

**MINUTES**  
**MONTANA HOUSE OF REPRESENTATIVES**  
**68th LEGISLATURE - REGULAR SESSION**  
**COMMITTEE ON (H) TRANSPORTATION**

**Call to Order:** Chair Denley Loge-R, on February 27, 2023 at 3:27 PM, in 455

**ROLL CALL**

**Members Present:** Rep. Denley Loge, Chair (R)  
Rep. Neil Duram, Vice Chair (R)  
Rep. Dave Fern, Vice Chair (D)  
Rep. Brad Barker (R)  
Rep. Denise Baum (D)  
Rep. Tony Brockman (R)  
Rep. Edward Butcher (R)  
Rep. Bob Carter (D)  
Rep. Julie Dooling (R)  
Rep. Scot Kerns (R)  
Rep. Jennifer Lynch (D)  
Rep. Tanner Smith (R)  
Rep. Frank Smith (D)  
Rep. Courtenay Sprunger (R)  
Rep. Zack Wirth (R)

**Staff Present:** Sara Hess, Research Analyst  
Macy McCauley, Secretary

**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 776 02/24/2023  
HB 781 02/24/2023  
HB 782 02/24/2023  
HB 798 02/24/2023  
HB 803 02/24/2023  
HB 809 02/24/2023

Executive Action:

HB 486 DO PASS AS AMENDED  
HB 798 TO TABLE  
HB 803 TO TABLE  
HB 776 TO TABLE

HB 781 TO TABLE  
HB 782 TO TABLE  
HB 809 DO PASS  
HB 670 TO TABLE  
HB 718 TO TABLE

**HEARING ON HB 798 - Provide for a retired LEO or first responder driver's license endorsement**

**Opening Statement:**

15:29:13 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 798, Provide for a retired LEO or first responder driver's license endorsement.

**Proponent Testimony:**

15:31:22 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

15:32:11 Rep. Edward Butcher

15:33:35 Rep. Scot Kerns

15:34:59 Rep. Bob Carter

15:35:41 Rep. Denise Baum

15:37:32 Rep. Edward Butcher

**Closing Statement:**

15:40:43 Rep. Steve Gunderson (R), HD 1, closed the hearing on HB 798.

**HEARING ON HB 776 - Provide for the long-term development of a statewide bike trail**

**Opening Statement:**

15:42:04 Rep. Tom France (D), HD 94, opened the hearing on HB 776, Provide for the long-term development of a statewide bike trail.

[EXHIBIT\(230227TRHa1\)](#)

**Proponent Testimony:**

15:47:48 Logan Smith, Bike Walk Montana  
15:50:47 Bob Walker, Montana Trails Coalition  
[EXHIBIT\(230227TRHa2\)](#)  
15:54:31 Diane Magone, Mineral County Rails to Trails  
15:57:00 Kristi Drake, Self  
16:00:09 Bert Lindler, Self  
16:01:19 Allan Mozingo, Grant Creek Trails Association  
16:03:07 Chris Fox, Self

**Opponent Testimony:**

16:06:11 Charles Denowh, United Property Owners of Montana  
16:14:51 Duane Williams, Montana Trucking Association

**Informational Witness Testimony:**

16:15:49 Jon Swartz, Montana Department of Transportation (MDT)

**Questions from Committee:**

16:16:19 Rep. Bob Carter  
16:17:17 Rep. Frank Smith  
16:18:38 Rep. Courtenay Sprunger  
16:22:22 Rep. Edward Butcher  
16:25:42 Rep. Zack Wirth  
16:27:17 Chair Denley Loge  
16:30:49 Rep. Scot Kerns  
16:33:40 Vice Chair Neil Duram

**Closing Statement:**

16:35:37 Rep. Tom France (D), HD 94, closed the hearing on HB 776.

**HEARING ON HB 803 - Revise railroad crew requirements**

**Opening Statement:**

16:40:27 Rep. Bob Phalen (R), HD 36, opened the hearing on HB 803, Revise railroad crew requirements.

