

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: Chair Gordon Vance, on February 21, 2019 at 3:00 PM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Gordon Vance, Chair (R)
Sen. Carlie Boland, Vice Chair (D)
Sen. Steve Fitzpatrick, Vice Chair (R)
Sen. Bryce Bennett (D)
Sen. Dee Brown (R)
Sen. John Esp (R)
Sen. Jen Gross (D)
Sen. Diane Sands (D)
Sen. Roger Webb (R)
Sen. Jeffrey W. Welborn (R)

Members Excused: None

Members Absent: None

Staff Present: Noah Horan, Committee Secretary
Laura Sankey Keip, 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 248, 2/15/2019; SB 260, 2/15/2019; SB 268, 2/15/2019 SB 290, 2/15/2019 (no hearing at sponsor's request)

Executive Action: **SB 260** Do Pass; **SB 268** Do Pass as Amended; **SB 290** Tabled; **SB 224** Do Pass as Amended; **SB 228** Do Pass (To Be Reconsidered with an Amendment on 2/26/19); **SB 248** Do Pass; **SB 249** Tabled; **SB 251** Tabled

HEARING ON SB 260

Opening Statement by Sponsor:

15:06:16 Sen. Sue Malek (D), SD 46, opened the hearing on SB 260, Establish Trenton Johnson memorial highway.

15:09:44 Sen. Gross entered the hearing.

Proponents' Testimony:

15:10:02 Mike O'Herron, area manager, Southwestern Land Office, Department of Natural Resources and Conservation (DNRC)

15:11:26 Lee Adler, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

15:13:13 Sen. Sands

15:13:27 Sen. Malek

15:13:38 Sen. Brown

15:14:04 Mr. O'Herron, DNRC

15:14:17 Sen. Webb entered the hearing.

Closing by Sponsor:

15:14:28 Sen. Malek

EXECUTIVE ACTION ON SB 260

15:15:30 **Motion/Vote:** Sen. Boland moved that **SB 260 DO PASS**. Motion carried 9-0 by voice vote. Sen. Fitzpatrick was excused.

15:16:02 Sen. Fitzpatrick entered the hearing.

HEARING ON SB 268

Opening Statement by Sponsor:

15:16:08 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 268, Establish Montana medal of honor highway.

Proponents' Testimony:

15:18:06 Peter Oakander, commander, Eastern Chapter, Military Order of the Purple Heart

15:19:47 David O. Chung, deputy chief of staff, Department of Montana Military Order of the Purple Heart

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

15:21:32 Sen. Bennett
15:22:05 Sen. Bogner

Closing by Sponsor:

15:22:16 Sen. Bogner

EXECUTIVE ACTION ON SB 268**Discussion:**

15:22:57 Sen. Bennett
15:23:12 Sen. Sands
15:23:26 Chair Vance
15:23:38 Laura Sankey Keip, Legislative Services Division (LSD)

15:24:12 **Motion:** Sen. Fitzpatrick moved that **SB 268 DO PASS.**

15:24:23 **Motion:** Sen. Fitzpatrick moved that **SB 268 BE AMENDED.**
EXHIBIT(his37a01)

15:24:31 **Substitute Motion/Vote:** Sen. Fitzpatrick made a Substitute Motion **TO AMEND SB 268 WITH AMENDMENT NO. SB026801.ALS AND TO CONCEPTUALLY AMEND AMENDMENT NO. SB026801.ALS BY ADDING THE NAMES OF FUTURE MEDAL OF HONOR RECIPIENTS TO THE PLAQUE.** Motion carried unanimously by voice vote.

15:24:48 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 268 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

HEARING ON SB 248**Opening Statement by Sponsor:**

15:25:26 Sen. Jill Cohenour (D), SD 42, opened the hearing on SB 248, Generally revise towing laws.

Proponents' Testimony:

15:26:25 Jim Dusenberry, Montana Tow Truck Association

Opponents' Testimony: None**Informational Testimony:**

15:29:00 Joann Loehr, Motor Vehicle Division, Department of Justice (DOJ)
15:29:10 Ed Thamke, Department of Environmental Quality

Questions from Committee Members and Responses:

15:29:24 Sen. Brown
15:29:48 Sen. Cohenour
15:30:00 Sen. Brown
15:30:15 Sen. Webb
15:30:57 Sen. Cohenour

15:31:13 Sen. Webb
 15:31:26 Mr. Dusenberry, Montana Tow Truck Association

Closing by Sponsor:

15:32:05 Sen. Cohenour

EXECUTIVE ACTION ON SB 290

Discussion:

15:32:51 Chair Vance
 15:33:12 Sen. Sands
 15:33:16 Chair Vance

15:33:38 **Motion/Vote:** Sen. Sands moved that **SB 290 BE TABLED**. Motion carried unanimously by voice vote.

EXHIBIT(his37a02)

15:34:39 Brief Recess
 15:39:49 Reconvened

EXECUTIVE ACTION ON SB 224

15:39:54 **Motion:** Sen. Fitzpatrick moved that **SB 224 DO PASS**.

15:40:29 **Motion:** Sen. Fitzpatrick moved that **SB 224 BE AMENDED**.

