

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: Chair Elsie Arntzen, on March 19, 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) (arrived after roll call)
Sen. Dee Brown (R)
Sen. Edward Buttrey (R)
Sen. Christine Kaufmann (D) (arrived after roll call)
Sen. Sue Malek (D) (arrived after roll call)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Janna Taylor (R)
Sen. Fred Thomas (R) (arrived after roll call)

Members Excused: Sen. Lea Whitford (D)

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 491, 3/10/2015

Executive Action: HJ 10 Tabled; HB 549, Tabled; HB 573, Be Concurred In; HB 486, Tie Vote (not reported out of committee); HB 394, Tabled; HB 280, Tie Vote (not reported out of committee); HB 295, Motion Withdrawn; SB 375, Do Pass As Amended; SB 397, Do Pass As Amended; HB 99, Be Concurred In

00:01:44 Chair Arntzen

EXECUTIVE ACTION ON HJ 10

00:01:52 **Motion/Vote:** Sen. Vance moved that **HJ 10 BE TABLED**. Motion carried 6-1 by voice vote with Sen. Sands voting no. Sen. Barrett, Sen. Kaufmann, Sen. Malek, Sen. Thomas and Sen. Whitford were excused.

EXECUTIVE ACTION ON HB 549

00:03:19 **Motion:** Sen. Vance moved that **HB 549 BE CONCURRED IN**.

Discussion:

00:03:29 Leanne Kurtz, Legislative Service Division

00:03:44 **Motion:** Sen. Vance moved that **HB 549 BE AMENDED**.
[EXHIBIT\(his57a01\)](#)

Discussion:

00:03:53 Ms. Kurtz, LSD

00:04:23 **Vote:** Motion carried 6-1 by voice vote with Sen. Sales voting no. Sen. Barrett, Sen. Kaufmann, Sen. Malek, Sen. Thomas and Sen. Whitford were excused.

00:04:46 **Motion:** Sen. Vance moved that **HB 549 BE CONCURRED IN AS AMENDED**.

Discussion:

00:04:50 Chair Arntzen

00:04:55 **Substitute Motion/Vote:** Sen. Sales made a substitute motion that **HB 549 BE TABLED**. Substitute Motion carried 6-1 by roll call vote with Sen. Sands voting no. Sen. Barrett, Sen. Kaufmann, Sen. Malek, Sen. Thomas and Sen. Whitford were excused.

00:05:12 Chair Arntzen

EXECUTIVE ACTION ON HB 573

00:06:49 **Motion:** Sen. Vance moved that **HB 573 BE CONCURRED IN**.

Discussion:

00:07:00 Chair Arntzen

00:07:14 Sen. Vance

00:08:14 Chair Arntzen

[EXHIBIT\(his57a02\)](#)

00:08:34 Sen. Taylor
 00:08:52 Sen. Barrett entered the hearing.
 00:09:20 Sen. Vance
 00:09:43 Chair Arntzen
 00:10:51 Sen. Brown
 00:11:06 Sen. Kaufmann entered the hearing.
 00:11:36 Chair Arntzen

00:13:21 **Vote:** Motion carried 10-2 by roll call vote with Sen. D. Brown and Sen. Vance voting no. Sen. Malek, Sen. Thomas and Sen. Whitford voted by proxy. Sen. Arntzen will carry the bill.

00:13:30 Sen. Malek entered the hearing.

HEARING ON HB 491

Opening Statement by Sponsor:

00:13:41 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 491, Generally revise the 24/7 sobriety program laws.

Proponents' Testimony:

00:15:55 Ed McLean, district judge, Missoula County (MC)
 00:19:07 Tom Butler, Montana Highway Patrol (MHP)

EXHIBIT(his57a03)

00:23:41 Brian Inman, Association of Montana Troopers
 00:24:12 Mark Murphy, Montana County Attorneys Association
 00:24:34 Sen. Thomas entered the hearing.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:24:57 Sen. Brown
 00:25:41 Mr. Butler, MHP
 00:26:48 Chair Arntzen
 00:27:36 Mr. Butler
 00:27:54 Sen. Taylor
 00:30:15 Rep. Lavin
 00:30:38 Sen. Taylor
 00:30:44 Mr. Butler
 00:31:32 Sen. Sands
 00:32:59 Mr. McLean, MC
 00:33:33 Sen. Malek
 00:35:31 Mr. McLean
 00:35:58 Sen. Malek

00:38:12 Rep. Lavin
 00:38:36 Sen. Malek
 00:41:00 Mr. Butler
 00:41:59 Chair Arntzen

Closing by Sponsor:

