

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON TRANSPORTATION

Call to Order: By Chairman Shiell Anderson, on February 19, 1997, at 3:05, in Room 420

ROLL CALL

Members Present:

Rep. Shiell W. Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Bob Clark (R)
Rep. Charles R. Devaney (R)
Rep. David Ewer (D)
Rep. H.S. "Sonny" Hanson (R)
Rep. Marian W. Hanson (R)
Rep. Rod Marshall (R)
Rep. Gerald Pease (D)
Rep. William M. "Bill" Ryan (D)
Rep. Dorothy C. Simpson (D)
Rep. Jack Wells (R)
Rep. Bill Whitehead (D)

Members Excused: None

Members Absent: None

Staff Present: Leanne Kurtz, Legislative Services Division
Mary Lou Schmitz, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 466 - 2-17-97
HB 526 - 2-17-97
HB 530 - 2-17-97
HB 554 - 2-17-97

Executive Action: HB 267 - DO PASS AS AMENDED
HB 362 - DO PASS AS AMENDED
HB 466 - DO PASS AS AMENDED
HB 554 - DO PASS
HB 530 - TABLED
HB 462 - TABLED
HB 509 - TABLED

HEARING ON HB 554

"AN ACT ELIMINATING THE PROVISIONS THAT ALLOW PERSONS CLAIMING MONTANA RESIDENCY WHO ARE ON ACTIVE MILITARY DUTY AND LIVING OUTSIDE OF MONTANA TO PURCHASE LICENSE PLATES AND REGISTER A MOTOR VEHICLE FOR THE COST OF REGISTRATION ALONE;"

Sponsor: Rep. Dick Simpkins, HD 49

{Tape: 1; Side: A; Approx. Time Count: 1.3 - 3.9; }

Opening Statement by Sponsor: Rep. Simpkins explained the Bill from the above title.

Proponents: None

Opponents: None

{Tape: 1; Side: A; Approx. Time Count: 4.2; }

Informational Testimony: Dean Roberts, Motor Vehicle Division, Department of Justice.

{Tape: 1; Side: A; Approx. Time Count: 6.3; }

Questions From Committee Members and Responses: None

Closing by Sponsor: Rep. Simpkins closed the Hearing on HB 554.

HEARING ON HB 466

"AN ACT ALLOWING A LOCAL GOVERNMENT TO SELECT AN ENGINEER FROM AN APPROVED LIST TO CONDUCT AN ENGINEERING AND TRAFFIC INVESTIGATION; REQUIRING THE ENGINEER TO SUBMIT A REPORT TO THE TRANSPORTATION COMMISSION;"

Sponsor: Rep. Beverly Barnhart, HD 29.

Opening Statement by Sponsor: Rep. Barnhart explained the Bill from the Title above.

{Tape: 1; Side: A; Approx. Time Count: 9.9; }

Proponents: Paul Luwe, Attorney, City of Bozeman.

Rep. Rod Marshall, HD 28.

Rep. Joe Barnett, HD 32.

Gary Gilmore, Department of Transportation.

Opponents: None

{Tape: 1; Side: A; Approx. Time Count: 18.5; }

Questions From Committee Members and Responses: Reps. Ewer, Sonny Hanson, Anderson.

Responses by Paul Luwe, Rep. Barnhart, Gary Gilmore

{Tape: 1; Side: A; Approx. Time Count: 23.0 }

Closing by Sponsor: Rep. Barnhart closed the Hearing on HB 466.

HEARING ON HB 526

"AN ACT AUTHORIZING THE ISSUANCE OF WHIRLING DISEASE RESEARCH LICENSE PLATES; PROVIDING FOR DISPOSITION OF THE PROCEEDS FROM THE SALE OF THE PLATES; PROVIDING FOR A STATUTORY APPROPRIATION TO THE DEPARTMENT OF FISH, WILDLIFE AND PARKS TO BE USED AS GRANTS TO MONTANA WHIRLING DISEASE RESEARCH FOUNDATIONS;"

Sponsor: Rep. Joe Quilici, HD 36.

