

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: Chair Gordon Vance, on April 11, 2019 at 3:15 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
Jacelyn Stewart, 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: HB 412, 4/9/2019; HB 764, 4/9/2019; HJ 16, 4/9/2019; SJ 22, 4/9/2019; SR 45, 4/9/2019

Executive Action: HB 389, Be Concurred In as Amended
HB 764, Be Tabled
HB 412, Be Tabled
SR 45, Be Adopted
HJ 16, Be Concurred In
SJ 22, Do Pass
HB 661, Be Concurred In as Amended

HEARING ON SJ 22

Opening Statement by Sponsor:

16:16:39 Sen. Dee Brown (R), SD 2, opened the hearing on SJ 22, Provide for interim study of chloride-based de-icers.

Sen. Bennett entered the hearing.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

16:17:44 Sen. Brown

HEARING ON HJ 16

Opening Statement by Sponsor:

16:17:58 Rep. Christopher Pope (D), HD 65, opened the hearing on HJ 16, Interim study of electric transportation.

16:18:12 Sen. Brown left the hearing.

16:20:08 Sen. Welborn entered the hearing.

Proponents' Testimony:

16:21:25 Brian Fadie, Montana Environmental Information Center

16:22:19 Laura Rennick, Energy Bureau chief, Department of Environmental Quality

16:22:55 John MacDonald, Alliance of Automobile Manufacturers

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

16:23:35 Sen. Sands

16:23:47 Rep. Pope

Closing by Sponsor:

16:24:13 Rep. Pope

16:25:19 Sen. Boland assumed the Chair.

16:25:25 Sen. Esp entered the hearing.

HEARING ON SR 45

Opening Statement by Sponsor:

16:25:45 Sen. Gordon Vance (R), SD 34, opened the hearing on SR 45, Confirm Governor's appointees to the Transportation Commission.

[EXHIBIT\(his76a01\)](#)

Proponents' Testimony:

16:28:04 Tammi Fisher, Governor's appointee

16:29:35 Michael Hope, Governor's appointee

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

16:31:25 Sen. Sands

16:31:42 Mr. Hope, appointee

16:32:28 Sen. Sands

16:32:41 Ms. Fisher, appointee

16:33:52 Sen. Welborn

16:37:06 Mr. Hope

Closing by Sponsor:

16:37:20 Sen. Vance

16:38:32 Sen. Vance resumed the Chair.

HEARING ON HB 412

Opening Statement by Sponsor:

16:38:59 Rep. Bradley Hamlett (D), HD 23, opened the hearing on HB 412, Change the opt-in for TBI to an opt-out on vehicle registration forms.

Proponents' Testimony:

16:43:25 Rep. Jonathan Windy Boy, HD 32

16:45:46 John Bigart, executive director, Brain Injury Alliance (BIA)

[EXHIBIT\(his76a02\)](#)

16:51:09 Rep. Denley Loge, HD 14

16:52:20 Drew Geiger, Montana Speech-Language-Hearing Association

[EXHIBIT\(his76a03\)](#)

16:52:49 Anana DelNegro, Brain Injury Alliance

16:54:11 Ann Geiger, executive director, Liberty Place

16:57:16 Jim Mickelson, self

17:02:09 Rocky Haralson, Montana County Treasurers Association

17:03:01 Ms. Geiger, speaking on behalf of Aimee Grmoljez, Billings Clinic

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

17:03:28 Sen. Bennett
17:03:48 Mr. Bigart, BIA
17:04:51 Sen. Esp
17:05:20 Rep. Hamlett
17:05:39 Sen. Sands
17:05:59 Mr. Bigart

Closing by Sponsor:

17:06:46 Rep. Hamlett

17:08:58 Sen. Fitzpatrick entered the meeting.

HEARING ON HB 764

Opening Statement by Sponsor:

17:09:03 Rep. Denley Loge (R), HD 14, opened the hearing on HB 764, Generally revise electric vehicle laws.

[EXHIBIT\(his76a04\)](#)

[EXHIBIT\(his76a05\)](#)

Proponents' Testimony:

17:15:19 Bridger Mahlum, Montana Chamber of Commerce
17:17:13 David Smith, executive director, Montana Contractors' Association
17:18:04 Spook Stang, Motor Carriers of Montana
17:19:10 Darryl James, executive director, Montana Infrastructure Coalition

Opponents' Testimony:

17:20:12 Laura Rennick, Energy Bureau chief, Department of Environmental Quality (DEQ)
17:21:16 Chair Vance
17:21:23 Ms. Rennick, DEQ
17:21:32 John MacDonald, Alliance of Automobile Manufacturers
17:24:48 Brian Fadie, Montana Environmental Information Center

Informational Testimony:

17:26:24 Joann Loehr, Motor Vehicle Division, Department of Justice
17:26:38 Mike Tooley, director, Montana Department of Transportation (MDT)

Questions from Committee Members and Responses:

17:27:32 Sen. Gross
17:27:52 Mr. Tooley, MDT

Closing by Sponsor:

17:28:25 Rep. Loge

17:30:59 Recess
17:38:32 Reconvened

EXECUTIVE ACTION ON HB 661

17:38:34 **Motion:** Sen. Fitzpatrick moved that **HB 661 BE CONCURRED IN.**

17:38:54 **Motion:** Sen. Fitzpatrick moved that **HB 661 BE AMENDED.**
EXHIBIT(his76a06)

Discussion:

17:39:03 Laura Sankey Keip, Legislative Services Division

17:41:53 **Vote:** Motion carried 9-1 by roll call vote with Sen. Esp voting no. Sen. D. Brown voted by proxy.

