

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: Chair Llew Jones, on March 17, 2011 at 3:30 PM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Llew Jones, Chairman (R)
Sen. Ron Arthun (R)
Sen. Anders Blewett (D)
Sen. Jim Keane (D)
Sen. Carmine Mowbray (R)
Sen. Bruce Tutvedt (R)
Sen. Gene Vuckovich (D)

Members Excused:

Sen. Jon Sonju, Vice Chairman (R)
Sen. Edward Buttrey (R)
Sen. Mary Caferro (D)
Sen. David E. Wanzonried (D)
Sen. Ryan Zinke (R)

Members Absent:

None

Staff Present:

Kirk Lundby, 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 229, 3/4/2011; HB 298, 3/4/2011; HB 319, 3/4/2011; HB 517, 3/4/2011	
Executive Action:	SB 319 Do Pass As Amended	HB 218 Table
	HB 216 Do Concur As Amended	HB 229 Do Concur
	HB 277 Do Concur As Amended	HB 298 Do Concur
	HB 584 Do Concur As Amended	HB 319 Do Concur
	HB 517 Do Concur	

Discussion:

00:00:48 Sen. Keane

00:00:55 Sen. Jones

EXECUTIVE ACTION ON HB 216

00:02:22 **Motion:** Sen. Arthun moved that **HB 216 BE CONCURRED IN.**

00:02:32 **Motion:** Sen. Arthun moved that **HB 216 BE AMENDED.**

EXHIBIT(his60a01)

Discussion:

00:03:05 Rachel Weiss, Legislative Services Division (LSD)

00:05:05 Sen. Vuckovich left the committee room

00:03:59 Sen. Arthun

00:04:11 Chairman Jones

00:04:16 Sen. Arthun

00:04:23 Rachel Weiss, LSD

00:05:19 Sen. Keane

00:05:37 Sen. Mowbray

00:05:46 Rachel Weiss

00:06:03 **Vote:** Motion carried 6-0 by voice vote of those present and voting.

00:06:20 Sen. Tutvedt

00:06:23 Sen. Caferro entered the committee room

00:06:36 **Motion:** Sen. Arthun moved that **HB 216 BE CONCURRED IN AS AMENDED.**

Discussion:

00:06:45 Sen. Blewett

00:07:05 Rachel Weiss

00:07:35 Sen. Keane

00:08:07 Sen. Blewett

00:08:34 Sen. Keane

00:09:07 **Vote:** Motion carried 10-2 by roll call vote with Sen. Buttrey and Sen. Mowbray voting no. Sen. Buttrey, Sen. Sonju, Sen. Vuckovich, Sen. Wanzenried and Sen. Zinke voted by proxy. Sen. Arthun will carry the bill.

EXECUTIVE ACTION ON HB 218

00:10:36 **Motion:** Sen. Arthun moved that **HB 218 BE CONCURRED IN.**

Discussion:

00:11:27 Sen. Blewett

00:12:07 Sen. Tutvedt

00:12:15 **Substitute Motion/Vote:** Sen. Tutvedt made a substitute motion that **HB 218 BE TABLED**. Substitute Motion carried 11-1 by roll call vote with Sen. Caferro voting no. Sen. Buttrey, Sen. Sonju, Sen. Vuckovich, Sen. Wanzenried and Sen. Zinke voted by proxy.

EXECUTIVE ACTION ON HB 277

00:13:54 **Motion:** Sen. Arthun moved that **HB 277 BE CONCURRED IN**.

00:14:42 **Motion:** Sen. Keane moved that **HB 277 BE AMENDED**.
[EXHIBIT](#)(his60a02)

Discussion:

00:14:57 Rachel Weiss, LSD

00:16:19 **Vote:** Motion carried 7-0 by voice vote of those present and voting.

00:16:33 **Motion/Vote:** Sen. Arthun moved that **HB 277 BE CONCURRED IN AS AMENDED**. Motion carried 7-0 by voice vote of those present and voting. Sen. Caferro will carry the bill.

EXECUTIVE ACTION ON HB 584

00:18:07 **Motion:** Sen. Arthun moved that **HB 584 BE CONCURRED IN**.

00:18:16 **Motion:** Sen. Mowbray moved that **HB 584 BE AMENDED**.
[EXHIBIT](#)(his60a03)

Discussion:

00:19:29 Rachel Weiss

00:20:13 Sen. Mowbray

00:20:30 Chairman Jones

00:20:32 **Vote:** Motion carried 7-0 by voice vote of those present and voting.

00:20:41 **Motion:** Sen. Arthun moved that **HB 584 BE CONCURRED IN AS AMENDED**.

