

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: Chair Elsie Arntzen, on February 17, 2015 at 3:00 PM, in Room 405
Capitol

ROLL CALL

Members Present:

Sen. Elsie Arntzen, Chair (R)
Sen. Gordon Vance, Vice Chair (R)
Sen. Dick Barrett (D)
Sen. Dee Brown (R)
Sen. Edward Buttrey (R)
Sen. Christine Kaufmann (D)
Sen. Sue Malek (D)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Fred Thomas (R) (arrived after roll call)
Sen. Lea Whitford (D)

Members Excused: Sen. Janna Taylor (R)

Members Absent: None

Staff Present: Charlene Devine, Committee Secretary
Leanne Kurtz, 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, 2/12/2015

Executive Action: HB 60, Tie Vote; SB 228, Tabled; SB 278, Tabled; SB 290, Motion Withdrawn (not reported out of committee); SB 296, Do Pass; SB 297, Tabled; HB 61, Be Concurred In; HB 83, Be Concurred In; HB 97, Motion Withdrawn (not reported out of committee); HB 98, Be Concurred In; HB 99, Tie Vote; HB 104, Tabled; HB 132, Be Concurred In; HB 241, Be Concurred In As Amended; HB 246, Be Concurred In; HB 295, Motion Withdrawn (not reported out of committee); HB 229, Tabled.

00:00:03 Chair Arntzen

EXECUTIVE ACTION ON HB 60

00:01:39 **Motion:** Sen. Vance moved that **HB 60 BE CONCURRED IN.**

Discussion:

00:01:42 Chair Arntzen

EXHIBIT(his36a01)

00:02:30 Sen. Brown

00:02:42 Chair Arntzen

00:02:50 Sen. Thomas entered the hearing.

00:02:55 **Motion:** Sen. Vance moved that **HB 60 BE AMENDED.**

Discussion:

00:03:00 Chair Arntzen

00:03:06 Leanne Kurtz, Legislative Services Division (LSD)

00:03:57 Chair Arntzen

00:03:59 Sen. Buttrey

00:04:10 Ms. Kurtz, LSD

00:04:25 Sen. Sands

00:05:09 **Vote:** Motion carried 11-0 by voice vote. Sen. Taylor was excused.

00:05:40 Chair Arntzen

EXHIBIT(his36a02)

00:05:42 **Motion:** Sen. Vance moved that **HB 60 BE AMENDED.**

Discussion:

00:05:52 Ms. Kurtz

00:06:10 Chair Arntzen

00:06:12 Ms. Kurtz

00:06:41 Sen. Brown

00:07:04 Ms. Kurtz

00:07:20 Sen. Brown

00:07:40 Sen. Kaufmann

00:08:07 **Vote:** Motion carried 10-1 by voice vote with Sen. Brown voting no. Sen. Taylor was excused.

00:08:33 **Motion/Vote:** Sen. Vance moved that **HB 60 BE CONCURRED IN AS AMENDED.** Motion failed 6-6 by roll call vote with Sen. Barrett, Sen. Buttrey, Sen. Kaufmann, Sen. Malek, Sen. Sands and Sen. Whitford voting aye. Sen. Taylor voted by proxy. (Tie vote, bill remains in committee.)

HEARING ON HB 229

Opening Statement by Sponsor:

00:10:21 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 229, Generally revise laws related to temporary road blocks.

Proponents' Testimony:

00:14:22 Tom Butler, Montana Highway Patrol (MHP)
00:17:13 Jessie Luther, Association of Montana Troopers

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:18:07 Sen. Sands
00:19:32 Mr. Butler, MHP
00:19:48 Sen. Sands
00:19:58 Sen. Barrett
00:21:56 Mr. Butler
00:22:10 Sen. Barrett
00:22:18 Sen. Buttrey
00:23:19 Mr. Butler
00:24:00 Sen. Sands
00:25:18 Mr. Butler
00:25:22 Sen. Brown
00:26:35 Rep. Zolnikov
00:27:03 Chair Arntzen
00:27:06 Leanne Kurtz, Legislative Services Division (LSD)

00:27:42 Sen. Whitford left the hearing.

00:27:48 Sen. Sales
00:28:42 Mr. Butler
00:29:12 Chair Arntzen
00:29:28 Rep. Zolnikov
00:29:47 Chair Arntzen

Closing by Sponsor:

00:30:31 Rep Zolnikov

EXECUTIVE ACTION ON SB 228

00:30:59 Chair Arntzen

00:31:16 **Motion:** Sen. Vance moved that **SB 228 DO PASS.**

Discussion:

00:31:42 Chair Arntzen
00:31:51 Sen. Brown
00:32:26 Chair Arntzen
00:32:33 Sen. Sands

00:33:08 **Vote:** Motion failed 0-10 by voice vote. Sen. Taylor and Sen. Whitford were excused.