17:42:33 **Motion:** Sen. Fitzpatrick moved that **HB 661 BE CONCURRED IN AS AMENDED.**

Discussion:

17:42:43 Sen. Webb

17:44:44 Sen. Gross

17:45:21 **Vote:** Motion carried 6-4 by roll call vote with Sen. D. Brown, Sen. Esp, Sen. Vance and Sen. R. Webb voting no. Sen. D. Brown voted by proxy. Sen. Ankney will carry the bill.

EXECUTIVE ACTION ON SJ 22

17:46:14 **Motion/Vote:** Sen. Fitzpatrick moved that **SJ 22 DO PASS.** Motion carried 8-2 by voice vote with Sen. Bennett and Sen. Gross voting no. Sen. D. Brown voted by proxy.

EXECUTIVE ACTION ON HJ 16

17:47:16 **Motion/Vote:** Sen. Fitzpatrick moved that **HJ 16 BE CONCURRED IN.** Motion carried 6-4 by roll call vote with Sen. D. Brown, Sen. Esp, Sen. Vance and Sen. R. Webb voting no. Sen. D. Brown voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON SR 45

17:48:54 **Motion/Vote:** Sen. Fitzpatrick moved that **SR 45 BE ADOPTED.** Motion carried unanimously by voice vote. Sen. D. Brown voted by proxy.

EXECUTIVE ACTION ON HB 412

17:49:32 **Motion:** Sen. Fitzpatrick moved that **HB 412 BE CONCURRED IN.**

17:49:53 **Motion:** Sen. Fitzpatrick moved that **HB 412 BE AMENDED.**
EXHIBIT(his76a07)

Discussion:

17:50:03 Laura Sankey Keip, Legislative Services Division (LSD)
 17:50:28 Sen. Sands
 17:50:39 Ms. Sankey Keip, LSD
 17:50:50 Sen. Esp
 17:51:09 Ms. Sankey Keip
 17:51:20 Sen. Sands
 17:52:07 Chair Vance
 17:52:14 Ms. Sankey Keip
 17:52:25 Sen. Sands
 17:52:29 Ms. Sankey Keip
 17:52:33 Sen. Sands
 17:52:36 Sen. Gross

17:53:19 **Vote:** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Boland, Sen. Fitzpatrick, Sen. Gross and Sen. Sands voting aye. Sen. D. Brown voted by proxy.

17:54:02 **Motion:** Sen. Bennett moved that **HB 412 BE CONCEPTUALLY AMENDED.**

Discussion:

17:55:30 Chair Vance
 17:55:43 **Vote:** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Boland, Sen. Gross, Sen. Sands and Sen. Welborn voting aye. Sen. D. Brown voted by proxy.
 17:56:22 **Substitute Motion/Vote:** Sen. R. Webb made a Substitute Motion that **HB 412 BE TABLED.** Substitute Motion failed 5-5 by roll call vote with Sen. D. Brown, Sen. Esp, Sen. Vance, Sen. R. Webb and Sen. Welborn voting aye. Sen. D. Brown voted by proxy.
 17:57:20 **Motion/Vote:** Sen. Vance moved that **HB 412 BE TABLED.** Motion carried 6-4 by voice vote with Sen. Bennett, Sen. Boland, Sen. Gross and Sen. Sands voting no. Sen. D. Brown voted by proxy.

EXECUTIVE ACTION ON HB 764

17:57:48 **Motion:** Sen. Fitzpatrick moved that **HB 764 BE CONCURRED IN.**

Discussion:

17:57:55 Laura Sankey Keip, Legislative Services Division (LSD)
 17:58:09 **Motion:** Sen. Fitzpatrick moved that **HB 764 BE AMENDED.**
[**EXHIBIT\(his76a08\)**](#)

Discussion:

17:58:16 Ms. Sankey Keip, LSD
 17:59:02 Chair Vance
 17:59:17 Ms. Sankey Keip
 17:59:33 Sen. Boland

17:59:54 Ms. Sankey Keip

18:00:11 **Vote:** Motion carried 6-4 by roll call vote with Sen. Esp, Sen. Vance, Sen. R. Webb and Sen. Welborn voting no. Sen. D. Brown voted by proxy.

18:00:49 **Motion:** Sen. Fitzpatrick moved that **HB 764 BE CONCURRED IN AS AMENDED.**

Discussion:

18:01:00 Chair Vance

18:01:49 Sen. Welborn

18:02:23 **Substitute Motion:** Sen. Esp made a Substitute Motion that **HB 764 BE TABLED.**

Discussion:

18:02:37 Sen. Boland

18:03:03 Chair Vance

18:03:14 Sen. Gross

18:03:29 Sen. Sands

18:03:45 **Vote:** Substitute Motion carried 9-1 by roll call vote with Sen. Boland voting no. Sen. D. Brown voted by proxy.

EXECUTIVE ACTION ON HB 389

18:04:19 **Motion/Vote:** Sen. Welborn moved that **HB 389 BE REMOVED FROM TABLE.** Motion carried 8-1 by voice vote with Sen. Esp voting no. Sen. D. Brown was excused.

18:06:05 **Motion:** Sen. Fitzpatrick moved that **HB 389 BE CONCURRED IN.**

18:06:11 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 389 BE AMENDED.** Motion carried 7-3 by roll call vote with Sen. D. Brown, Sen. Esp and Sen. Vance voting no. Sen. D. Brown voted by proxy.

EXHIBIT(his76a09)

18:07:29 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 389 BE CONCURRED IN AS AMENDED.** Motion carried 7-3 by roll call vote with Sen. D. Brown, Sen. Esp and Sen. Vance voting no. Sen. D. Brown voted by proxy. Sen. Hinebauch will carry the bill.

18:08:34 Chair Vance

ADJOURNMENT

Adjournment: 6:09 PM

Noah Horan, Secretary

nh

Additional Documents:

EXHIBIT([his76aad.pdf](#))