

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: Chairman John Brueggeman, on March 26, 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. Jesse Laslovich (D)
Sen. Jonathan Windy Boy (D)
Sen. Ryan Zinke (R)

Members Excused: Sen. Rick Laible (R)
Sen. David E. Wanzenried (D)

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: HB 356, 3/23/2009; HB 416,
3/23/2009

Executive Action: HB 356, HB 416, HB 103, HB 371,
HB 116, HB 380, HB 238, HB 531,
SB 329, HB 373

HEARING ON HB 416

Opening Statement by Sponsor:

00:00:16 Rep. Margaret MacDonald (D), HD 54, opened the hearing
on HB 416, Exempt certain biodiesel from state tax.

EXHIBIT(his67a01)

00:03:18 Sen. Wanzenried left the meeting.

Proponents' Testimony:

00:05:07 Tyler Evilsizer, S.A.V.E. Foundation

EXHIBIT(his67a02)

00:08:13 Matt Leow, Northern Plains Resource Council

00:10:43 Chris Christiaens, Montana Farmers Union

Opponents' Testimony:

00:11:57 None

Informational Testimony:

00:11:59 None

Questions from Committee Members and Responses:

00:12:02 Sen. Hinkle

00:12:36 Rep. MacDonald

00:13:05 Sen. Hinkle

00:13:18 Rep. MacDonald

00:13:58 Sen. Tutvedt

00:14:18 Rep. MacDonald

00:15:04 Sen. Tutvedt

00:15:18 Rep. MacDonald

00:15:48 Sen. Keane

00:16:00 Jim Lynch, Department of Transportation (DOT)

00:16:09 Sen. Keane

00:16:49 Mr. Lynch, DOT

00:17:14 Sen. Keane

00:17:28 Spook Stang, Montana Motor Carriers Association (MMCA)

00:17:46 Sen. Keane

00:17:48 Mr. Stang (MMCA)

00:18:00 Sen. Zinke

00:18:43 Rep. MacDonald

00:19:56 Sen. Zinke

00:20:44 Rep. MacDonald

Closing by Sponsor:

00:21:02 Rep. MacDonald

00:21:47 Sen. Laible entered the meeting.

HEARING ON HB 356

Opening Statement by Sponsor:

00:22:53 Rep. Bob Wagner (R), HD 71, opened the hearing on HB 356, Revise law on use of portable scales.

Proponents' Testimony:

00:25:08 Jason Todhunter, Montana Logging Association

00:26:28 Jessie Luther, Montana Contractors Association

00:26:53 Mr. Stang, MMCA

00:27:38 Mr. Lynch, DOT

Opponents' Testimony:

00:28:36 None

Informational Testimony:

00:28:39 None

Questions from Committee Members and Responses:

00:28:41 Sen. Tutvedt

00:29:10 Mr. Lynch, DOT

00:29:51 Sen. Tutvedt

00:30:17 Mr. Lynch, DOT

00:31:58 Sen. Tutvedt

00:32:11 Mr. Lynch, DOT

00:32:29 Sen. Laible

00:33:16 Mr. Lynch, DOT

00:34:05 Sen. Laible

00:34:15 Mr. Lynch, DOT

00:34:19 Sen. Zinke

00:34:48 Mr. Lynch, DOT

Closing by Sponsor:

00:34:57 Rep. Wagner

Executive Action ON HB 356:

00:37:10 **Motion/Vote:** Sen. Keane moved that **HB 356 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. Wanzenried and Sen. Windy Boy voted by proxy. Sen. Tutvedt will carry the bill.

EXECUTIVE ACTION ON HB 416

00:37:24 **Motion:** Sen. Zinke moved that **HB 416 BE CONCURRED IN.**

Discussion:

00:37:45 Sen. Tutvedt
00:37:58 Sen. Zinke
00:38:40 Sen. Hinkle
00:39:23 Sen. Laible
00:39:40 Sen. Keane
00:39:43 Sen. Zinke
00:40:04 Sen. Keane
00:40:13 Chairman Brueggeman

00:40:38 **Vote:** Motion carried unanimously by voice vote. Sen. Wanzenried and Sen. Windy Boy voted by proxy. Sen. Brueggeman will carry the bill.

EXECUTIVE ACTION ON HB 103

00:41:40 **Motion/Vote:** Sen. Zinke moved that **HB 103 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. Wanzenried and Sen. Windy Boy voted by proxy. Sen. Laible will carry the bill.

EXECUTIVE ACTION ON HB 371

00:42:41 **Motion/Vote:** Sen. Laible moved that **HB 371 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. Wanzenried and Sen. Windy Boy voted by proxy. Sen. Laible will carry the bill.

00:43:25 Sen. Laible

EXECUTIVE ACTION ON HB 116

00:44:22 **Motion/Vote:** Sen. Zinke moved that **HB 116 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Wanzenried and Sen. Windy Boy voted by proxy. Sen. Zinke will carry the bill.

EXECUTIVE ACTION ON HB 380

00:45:03 **Motion/Vote:** Sen. Laible moved that **HB 380 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Wanzenried and Sen. Windy Boy voted by proxy. Sen. Tutvedt will carry the bill.

