

HIGHWAYS AND TRANSPORTATION COMMITTEE

March 15, 1977

The Committee on Highways and Transportation was called to order on March 15, 1977, at 10:00 a.m. with Chairman Baeth presiding and all members present, except Representative Mular.

The following bills were scheduled for discussion today:
SB 10, SB 24, SB 178, SB 327, and SB 420.

SENATE BILL 327

Representative Pat Regan, chief sponsor of this bill, authorized the officers of the Highway Patrol to enforce provisions of the motor carriers licensing law as that granted the public service commission under 8-103. The highway commission, highway patrol and the department of highways shall cooperate to assure duplication and maximum coordination of enforcement effort. No additional funds will be needed. There will probably be an increase in revenues for the state due to stricter enforcement.

Colonel Joe Sol, chief of the Highway Patrol Bureau of the Department of Justice, said they support this bill. Through our activities, they come in contact with the large trucks. In so doing, we can also check for violations of the motor carriers licensing law.

There were no opponents. Hearing closed on SB 327.

SENATE BILL 24

Senator Thiessen, sponsor of this bill, said this is a corrective measure. There seems to be no need for an attorney on the highway commission because the Department of Highways has a full staff of attorneys. This bill exempts the highway commission from the provision that one member must be an attorney. This will allow more flexibility in appointing members.

There were no opponents. Hearing closed on SB 24.

SENATE BILL 10

Senator Hazelbaker, sponsor of this bill, could not attend this hearing and he asked Robert Pyfer, attorney for Legislative Council, to speak to the committee on this bill.

Mr. Pyfer distributed a short report on the changes to this bill. This bill is for clarification and revision of laws relating to aeronautics. He explained some of the most important changes:

Subsection 2 on page 6 was deleted because it is unconstitutional under Article II, section 18, which provides that the state has no immunity from suit unless specifically provided by a 2/3 vote of each house of the legislature.

Section 10 at the end of the bill repeals sections 1-829 through 1-832 which was declared unconstitutional in 1970 in Northwest Airlines, Inc. v. Joint City-County Airport Board, 154 M 352, 463 P.2d 470.

Also repealed is Chapter 10 of Title 1, Airport Passenger Services Charges, which is in conflict with section 1513(a) Title 49 U.S.Code which prohibits a state from levying such a charge. The federal law, as it now appears, became effective June 18, 1973, nullifying the Montana statute that had been adopted in March of 1973 by the Montana legislature.

There were no opponents. Hearing closed on SB 10.

SENATE BILL 178

This bill was introduced at the request of the Department of Highways. Senator Smith, sponsor of this bill, could not be at this hearing, but he asked Jim Beck, attorney for the Department of Highways, to speak to the committee on this bill.

This bill defines the term "axle". There have been some problems with interpretations and this bill will alleviate them. The definition is "Axle--a transverse beam which is the common axis of rotation of one or more wheels and which, to receive credit for allowable total gross loading, must be capable of continuously transmitting a proportionate share of the total gross load to the roadway when the axle is in operation."

There were no opponents. Hearing closed on SB 178.

SENATE BILL 420

Senator Aber, chief sponsor of this bill, was not able to come to this hearing. Tom Crowley, city engineer of Missoula, spoke to the committee on this bill. He explained that this bill was introduced at their request.

He said there is a need for improvements to the right-of-way of state highways. These improvements include storm drains, sidewalks and curbs. As it stands now, the department had to approve these items and let the contracts. The city or municipality could not let the contracts.

With this bill the city or municipality may let the contracts after the department approves the plans. This would save a good deal of time. This work is done through assessments.

Jim Beck, attorney for the Department of Highways, said they support this bill. It will alleviate some misunderstandings. Such improvements need department approval because of federal standards which must be met.

There were no opponents. Hearing closed on SB 420.

EXECUTIVE SESSION

SENATE BILL 420

Representative Kanduch made a motion of be CONCURRED IN. Representative Hansen seconded it. Motion carried unanimously. (Rep. Mular absent)

Representative Kanduch will carry it through the House.

SENATE BILL 178

Representative Keyser made a motion of be CONCURRED IN. Motion carried unanimously. (Rep. Mular absent)

Representative Kanduch will carry it through the House.

SENATE BILL 327

Representative Kropp made a motion of be CONCURRED IN.
Motion carried unanimously. (Rep. Mular absent)

Representative Wood will carry it through the House.

SENATE BILL 24

Representative Frates made a motion of be CONCURRED IN.
Motion carried unanimously. (Rep. Mular absent)

Representative Wood will carry it through the House.

SENATE BILL 10

Representative Keyser made a motion of be CONCURRED IN.
Motion carried unanimously. (Rep. Mular absent)

Representative Keyser will carry it through the House.

William R. Baeth
William R. Baeth, Chairman