EXHIBIT(his37a03)

Discussion:

15:41:12 Sen. Gross
 15:41:23 Sen. Fitzpatrick

15:41:38 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Boland, Sen. Sands and Sen. Welborn voting no.

15:42:23 **Motion:** Sen. Fitzpatrick moved that **SB 224 DO PASS AS AMENDED**.

Discussion:

15:42:48 Sen. Webb
 15:43:06 Sen. Brown
 15:43:43 Chair Vance
 15:43:55 Sen. Fitzpatrick
 15:44:24 Sen. Sands
 15:44:57 Sen. Gross
 15:45:29 Chair Vance
 15:45:42 Sen. Brown
 15:45:50 Sen. Welborn
 15:46:30 Sen. Fitzpatrick

15:48:20 **Vote:** Motion carried 6-4 by roll call vote with Sen. D. Brown, Sen. Esp, Sen. Vance and Sen. R. Webb voting no.

EXECUTIVE ACTION ON SB 228

15:49:09 **Motion:** Sen. Fitzpatrick moved that **SB 228 DO PASS.**

Discussion:

15:49:17 Chair Vance
15:49:47 Sen. Boland
15:50:39 Sen. Esp
15:51:04 Sen. Brown

15:52:19 **Vote:** Motion carried 8-2 by roll call vote with Sen. Boland and Sen. D. Brown voting no. (Bill was amended and reported out of committee on 2/26/2019)

EXECUTIVE ACTION ON SB 248

15:52:55 **Motion:** Sen. Fitzpatrick moved that **SB 248 DO PASS.**

15:53:30 **Motion:** Sen. Webb moved to **CONCEPTUALLY AMEND SB 248 TO BRING THE WAITING PERIOD DOWN TO 48 HOURS.**

Discussion:

15:53:44 Laura Sankey Keip, Legislative Services Division (LSD)
15:54:27 Sen. Boland
15:54:54 Chair Vance
15:54:56 Ms. Sankey Keip, LSD
15:55:08 Chair Vance
15:55:23 Sen. Bennett
15:55:57 Chair Vance
15:56:01 Sen. Fitzpatrick
15:56:28 Sen. Webb
15:57:12 Chair Vance

15:57:29 **Vote:** Motion failed 3-7 by roll call vote with Sen. Vance, Sen. R. Webb and Sen. Welborn voting aye.

15:58:18 **Vote:** Motion carried 9-1 by voice vote with Sen. D. Brown voting no.

EXECUTIVE ACTION ON SB 249

15:58:41 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 249 DO PASS.** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Boland, Sen. Fitzpatrick, Sen. Gross and Sen. Sands voting aye.

15:59:35 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 249 BE TABLED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 251

15:59:57 **Motion:** Sen. Fitzpatrick moved that **SB 251 DO PASS.**

16:00:04 **Substitute Motion:** Sen. Boland made a Substitute Motion that **SB 251 BE TABLED.**

16:00:26 Without objection, Sen. Boland withdrew her substitute motion.

16:01:49 **Motion:** Sen. Fitzpatrick moved that **SB 251 BE AMENDED.**
EXHIBIT(his37a04)

Discussion:

16:02:00 Sen. Brown
 16:03:11 Sen. Boland
 16:03:41 Chair Vance
 16:04:13 Sen. Boland
 16:04:49 Sen. Fitzpatrick
 16:05:16 Chair Vance
 16:05:46 Sen. Gross
 16:06:08 Sen. Webb
 16:06:17 Sen. Sands
 16:06:28 Chair Vance
 16:06:40 Drew Geiger, Montana Collision Repair Association (MCRA)
 16:07:14 Chair Vance
 16:07:40 Sen. Sands
 16:07:47 Chair Vance
 16:07:53 Sen. Bennett
 16:08:10 Chair Vance

16:08:21 **Vote:** Motion carried unanimously by roll call vote.

16:09:05 **Motion:** Sen. Fitzpatrick moved that **SB 251 DO PASS AS AMENDED.**

Discussion:

16:09:18 Sen. Boland
 16:09:21 Chair Vance
 16:10:16 Sen. Esp
 16:10:28 Chair Vance
 16:11:13 Sen. Esp
 16:11:31 Chair Vance

16:11:40 **Substitute Motion/Vote:** Sen. Sands made a Substitute Motion that **SB 251 BE TABLED.** Substitute Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Vance and Sen. Welborn voting no.

Committee Discussion:

16:13:01 Sen. Welborn
 16:13:29 Chair Vance
 16:13:54 Sen. Brown
 16:13:56 Chair Vance
 16:15:04 Sen. Sands
 16:15:18 Chair Vance
 16:16:24 Sen. Boland

16:16:33	Sen. Brown
16:16:53	Chair Vance
16:16:56	Sen. Gross
16:17:04	Chair Vance
16:17:06	Sen. Esp
16:17:17	Chair Vance

ADJOURNMENT

Adjournment: 4:17 PM

Noah Horan, Secretary

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Additional Documents:

Additional Documents:

EXHIBIT([his37aad.pdf](#))