**Proponent Testimony:**

16:42:47 D.B. Kenner, Brotherhood of Locomotive Engineers and Trainmen  
16:49:57 Paul Slater, Locomotive Engineer Employees  
16:52:06 Kris Melone, Brotherhood of Locomotive Engineers and Trainmen (Great Falls)  
16:54:18 Rob Davison, Brotherhood of Locomotive Engineers and Trainmen (Whitefish)  
17:00:27 Amanda Frickle, Montana AFL-CIO

**Opponent Testimony:**

17:01:05 Matt Jones, BNSF  
17:04:24 John Bennion, Washington Companies Montana Rail Link  
17:08:01 Charles Robison, Montana Chamber of Commerce  
17:09:53 Allan Drew, SMART Transportation Division  
17:14:27 George Harris, Montana Coal Coalition  
17:16:00 Nathan Anderson, Union Pacific Railroad  
17:20:16 Nathan Keane, Montana Grain Growers Association

**Informational Witness Testimony:**

None

**Questions from Committee:**

17:22:14 Rep. Scot Kerns  
17:23:56 Rep. Jennifer Lynch  
17:25:22 Vice Chair Dave Fern

17:28:20 Vice Chair Neil Duram  
17:39:26 Rep. Tanner Smith  
17:41:46 Rep. Bob Carter  
17:43:01 Rep. Frank Smith

**Closing Statement:**

17:47:27 Rep. Bob Phalen (R), HD 36, closed the hearing on HB 803.

17:50:43 **Recessed**

17:58:30 **Reconvened**

**Committee Discussion:**

17:58:50 Chair Denley Loge  
17:59:40 Rep. Bob Carter  
18:00:30 Laurie Bakri, Motor Vehicle Division (MVD)  
18:01:15 Rep. Ed Butcher  
18:02:30 Vice Chair Neil Duram  
18:06:29 Rep. Denise Baum  
18:09:00 Rep. Julie Dooling

**HEARING ON HB 781 - Provide that the helmet requirement does not apply to autocycles**

**Opening Statement:**

18:10:36 Rep. Sherry Essmann (R), HD 52, opened the hearing on HB 781,  
Provide that the helmet requirement does not apply to autocycles.

[EXHIBIT\(230227TRHa3\)](#)

**Proponent Testimony:**

None

**Opponent Testimony:**

None

**Questions from Committee:**

18:13:18 Vice Chair Dave Fern  
18:14:11 Vice Chair Neil Duram  
18:15:04 Rep. Denise Baum

[EXHIBIT\(230227TRHa4\)](#)

**Informational Witness Testimony:**

None

**Closing Statement:**

18:19:09 Rep. Sherry Essmann (R), HD 52, closed the hearing on HB 781.

**HEARING ON HB 782 - Allow direct sale of autocycles**

**Opening Statement:**

18:19:28 Rep. Sherry Essmann (R), HD 52, opened the hearing on HB 782, Allow direct sale of autocycles.

**Proponent Testimony:**

None

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

18:22:42 Vice Chair Dave Fern  
18:24:40 Rep. Bob Carter  
18:25:37 Rep. Denise Baum

18:30:42 Rep. Edward Butcher

18:32:17 Rep. Tanner Smith

**Closing Statement:**

18:35:09 Rep. Sherry Essmann (R), HD 52, closed the hearing on HB 782.

18:35:57 Vice Chair Duram takes over as Chair.

**HEARING ON HB 809 - Revise traffic violation law**

**Opening Statement:**

18:39:14 Chair Denley Loge (R), HD 14, opened the hearing on HB 809, Revise traffic violation law.

**Proponent Testimony:**

18:40:22 David Smith, Montana Contractors Association

18:41:50 Dustin Rouse, Highways and Engineering (MDT)

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

18:45:37 Rep. Scot Kerns

18:50:11 Rep. Edward Butcher

18:52:26 Rep. Tanner Smith

18:54:25 Vice Chair Neil Duram

18:57:40 Rep. Scot Kerns

18:59:59 Chair Denley Loge

19:02:18 Rep. Bob Carter

19:03:07 Vice Chair Dave Fern  
19:03:44 Rep. Courtenay Sprunger

**Closing Statement:**

19:04:11 Chair Denley Loge (R), HD 14, closed the hearing on HB 809.