Discussion:

00:20:53 Sen. Tutvedt

00:21:24 Sen. Arthun

00:21:39 Sen. Tutvedt

00:21:55 Sen. Arthun

00:22:06 Sen. Tutvedt

00:22:26 Sen. Mowbray

00:22:56 **Vote:** Motion carried 7-5 by roll call vote with Sen. Arthun, Sen. Sonju, Sen. Tutvedt, Sen. Vuckovich and Sen. Zinke voting no. Sen. Buttrey, Sen. Sonju, Sen. Vuckovich, Sen. Wanzenried and Sen. Zinke voted by proxy. Sen. Buttrey will carry the bill.

EXECUTIVE ACTION ON SB 319

00:24:28 **Motion/Vote:** Sen. Arthun moved to **RECONSIDER THE PREVIOUS ACTION** on **SB 319**. Motion carried 7-0 by voice vote of those present and voting.

Discussion:

00:24:44 Sen. Blewett
00:25:41 Sen. Tutvedt
00:25:43 Sen. Blewett
00:26:29 Chairman Jones
00:26:39 Rachel Weiss

00:28:32 **Motion/Vote:** Sen. Tutvedt moved to **REMOVE PREVIOUS AMENDMENT ON SB 319**. (See exhibit 4) Motion carried 7-0 by voice vote of those present and voting.

EXHIBIT(his60a04)

00:29:11 **Motion:** Sen. Tutvedt moved that **SB 319 DO PASS AS AMENDED**.

00:29:26 **Motion:** Sen. Tutvedt moved that **SB 319 BE AMENDED**.

EXHIBIT(his60a05)

Discussion:

00:29:35 Rachel Weiss, LSD
00:30:52 Sen. Blewett
00:31:38 Rachel Weiss
00:31:52 Sen. Blewett
00:32:37 Sen. Tutvedt

00:33:04 **Vote:** Motion carried 7-0 by voice vote of those present and voting.

00:33:23 **Motion:** Sen. Arthun moved that **SB 319 DO PASS AS AMENDED**.

00:33:46 **Motion:** Sen. Blewett moved that **SB 319 BE AMENDED**.

EXHIBIT(his60a06)

00:34:59 Chairman Jones turned chair duties over to Sen. Arthun and left the committee room

Discussion:

00:34:54 Sen. Tutvedt
00:35:13 Sen. Blewett

00:35:43 Sen. Keane
 00:38:07 Sen. Blewett
 00:38:43 Sen. Keane
 00:38:54 Sen. Blewett
 00:39:53 Sen. Tutvedt
 00:40:41 Sen. Blewett
 00:41:33 Sen. Keane

00:43:29 **Vote:** Motion failed 3-9 by roll call vote with Sen. Blewett, Sen. Caferro and Sen. Wanzenried voting aye. Sen. Buttrey, Sen. Jones, Sen. Sonju, Sen. Vuckovich, Sen. Wanzenried and Sen. Zinke voted by proxy.

00:44:26 **Motion:** Sen. Blewett moved that **SB 319 BE AMENDED.**
EXHIBIT(his60a07)

Discussion:

00:44:58 Sen. Tutvedt
 00:45:44 Sen. Blewett
 00:46:10 Sen. Tutvedt
 00:46:52 Sen. Blewett
 00:47:39 Sen. Tutvedt

00:47:57 **Vote:** Motion failed 5-7 by roll call vote with Sen. Blewett, Sen. Caferro, Sen. Keane, Sen. Vuckovich and Sen. Wanzenried voting aye. Sen. Buttrey, Sen. Jones, Sen. Sonju, Sen. Vuckovich, Sen. Wanzenried and Sen. Zinke voted by proxy.

00:48:35 **Motion/Vote:** Sen. Tutvedt moved that **SB 319 DO PASS AS AMENDED.** Motion carried 11-1 by roll call vote with Sen. Blewett voting no. Sen. Buttrey, Sen. Jones, Sen. Sonju, Sen. Vuckovich, Sen. Wanzenried and Sen. Zinke voted by proxy.

HEARING ON HB 229

Opening Statement by Sponsor:

00:51:03 Rep. Walter McNutt (R), HD 37, opened the hearing on HB 229, Revise laws pertaining to commercial vehicles.

Proponents' Testimony:

00:52:08 Mike Swanson, representing I-State Truck Center (ISTC)
 00:52:55 Bruce Spencer, representing Montana Automobile Dealers Association (MADA)
 00:53:43 Barry Stang, representing Motor Carriers of Montana (MCM)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:54:55 Sen. Tutvedt
00:55:22 Barry Stang, MCM
00:55:45 Sen. Tutvedt
00:56:02 Barry Stang
00:56:58 Sen. Keane
00:57:12 Barry Stang
00:58:35 Sen. Keane
00:58:42 Barry Stang
00:59:05 Mike Swanson, ISTC
01:00:12 Vice Chair Sonju entered the committee room
01:00:16 Sen. Arthun turned chair duties over to Vice Chair Sonju
01:00:31 Sen. Keane
01:00:42 Mike Swanson
01:01:47 Sen. Mowbray
01:02:16 Mike Swanson, ISTC
01:02:20 Sen. Mowbray
01:02:27 Bruce Spencer, MADA

Closing by Sponsor:

01:03:03 Rep. McNutt

HEARING ON HB 298

Opening Statement by Sponsor:

01:03:49 Rep. Walter McNutt (R), HD 37, opened the hearing on HB 298, Revise GVW laws on trucks.