{Tape: 1; Side: A; Approx. Time Count: 30.6; }

Opening Statement by Sponsor: Rep. Quilici said the Bill pays for research for whirling disease through the proceeds of license plates.

{Tape: 1; Side A; Approx. Time Count: 33.2; }

Proponents: Paul Sihler, Montana Fish, Wildlife and Parks,
EXHIBIT 1.

Frank Cote, Self

Ron Cunningham, Fishing Outfitters Association

{Tape: 1; Side: A; Approx. Time Count: 37.8; }

Opponents: Cort Harrington, Montana County Treasurers' Association.

{Tape: 1; Side: A; Approx. Time Count: 40.0; }

Informational Testimony: Dean Roberts, Motor Vehicle Division, Department of Justice.

{Tape: 1; Side: A; Approx. Time Count: 42.0; }

Questions From Committee Members and Responses: Reps. Marshall, Clark.

Responses by Paul Sihler.

Closing by Sponsor: Rep. Quilici closed the Hearing on HB 526.

HEARING ON HB 530

"AN ACT REGULATING BICYCLES; REQUIRING BICYCLES OWNED BY PERSONS 16 YEARS OF AGE OR OLDER TO BE TITLED, REGISTERED, AND LICENSED AND TO COMPLY WITH THE MANDATORY LIABILITY PROTECTION LAW; REQUIRING BICYCLE RIDERS 16 YEARS OF AGE OR OLDER TO HAVE A BICYCLE ENDORSEMENT ON THEIR DRIVER'S LICENSES;"

Sponsor: Rep. Matt Brainard, HD 62.

{Tape: 1; Side: A; Approx. Time Count: 48.9; }

Opening Statement by Sponsor: Rep. Brainard explained the Bill would require mandatory liability and regulations for bicycle riders as well as providing information for stolen bicycles.

{Tape: 1; Side: A; Approx. Time Count: 56.6 }

Proponents: None

{Tape: 1; Side: A; Approx. Time Count: 56.8 }

Opponents: Ron Ashabraner, State Farm Insurance Co.

Jan Spiegle Stinger, Self. **EXHIBIT 2.**

Eric Grove, Self, Great Divide Cyclery.

Marla Larson, Self.

Paul Reichert, Self.

Patrick Foster, Self.

Rich Miller, Stevensville.

Russ Cater, Self.

{Tape: 1; Side: A; Approx. Time Count: 79.3; }

Informational Testimony: Frank Cote, Deputy Insurance Commissioner.

Bud Schoen, Chief, Title Registration Bureau, Deer Lodge, Department Motor Vehicle Division.

{Tape: 1; Side: A; Approx. Time Count: 80.1; }

Questions From Committee Members and Responses: Reps. Sonny Hanson, Galvin, Barnett, Bitney.

Responses by Eric Grove, Bud Schoen, Paul Reichert, Brenda Nordlund, Frank Cote, Rep. Matt Brainard.

{Tape: 1; Side: B; Approx. Time Count: 1.2; }

Closing by Sponsor: Rep. Brainard closed the Hearing on HB 530.

EXECUTIVE ACTION ON HB 530

{Tape: 1; Side: B; Approx. Time Count: 4.3; }

Motion: Rep. Brainard moved DO PASS.

Motion/Vote: Rep. Pease moved to TABLE HB 530. Motion carried
12 - 4.

EXECUTIVE ACTION ON HB 267

{Tape: 1; Side: B; Approx. Time Count: 6.2; }

Motion: Rep. Anderson moved HB 267 and the amendments DO PASS.

Discussion: Reps. Ewer, Anderson.

Vote: Motion on the Amendments carried unanimously. 16-0.

Motion/Vote: Rep. Sonny Hanson moved HB 267 DO PASS AS AMENDED.

Motion carried unanimously. 15-0.

EXECUTIVE ACTION ON HB 462

{Tape: 1; Side: B; Approx. Time Count: 10.9; }

Motion: Rep. Marshall moved DO PASS.

Discussion: Reps. Sonny Hanson, Wells, Marshall, Barnett, Bitney, Jore, Whitehead, Brainard, Ryan.

{Tape: 1; Side: B; Approx. Time Count: 27.6; }

Vote: Motion failed 7 - 11.