00:33:22 **Motion/Vote:** Sen. Sands moved that **SB 228 BE TABLED AND THE VOTE REVERSED**. Motion carried 10-0 by voice vote. Sen. Taylor and Sen. Whitford were excused.

EXECUTIVE ACTION ON SB 278

00:34:24 **Motion:** Sen. Vance moved that **SB 278 DO PASS**.

Discussion:

00:34:33 Chair Arntzen
00:34:35 Sen. Brown
00:34:37 Chair Arntzen
00:34:57 Sen Kaufman

00:35:47 **Motion:** Sen. Vance moved that **SB 278 BE AMENDED**.

Discussion:

00:37:45 Sen. Kaufmann
[EXHIBIT\(his36a03\)](#)

00:40:08 Chair Arntzen
00:40:18 Sen. Sands
00:41:27 Sen. Kaufmann
00:41:42 Chair Arntzen
00:41:48 Leanne Kurtz, Legislative Services Division (LSD)
00:42:14 Chair Arntzen
00:42:18 Sen. Brown

00:42:24 **Vote:** Motion carried 10-0 by voice vote. Sen. Taylor and Sen. Whitford were excused.

00:42:40 **Motion:** Sen. Vance moved that **SB 278 DO PASS AS AMENDED**.

Discussion:

00:42:48 Sen. Barrett
00:43:10 Sen. Kaufmann
00:43:45 Chair Arntzen

00:43:51 Sen. Kaufmann
 00:44:06 Ms. Kurtz, LSD
 00:44:17 Chair Arntzen
 00:44:20 Ms. Kurtz
 00:44:27 Sen. Malek
 00:45:06 Sen. Brown
 00:46:35 Sen. Kaufmann

00:47:10 **Vote:** Motion failed 5-7 by roll call vote with Sen. Barrett, Sen. Kaufmann, Sen. Malek, Sen. Sands and Sen. Whitford voting aye. Sen. Taylor voted by proxy.

00:48:03 **Motion/Vote:** Sen. D. Brown moved that **SB 278 BE TABLED**. Motion carried 6-4 by voice vote with Sen. Barrett, Sen. Malek, Sen. Sands and Sen. Kaufmann voting no. Sen. Taylor and Sen. Whitford were excused.

EXECUTIVE ACTION ON SB 290

00:49:05 **Motion:** Sen. Vance moved that **SB 290 DO PASS**.

Discussion:

00:49:13 Chair Arntzen
 00:49:22 Leanne Kurtz, Legislative Services Division (LSD)
EXHIBIT(his36a04)

00:50:06 Chair Arntzen

00:50:09 **Motion:** Sen. Buttrey moved that **SB 290 BE AMENDED**.

Discussion:

00:50:39 Sen. Buttrey
 00:50:44 Sen. Vance
 00:50:49 Sen. Buttrey

00:50:57 **Vote:** Motion carried 10-0 by voice vote. Sen. Taylor and Sen. Whitford were excused.

00:51:13 **Motion:** Sen. Vance moved that **SB 290 DO PASS AS AMENDED**.

Discussion:

00:51:22 Chair Arntzen
 00:51:27 Sen. Barrett
 00:52:04 Sen. Kaufmann
 00:52:25 Sen. Malek
 00:52:49 Sen. Brown
 00:53:43 Chair Arntzen
 00:53:59 Duane Williams, administrator, Motor Carrier Division, Department of Transportation

00:54:17 Sen. Kaufmann
00:54:30 Chair Arntzen
00:54:40 Sen. Kaufmann
00:54:52 Chair Arntzen

00:55:01 Without objection, Sen. Vance withdrew the motion that SB 290 DO PASS AS AMENDED.

00:55:18 Sen. Malek

EXECUTIVE ACTION ON SB 296

00:55:33 **Motion:** Sen. Vance moved that **SB 296 DO PASS.**

Discussion:

00:55:43 Chair Arntzen
00:55:52 Sen. Brown
00:57:04 Sen. Sands
00:57:15 Chair Arntzen
00:57:19 Sen. Malek
00:57:47 Chair Arntzen
00:58:28 Sen. Barrett
00:59:05 Chair Arntzen

00:59:14 **Vote:** Motion carried 7-5 by roll call vote with Sen. Brown, Sen. Buttrey, Sen. Sales, Sen. Thomas and Sen. Whitford voting no. Sen. Taylor and Sen. Whitford voted by proxy.