Proponents' Testimony:

01:06:47 Jim Lynch, Director, Montana Department of Transportation (MDT)
01:07:42 Barry Stang, MCM
01:08:10 Cary Hegreberg, Montana Contractors Association (MCA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:08:39 Sen. Keane
01:09:06 Barry Stang
01:09:47 Jim Lynch, MDT
01:11:48 Sen. Keane
01:11:53 Jim Lynch
01:13:19 Sen. Keane
01:13:54 Rep. McNutt
01:15:10 Sen. Tutvedt
01:15:28 Rep. McNutt
01:15:55 Sen. Tutvedt
01:16:11 Rep. McNutt

Closing by Sponsor:

01:16:42 Rep. McNutt

HEARING ON HB 319

Opening Statement by Sponsor:

01:16:54 Rep. Walter McNutt (R), HD 37, opened the hearing on HB 319, Require contractors to list special fuel users' permit on bids for govt projects.

Proponents' Testimony:

01:19:04 Cary Hegreberg, MCA
01:21:52 Jim Lynch, MDT
01:23:20 John Ostlund, Commissioner, Yellowstone County Commission and representing Montana Association of Counties (MACo)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:24:04 Sen. Keane
01:24:26 Jim Lynch
01:24:35 Sen. Keane
01:24:53 Jim Lynch
01:25:11 Sen. Buttrey entered the committee room
01:25:30 Sen. Mowbray
01:25:59 Cary Hegreberg
01:27:04 Sen. Mowbray

01:27:43 Cary Hegreberg

Closing by Sponsor:

01:28:02 Rep. McNutt

HEARING ON HB 517

Opening Statement by Sponsor:

01:28:24 Rep. Walter McNutt (R), HD 37, opened the hearing on HB 517, Revise laws regarding weigh scales.

Proponents' Testimony:

01:31:15 Jim Lynch, MDT

01:33:16 Barry Stang, MCM

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:34:09 Sen. Keane

01:34:19 Barry Stang, MCM

Closing by Sponsor:

01:34:32 Rep. McNutt

EXECUTIVE ACTION ON HB 517

01:35:28 **Motion:** Sen. Tutvedt moved that **HB 517 BE CONCURRED IN.**

Discussion:

01:36:00 Sen. Tutvedt

01:36:04 Sen. Arthun

01:36:13 **Vote:** Motion carried 8-0 by voice vote of those present and voting. Sen. Tutvedt will carry the bill.

EXECUTIVE ACTION ON HB 229

01:36:25 **Motion:** Sen. Keane moved that **HB 229 BE CONCURRED IN.**

Discussion:

01:36:57 Sen. Buttrey

01:36:59 Sen. Tutvedt

01:37:19 **Vote:** Motion carried 8-0 by voice vote of those present and voting. Sen. Keane will carry the bill.

EXECUTIVE ACTION ON HB 298

01:37:53 **Motion:** Sen. Keane moved that **HB 298 BE CONCURRED IN.**

Discussion:

01:38:14 Sen. Arthun

01:38:24 Sen. Tutvedt

01:38:45 **Vote:** Motion carried 8-0 by voice vote of those present and voting. Sen. Keane will carry the bill.

EXECUTIVE ACTION ON HB 319

01:39:35 **Motion:** Sen. Keane moved that **HB 319 BE CONCURRED IN.**

Discussion:

01:39:42 Sen. Arthun

01:39:45 Sen. Keane

01:40:38 Sen. Tutvedt

01:40:47 Sen. Mowbray

01:40:56 Sen. Buttrey

01:41:09 Sen. Keane

01:42:10 Vice Chair Sonju

01:42:17 Sen. Arthun

01:42:29 Sen. Zinke entered the committee room

01:42:35 Sen. Keane

01:43:10 **Vote:** Motion carried 9-0 by voice vote of those present and voting. Sen. Keane will carry the bill.

Discussion:

01:45:00 Rachel Weiss

01:46:11 Vice Chair Sonju

01:46:16 Sen. Buttrey

01:46:45 Vice Chair Sonju

ADJOURNMENT

Adjournment:
01:47:25

Kirk Lundby, Secretary

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Additional Documents:

EXHIBIT([his60aad.pdf](#))