**EXECUTIVE ACTION ON HB 486 - Generally revise county road access laws**

19:36:55 **Motion:** Rep. Neil Duram moved that **HB 486 DO PASS.**  
19:37:39 **Motion:** Rep. Tanner Smith moved that **HB 486 BE AMENDED.**  
**Vote:** Motion failed 11 - 4 by voice vote with Rep. Butcher, Rep. Kerns, Rep. Smith, Rep. Smith, voting yes.  
20:02:09 **Motion:** Rep. Neil Duram moved that **HB 486 BE AMENDED.**  
**Vote:** Motion carried unanimously by voice vote.  
20:03:22 **Motion:** Rep. Neil Duram moved that **HB 486 DO PASS AS AMENDED.**  
**Vote:** Motion carried 11 - 4 by voice vote with Rep. Butcher, Rep. Dooling, Rep. Kerns, Rep. Smith, voting no.

**EXECUTIVE ACTION ON HB 798 - Provide for a retired LEO or first responder driver's license endorsement**

20:06:16 **Motion:** Rep. Neil Duram moved that **HB 798 DO PASS.**  
**Vote:** Motion failed 14 - 1 by voice vote with Rep. Kerns, voting yes.  
20:09:32 **Motion:** Rep. Edward Butcher moved that **HB 798 BE TABLED.**  
**Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 803 - Revise railroad crew requirements**

20:10:03 **Motion:** Rep. Neil Duram moved that **HB 803 DO PASS.**  
**Vote:** Motion failed 12 - 3 by voice vote with Rep. Baum, Rep. Duram, Rep. Lynch, voting yes.  
20:13:01 **Motion:** Rep. Neil Duram moved that **HB 803 BE TABLED.**  
**Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 776 - Provide for the long-term development of a statewide bike trail**

20:13:33 **Motion:** Rep. Neil Duram moved that **HB 776 DO PASS.**

20:15:32 **Motion:** Rep. Neil Duram moved that **HB 776 BE TABLED.**

**Vote:** Motion carried 8 - 7 by voice vote with Rep. Baum, Rep. Carter, Rep. Kerns, Rep. Loge, Rep. Lynch, Rep. Smith, Rep. Smith, voting no.

**EXECUTIVE ACTION ON HB 781 - Provide that the helmet requirement does not apply to autocycles**

20:18:32 **Motion:** Rep. Neil Duram moved that **HB 781 DO PASS.**

20:21:06 **Motion:** Rep. Neil Duram moved that **HB 781 BE TABLED.**

**Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 782 - Allow direct sale of autocycles**

20:22:22 **Motion:** Rep. Neil Duram moved that **HB 782 DO PASS.**

20:26:15 **Motion:** Rep. Neil Duram moved that **HB 782 BE AMENDED.**

20:26:35 **Motion:** Rep. Bob Carter moved that **HB 782 BE TABLED.**

**Vote:** Motion carried 9 - 6 by voice vote with Rep. Butcher, Rep. Duram, Rep. Fern, Rep. Loge, Rep. Lynch, Rep. Smith, voting no.  
Rep. Lynch, By Proxy

**EXECUTIVE ACTION ON HB 809 - Revise traffic violation law**

20:28:22 **Motion:** Rep. Neil Duram moved that **HB 809 DO PASS.**

**Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 670 - Notaries not required for vehicle transfers**

20:30:35 **Motion:** Rep. Neil Duram moved that **HB 670 DO PASS.**

**Vote:** Motion failed 10 - 5 by roll call vote with Rep. Carter, Rep. Dooling, Rep. Kerns, Rep. Smith, Rep. Wirth, voting yes.

20:33:35 **Motion:** Rep. Edward Butcher moved that **HB 670 BE TABLED.**

**Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 718 - Generally revise tow truck laws**

- 20:34:42        **Motion:** Rep. Neil Duram moved that **HB 718 DO PASS.**
- 20:34:46        **Motion:** Rep. Scot Kerns moved that **HB 718 BE AMENDED.**  
**Vote:** Motion failed 14 - 1 by voice vote with Rep. Smith, voting yes.
- 20:43:19        **Motion:** Rep. Neil Duram moved that **HB 718 DO PASS.**  
**Vote:** Motion failed 13 - 2 by roll call vote with Rep. Butcher, Rep. Duram, voting yes.
- 20:44:56        **Motion:** Rep. Neil Duram moved that **HB 718 BE TABLED.**  
**Vote:** Motion carried unanimously by voice vote.

**ADJOURNMENT**

Adjournment: 20:47:14

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Macy McCauley, Secretary

Additional Documents: [EXHIBIT\(230227TRHaad\)](#)