EXECUTIVE ACTION ON SB 297

01:00:19 **Motion:** Sen. Vance moved that **SB 297 DO PASS.**
[EXHIBIT\(his36a05\)](#)

01:00:42 **Motion:** Sen. Vance moved that **SB 297 BE AMENDED.**

Discussion:

01:00:51 Chair Arntzen
01:02:04 Sen. Brown

01:02:32 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:02:41 **Motion:** Sen. Vance moved that **SB 297 DO PASS AS AMENDED.**

Discussion:

01:02:54 Sen. Sales
01:03:11 Sen. Barrett
01:05:09 Chair Arntzen

- 01:05:12 Sen. Vance
- 01:05:38 Sen. Whitford entered the hearing.
- 01:06:33 Sen. Malek
- 01:07:34 Sen. Thomas
- 01:08:09 Chair Arntzen
- 01:08:57 Sen. Brown
- 01:09:02 Chair Arntzen
- 01:09:41 Sen. Barrett
- 01:10:16 Chair Arntzen
- 01:10:23 Sen. Kaufmann
- 01:10:39 Leanne Kurtz, Legislative Services Division (LSD)
- 01:10:48 **Vote:** Motion failed 3-9 by roll call vote with Sen. Malek, Sen. Thomas and Sen. Arntzen voting aye. Sen. Taylor voted by proxy.
- 01:11:34 **Motion/Vote:** Sen. Vance moved that **SB 297 BE TABLED AND THE VOTE REVERSED**. Motion carried 11-0 by voice vote. Sen. Taylor was excused.

EXECUTIVE ACTION ON HB 61

- 01:11:50 **Motion:** Sen. Vance moved that **HB 61 BE CONCURRED IN**.

Discussion:

- 01:12:05 Chair Arntzen
- 01:12:19 Leanne Kurtz, Legislative Services Division (LSD)
- 01:12:54 Chair Arntzen
- 01:13:01 **Vote:** Motion carried 9-2 by voice vote with Sen. Brown and Sen. Sales voting no. Sen. Taylor was excused. Sen. Buttrey will carry the bill.

EXECUTIVE ACTION ON HB 83

- 01:13:23 **Motion:** Sen. Vance moved that **HB 83 BE CONCURRED IN**.

Discussion:

- 01:13:39 Chair Arntzen
- 01:13:45 Sen. Buttrey
- 01:14:57 Chair Arntzen
- 01:15:02 Sen. Vance
- 01:15:04 Chair Arntzen
- 01:15:06 Sen. Buttrey
- 01:15:07 Chair Arntzen
- 01:15:09 Sen. Sands
- 01:15:23 **Vote:** Motion carried 11-0 by voice vote. Sen. Taylor was excused. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 97

01:15:53 **Motion:** Sen. Vance moved that **HB 97 BE CONCURRED IN.**

Discussion:

01:15:57 Leanne Kurtz, Legislative Services Division (LSD)

01:16:19 Sen. Malek

EXHIBIT(his36a06)

01:18:21 Sen. Vance

01:18:36 Without objection, Sen. Vance withdrew the BE CONCURRED IN motion.

EXECUTIVE ACTION ON HB 98

01:18:50 **Motion:** Sen. Vance moved that **HB 98 BE CONCURRED IN.**

Discussion:

01:18:59 Chair Arntzen

01:19:18 Sen. Brown

01:19:58 Sen. Barrett

01:20:43 Chair Arntzen

01:20:55 **Vote:** Motion carried 11-0 by voice vote. Sen. Taylor was excused. Sen. Malek will carry the bill.

01:21:11 Chair Arntzen

EXECUTIVE ACTION ON HB 99

01:21:29 **Motion:** Sen. Vance moved that **HB 99 BE CONCURRED IN.**

Discussion:

01:21:43 Chair Arntzen

01:22:03 Sen. Malek

01:22:34 Leanne Kurtz, Legislative Services Division (LSD)

01:23:07 Sen. Thomas left the hearing.

01:23:17 Sen. Brown

01:23:28 Ms. Kurtz, LSD

01:23:39 **Vote:** Motion failed 6-6 by roll call vote with Sen. Barrett, Sen. Buttrey, Sen. Kaufmann, Sen. Malek, Sen. Sands and Sen. Whitford voting aye. Sen. Taylor and Sen. Thomas voted by proxy. (Tie vote, bill remains in committee.)