00:42:08 Rep. Lavin
 00:44:15 Chair Arntzen
 00:44:23 Sen. Taylor
 00:44:26 Rep. Lavin

EXECUTIVE ACTION ON HB 486

00:44:58 **Motion:** Sen. Vance moved that **HB 486 BE CONCURRED IN.**

Discussion:

00:45:03 Chair Arntzen
 00:45:18 Leanne Kurtz, Legislative Services Division
 00:45:42 **Vote:** Motion failed 6-6 by roll call vote with Sen. Di. Barrett, Sen. Buttrey, Sen. Kaufmann, Sen. Malek, Sen. Sands and Sen. Whitford voting aye. Sen. Whitford voted by proxy. (Bill remains in committee)

EXECUTIVE ACTION ON HB 394

00:46:35 **Motion:** Sen. Vance moved that **HB 394 BE CONCURRED IN.**

00:47:08 **Motion:** Sen. Di. Barrett moved that **HB 394 BE AMENDED.**
[**EXHIBIT\(his57a04\)**](#)

Discussion:

00:47:19 Sen. Barrett
 00:49:49 Sen. Brown
 00:50:09 Sen. Barrett
 00:50:43 Sen. Brown
 00:51:00 Chair Arntzen
 00:51:09 Leanne Kurtz, Legislative Services Division
 00:51:20 Chair Arntzen
 00:51:28 Sen. Thomas
 00:52:10 Sen. Taylor
 00:52:34 Sen. Buttrey left the hearing.
 00:54:50 Sen. Barrett
 00:55:14 Chair Arntzen
 00:55:36 Sen. Brown
 00:55:42 Chair Arntzen

00:55:47 **Vote:** Motion failed 5-7 by roll call vote with Sen. Di. Barrett, Sen. Kaufmann, Sen. Malek, Sen. Sands and Sen. Whitford voting aye. Sen. Buttrey and Sen. Whitford voted by proxy.

00:56:47 **Motion:** Sen. Arntzen moved that **HB 394 BE AMENDED.**
EXHIBIT(his57a05)

Discussion:

00:56:52 Chair Arntzen
00:57:30 Sen. Barrett

00:57:48 **Vote:** Motion carried 7-5 by roll call vote with Sen. D. Brown, Sen. Buttrey, Sen. Sales, Sen. Taylor and Sen. Vance voting no. Sen. Buttrey and Sen. Whitford voted by proxy.

00:58:32 **Motion:** Sen. Vance moved that **HB 394 BE CONCURRED IN AS AMENDED.**

Discussion:

00:58:50 Sen. Sales
00:59:13 Sen. Kaufmann
00:59:48 Sen. Malek
01:00:25 Sen. Brown
01:01:16 Chair Arntzen
01:01:59 Sen. Barrett
01:03:47 Sen. Thomas
01:04:13 Ms. Kurtz, Legislative Services Division
01:04:27 Sen. Thomas
01:04:39 Sen. Sales
01:05:31 Sen. Taylor
01:06:26 Sen. Barrett
01:07:54 Sen. Kaufmann
01:08:54 Sen. Malek
01:09:55 Sen. Vance

01:10:35 **Vote:** Motion failed 5-7 by roll call vote with Sen. Di. Barrett, Sen. Kaufmann, Sen. Malek, Sen. Sands and Sen. Whitford voting aye. Sen. Buttrey and Sen. Whitford voted by proxy.

01:11:06 Chair Arntzen
01:11:17 Sen. Thomas

01:11:30 **Motion/Vote:** Sen. Vance moved that **HB 394 BE TABLED AND THE VOTE REVERSED.** Motion carried 7-5 by roll call vote with Sen. Di. Barrett, Sen. Kaufmann, Sen. Malek, Sen. Sands and Sen. Whitford voting no. Sen. Buttrey and Sen. Whitford voted by proxy.

01:12:39 Chair Arntzen

EXECUTIVE ACTION ON HB 280

01:12:45 **Motion:** Sen. Vance moved that **HB 280 BE CONCURRED IN.**

Discussion:

01:12:54 Chair Arntzen

01:13:01 Leanne Kurtz, Legislative Services Division (LSD)

01:13:59 Chair Arntzen

01:14:02 Sen. Brown

01:14:22 Sen. Vance

01:14:36 Chair Arntzen

01:14:56 Leanne Kurtz, LSD

01:15:13 Sen. Kaufmann

01:17:11 Sen. Brown

01:17:22 Sen. Kaufmann

01:17:33 Sen. Barrett

01:18:57 Sen. Brown

01:19:14 Sen. Kaufmann

01:19:39 **Vote:** Motion failed 6-6 by roll call vote with Sen. Di. Barrett, Sen. Buttrey, Sen. Kaufmann, Sen. Malek, Sen. Sands and Sen. Whitford voting aye. Sen. Buttrey and Sen. Whitford voted by proxy. (Bill remains in committee)

01:20:26 Chair Arntzen

EXECUTIVE ACTION ON HB 295

01:20:39 **Motion:** Sen. Vance moved that **HB 295 BE CONCURRED IN.**

Discussion:

01:20:42 Chair Arntzen

01:21:00 Sen. Sands

01:21:11 Chair Arntzen

01:21:16 Without objection, Sen. Vance withdrew the BE CONCURRED IN motion.