Motion/Vote: Rep. Marian Hanson moved to TABLE HB 462. Without objection, the vote was reversed. 11-7.

EXECUTIVE ACTION ON HB 509

{Tape: 1; Side: B; Approx. Time Count: 30.5 }

Motion: Rep. Ryan moved HB 509 DO PASS.

Motion/Vote: Rep. Clark moved the amendments changing Lines 18 and 27, Page 1 to put "moving citations" after the letter A and before "traffic". Motion carried unanimously. 17 - 0

{Tape: 1; Side: B; Approx. Time Count: 35.7; }

Discussion: Reps. Clark, Devaney, Ewer, Galvin, Marian Hanson, Brainard, Anderson, Wells, Marshall.

{Tape: 1; Side: B; Approx. Time Count: 43.6; }

Motion: Rep. Anderson moved a friendly amendment to the amendment. "A motor vehicle owner or the insurer of a motor vehicle owner who is determined to have been primarily responsible for the accident may not file a lien under this Section".

Motion/Vote: Rep. Clark moved all the amendments. Motion carried unanimously.

Discussion: Reps. Anderson brought up the question by Rep. Marshall concerning insurance and liens; Wells, Ewer, Devaney, Brainard.

Motion/Vote: Rep. Marshall moved to TABLE HB 509. Motion carried 10 - 8.

EXECUTIVE ACTION ON HB 362

{Tape: 1; Side: B; Approx. Time Count: 55.3; Comments: .}

Amendments: Rep. Anderson explained an amendment that struck all references to maintenance agreements with Tribal governments and limit to local governments.

Discussion: Reps. Ryan, Whitehead, Clark, Pease, Devaney, Bitney, Barnett, Jore.

Motion/Vote: Rep. Sonny Hanson moved the amendment. Motion failed 7-11.

Motion/Vote: Rep. Ryan moved amendments to HB 362. Motion passed 16 - 1.

Motion: Rep. Jore moved an amendment that requires any agreement made in pursuant to this Bill would require an express waiver of sovereign immunity from the Tribe in any disputes that arise and an express waiver of any right to exhaust Tribal remedy signed by the Tribal Government.

Discussion: Reps. Whitehead, Jore, Clark, Simpson, Wells, Ryan Anderson.

Vote: Motion on the Jore Amendment carried 10-7.

{Tape: 1; Side: B; Approx. Time Count: 84.9 }

Motion/Vote: Rep. Ryan moved HB 362 DO PASS AS AMENDED. Motion carried 13-5.

EXECUTIVE ACTION ON HB 466

{Tape: 1; Side: B; Approx. Time Count: 86.2; Comments: .}

Motion: Rep. Ryan moved HB 466 DO PASS.

Motion/Vote: Rep. Ryan moved the amendments. Motion carried unanimously. 18 - 0.

Motion/Vote: Rep. Marian Hanson moved HB 466 DO PASS AS AMENDED. Motion carried 16-2.

EXECUTIVE ACTION ON HB 554

{Tape: 1; Side: B; Approx. Time Count: 89.7; }

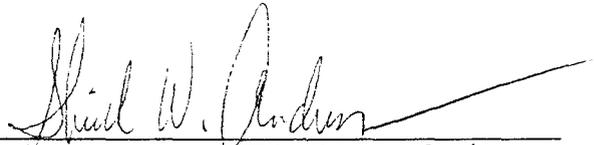
Motion/Vote: Rep. Clark moved DO PASS. Motion carried unanimously.

{Tape: 2; Side: A; Approx. Time Count: 0.4 - 4.7; }

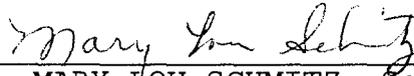
After adjournment a Mr. Hagan asked to speak on HB 554, Rep. Simkins, Sponsor, and bring a proposal to a Section of the Bill, because he was unable to attend the Hearing. Chairman Anderson said it would be best to have Rep. Simkins propose an amendment on the Floor.

ADJOURNMENT

Adjournment: 6:14 p.m.



REP. SHIELL W. ANDERSON, Chairman



MARY LOU SCHMITZ, Secretary

SWA/MLS