EXECUTIVE ACTION ON HB 104

01:24:50 **Motion:** Sen. Vance moved that **HB 104 BE CONCURRED IN.**

Discussion:

01:25:11 Chair Arntzen
 01:25:17 Leanne Kurtz, Legislative Services Division (LSD)
 01:25:55 Duane Williams, administrator, Motor Carrier Division, Department of Transportation (MDT)

EXHIBIT(his36a07)

01:27:09 Chair Arntzen
 01:27:15 Duane Williams, MDT
 01:27:36 Sen. Vance
 01:27:50 Spook Stang, executive vice president, Motor Carriers of Montana
 01:28:11 Sen. Brown

01:28:49 **Vote:** Motion failed 4-8 by roll call vote with Sen. Barrett, Sen. Kaufmann, Sen. Malek and Sen. Whitford voting aye. Sen. Taylor and Sen. Thomas voted by proxy.

01:28:51 **Motion/Vote:** Sen. Vance moved that **HB 104 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Sen. Taylor and Sen. Thomas were excused.

EXECUTIVE ACTION ON HB 132

01:30:03 **Motion:** Sen. Vance moved that **HB 132 BE CONCURRED IN**.

Discussion:

01:30:28 Leanne Kurtz, Legislative Services Division (LSD)
 01:30:49 Sen. Sands
 01:31:10 Sen. Brown
 01:31:36 Sen. Malek
 01:31:49 Sen. Thomas returned to hearing.
 01:32:03 Sen. Vance
 01:32:30 Sen. Sands

01:32:37 **Vote:** Motion carried 11-0 by voice vote. Sen. Taylor was excused. Sen. Buttrey will carry the bill.

EXECUTIVE ACTION ON HB 241

01:33:06 **Motion:** Sen. Vance moved that **HB 241 BE CONCURRED IN**.

Discussion:

01:33:15 Chair Arntzen
 01:33:26 Sen. Vance

EXHIBIT(his36a08)

01:34:02 Leanne Kurtz, Legislative Services Division (LSD)

01:34:06 Sen. Buttrey left the hearing.

01:34:41 **Motion:** Sen. D. Brown moved that **HB 241 BE AMENDED.**

Discussion:

01:34:49 Sen. Brown

01:35:00 **Vote:** Motion carried 10-0 by voice vote. Sen. Taylor and Sen. Buttrey were excused.

01:35:17 **Motion/Vote:** Sen. Vance moved that **HB 241 BE CONCURRED IN AS AMENDED.** Motion carried 10-0 by voice vote. Sen. Buttrey and Sen. Taylor were excused. Sen. Vance will carry the bill.

01:35:25 Sen. Buttrey entered the hearing.

EXECUTIVE ACTION ON HB 246

01:35:46 **Motion:** Sen. Vance moved that **HB 246 BE CONCURRED IN.**

Discussion:

01:35:50 Chair Arntzen

01:35:57 Leanne Kurtz, Legislative Services Division (LSD)

01:36:00 **Vote:** Motion carried 11-0 by voice vote. Sen. Taylor was excused. Sen. Thomas will carry the bill.

EXECUTIVE ACTION ON HB 295

01:36:56 **Motion:** Sen. Vance moved that **HB 295 BE CONCURRED IN.**

Discussion:

01:37:04 Chair Arntzen

01:37:28 Without objection, Sen. Vance withdrew the BE CONCURRED IN motion.

01:37:39 Chair Arntzen

EXECUTIVE ACTION ON HB 229

Discussion:

01:37:54 Chair Arntzen

01:38:07 Sen. Vance

01:38:11 Sen. Barrett

01:38:32 Sen. Sales

01:38:37 Chair Arntzen

01:38:42 Sen. Barrett

01:39:02 **Motion:** Sen. Vance moved that **HB 229 BE CONCURRED IN.**

Discussion:

01:39:19 Sen. Sales

01:39:47 **Substitute Motion/Vote:** Sen. Kaufmann made a substitute motion that **HB 229 BE TABLED.** Substitute Motion carried 9-2 by voice vote with Sen. Buttrey and Sen. Thomas voting no. Sen. Taylor was excused.

01:40:15 Chair Arntzen

01:42:08 Sen. Buttrey

01:42:15 Chair Arntzen

ADJOURNMENT

Adjournment: 4:43 P.M.

Charlene Devine, Secretary

cd

Additional Documents:

EXHIBIT([his36aad.pdf](#))