01:21:25 Chair Arntzen

EXECUTIVE ACTION ON SB 375

01:21:50 **Motion:** Sen. Vance moved that **SB 375 DO PASS.**

Discussion:

01:21:57 Chair Arntzen

01:22:27 **Motion:** Sen. Sales moved that **SB 375 BE AMENDED.**

[EXHIBIT\(his57a06\)](#)

Discussion:

- 01:22:35 Sen. Sales
 01:23:43 Leanne Kurtz, Legislative Services Division (LSD)
 01:24:14 Sen. Brown
 01:24:50 Ms. Kurtz, LSD
 01:25:10 Sen. Sales
 01:25:54 Sen. Sands
 01:26:23 Sen. Sales
 01:26:45 Sen. Malek
- 01:27:19 **Vote:** Motion carried 7-5 by roll call vote with Sen. Di. Barrett, Sen. Kaufmann, Sen. Malek, Sen. Sands and Sen. Whitford voting no. Sen. Buttrey and Sen. Whitford voted by proxy.
- 01:28:33 **Motion:** Sen. Sales moved that **SB 375 DO PASS AS AMENDED.**

Discussion:

- 01:28:37 Sen. Malek
 01:29:13 Sen. Sales
 01:30:37 Sen. Brown
 01:31:33 Chair Arntzen
 01:32:37 Sen. Kaufmann
- 01:32:48 **Vote:** Motion carried 7-5 by roll call vote with Sen. Di. Barrett, Sen. Kaufmann, Sen. Malek, Sen. Sands and Sen. Whitford voting no. Sen. Buttrey and Sen. Whitford voted by proxy.

EXECUTIVE ACTION ON SB 397

- 01:33:43 **Motion:** Sen. Vance moved that **SB 397 DO PASS.**

Discussion:

- 01:34:08 Sen. Kaufmann
- 01:35:20 **Motion:** Sen. Kaufmann moved that **SB 397 BE AMENDED.**
[**EXHIBIT\(his57a07\)**](#)

Discussion:

- 01:35:30 Sen. Kaufmann
 01:35:36 Sen. Thomas left the hearing.
 01:36:37 Sen. Vance
 01:37:06 Tom Butler, Montana Highway Patrol
 01:37:30 Mark Murphy, Montana County Attorneys' Association
 01:38:16 Sen. Kaufmann
- 01:39:10 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:39:34 **Motion:** Sen. Vance moved that **SB 397 DO PASS AS AMENDED.**

Discussion:

01:39:48 Sen. Vance

01:41:15 Sen. Barrett

01:42:07 Sen. Brown

01:42:56 **Vote:** Motion carried 10-2 by roll call vote with Sen. Sales and Sen. Vance voting no. Sen. Buttrey, Sen. Thomas and Sen. Whitford voted by proxy.

EXECUTIVE ACTION ON HB 99

01:44:10 Sen. Sands

01:44:22 Chair Arntzen

01:44:30 **Motion:** Sen. Vance moved that **HB 99 BE CONCURRED IN.**

Discussion:

01:44:35 Sen. Vance

01:44:48 Chair Arntzen

01:44:55 Sen. Sands

01:45:12 Sen. Brown

01:45:16 Leanne Kurtz, Legislative Services Division (LSD)

01:46:08 Sen. Brown

01:46:33 Ms. Kurtz, LSD

01:46:43 Chair Arntzen

01:46:48 Ms. Kurtz

01:46:54 Sen. Vance

01:47:09 **Vote:** Motion carried unanimously by roll call vote. Sen. Buttrey, Sen. Thomas and Sen. Whitford voted by proxy. Sen. Kaufmann will carry the bill.

01:48:10 Sen. Taylor

01:48:25 Chair Arntzen

01:48:30 Sen. Vance

ADJOURNMENT

Adjournment: 4:29 P.M.

Charlene Devine, Secretary

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Additional Documents:

EXHIBIT([his57aad.pdf](#))