EXECUTIVE ACTION ON HB 238

00:46:33 **Motion:** Sen. Zinke moved that **HB 238 BE CONCURRED IN**.

Discussion:

00:46:42 Sen. Tutvedt

00:47:00 Sen. Zinke

00:47:26 **Vote:** Motion failed 3-6 by voice vote with Sen. Brueggeman, Sen. Wanzenried, and Sen. Windy Boy voting aye. Sen. Wanzenried and Sen. Windy Boy voted by proxy.

00:47:50 Chairman Brueggeman, without objection from the committee, tabled the bill and reversed the vote.

EXECUTIVE ACTION ON HB 531

00:48:28 **Motion:** Sen. Zinke moved that **HB 531 BE CONCURRED IN**.

Discussion:

00:48:40 Chairman Brueggeman

00:48:51 **Motion:** Sen. Zinke moved that **HB 531 BE AMENDED** (amendments HB053101.atm from meeting of 3/24/2009).

00:49:12 Chairman Brueggeman

00:49:28 Sen. Zinke

00:49:32 **Vote:** Motion carried unanimously by voice vote. Sen. Wanzenried and Sen. Windy boy voted by proxy.

00:49:51 **Motion:** Sen. Laslovich moved that **HB 531 BE AMENDED** (amendments HB053102.atm from meeting of 3/24/2009).

00:50:18 Sen. Laslovich

00:51:03 Sen. Zinke

00:52:03 Sen. Tutvedt

00:51:42 Sen. Wanzenried entered the meeting.

00:52:33 Sen. Laible

00:52:59 Sen. Keane

00:53:17 Sen. Hinkle

00:53:34 Sen. Laible

00:53:59 Sen. Keane

00:54:04 Chairman Brueggeman

00:54:34 Sen. Windy Boy entered the meeting.

00:54:41 Sen. Laslovich

00:55:33 **Vote:** Motion failed 4-5 by roll call vote with Sen. Brueggeman, Sen. Keane, Sen. Laible, and Sen. Laslovich voting aye.

00:56:33 **Motion:** Sen. Zinke moved that **HB 531 BE CONCURRED IN AS AMENDED.**

00:56:49 Sen. Zinke

00:57:51 Sen. Laible

01:00:13 Sen. Hinkle

01:00:36 Sen. Laslovich

01:04:03 Sen. Zinke

01:06:17 Sen. Keane

01:07:18 Sen. Wanzenried

01:08:27 Sen. Laible

01:09:49 **Vote:** Motion carried 6-3 by roll call vote with Sen. Keane, Sen. Laible, and Sen. Laslovich voting no. Sen. Windy Boy will carry the bill.

EXECUTIVE ACTION ON SB 329

01:12:09 **Motion:** Sen. Zinke moved that **SB 329 DO PASS.**

01:12:29 Tammy McGill

01:13:07 **Motion/Vote:** Sen. Keane moved that **SB 329 BE TABLED**.
Motion failed 4-5 by roll call vote with Sen. Hinkle,
Sen. Keane, Sen. Wanzenried, and Sen. Windy Boy voting
aye.

01:14:19 Tammy McGill

01:14:39 **Motion:** Sen. Zinke moved that **SB 329 BE AMENDED**.
EXHIBIT (his67a03)

01:14:55 Tammy McGill
01:17:32 Sen. Barkus
01:18:57 Sen. Tutvedt
01:19:16 Sen. Barkus
01:20:08 Chairman Brueggeman
01:21:02 Sen. Keane
01:21:40 Chairman Brueggeman
01:21:52 Sen. Hinkle
01:21:56 Chairman Brueggeman
01:22:48 Sen. Hinkle
01:22:52 Chairman Brueggeman
01:23:14 Sen. Laible
01:23:48 Chairman Brueggeman
01:24:22 Sen. Tutvedt
01:24:46 Chairman Brueggeman
01:24:51 Sen. Tutvedt
01:24:59 Chairman Brueggeman
01:25:14 Sen. Tutvedt
01:25:50 Sen. Laslovich
01:26:23 Sen. Barkus
01:26:55 Sen. Zinke
01:27:27 Chairman Brueggeman
01:28:18 Sen. Zinke
01:28:39 Chairman Brueggeman

01:28:59 **Vote:** Motion failed 2-7 by roll call vote with Sen.
Brueggeman and Sen. Laible voting aye.

01:29:51 **Motion/Vote:** Sen. Zinke moved that **SB 329 BE TABLED**.
Motion carried 7-2 by voice vote with Sen. Brueggeman
and Sen. Laible voting no.

EXECUTIVE ACTION ON HB 373

01:30:33 **Motion:** Sen. Laible moved that **HB 373 BE CONCURRED IN.**

Discussion:

01:31:12 Sen. Hinkle

01:31:28 Sen. Laible

01:31:56 Sen. Zinke

01:33:27 **Vote:** Motion carried 8-1 by voice vote with Sen.
Hinkle voting no. Sen. Zinke will carry the bill.

DISCUSSION ON PROPOSED RESOLUTION

01:33:57 Sen. Brueggeman

ADJOURNMENT

Adjournment: 4:45 P.M.

Libby Goodwin, Secretary

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Additional Documents:

EXHIBIT ([his67aad.pdf](#))