

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 27, 1977

The fifth meeting of the Highways and Transportation Committee was called to order by Chairman Manning on the above date in Room 404 of the State Capitol Building at 9:30 a.m.

ROLL CALL: All members were present, with Senator Etchart arriving at 9:50 and Senator Hager arriving at 10:15.

Chairman Manning told the committee that the bills posted for hearing on Tuesday, February 1, 1977 were Senate Bills 142, 147, 160 and 178. