen. Wanzenried, Sen. Windy Boy, and Sen. Zinke voted by proxy.

02:25:30 **Motion:** Sen. Keane moved that **SB 457 DO PASS AS AMENDED.**

02:26:15 Sen. Tutvedt

02:26:50 Sen. Laslovich

02:27:10 Sen. Laible

02:27:17 **Vote:** Motion carried unanimously by voice vote. Sen. Hinkle, Sen. Wanzenried, Sen. Windy Boy, and Sen. Zinke voted by proxy.

EXECUTIVE ACTION ON SB 385

02:28:15 **Motion:** Sen. Laslovich moved that **SB 385 DO PASS.**

02:28:30 Sen. Laible

02:29:17 Sen. Keane

02:30:12 Sen. Tutvedt

02:29:17 Chairman Brueggeman

02:30:44 Sen. Laslovich withdrew the motion.

EXECUTIVE ACTION ON SB 386

02:30:46 **Motion/Vote:** Sen. Keane moved that **SB 386 BE TABLED.** Motion carried unanimously by voice vote. Sen. Hinkle, Sen. Windy Boy, and Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SB 443

Discussion:

02:32:16 Chairman Brueggeman

02:32:42 Sen. Laible

02:33:07 Sen. Keane

02:34:09 **Motion:** Sen. Brueggeman moved that **SB 433 DO PASS.**

02:34:30 **Substitute Motion/Vote:** Sen. Keane made a substitute motion that **SB 443 BE TABLED.** Substitute motion carried 7-2 by roll call vote with Sen. Keane and Sen. Laslovich voting no. Sen. Hinkle, Sen. Wanzenried, Sen. Windy Boy, and Sen. Zinke voted by proxy.

EXECUTIVE ACTION ON SB 278

02:36:16 **Motion:** Sen. Laslovich moved to **RECONSIDER THE MOTION**
on **SB 278**.

02:36:45 Sen. Laible

02:37:08 Sen. Tutvedt

02:37:12 Sen. Laslovich

02:37:46 Sen. Laible

02:37:48 Vice-Chairman Tutvedt

02:38:17 Sen. Laslovich withdrew the motion.

ADJOURNMENT

Adjournment: 5:45 P.M.

Libby Goodwin, Secretary

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Additional Documents:

EXHIBIT ([his37aad.pdf](#))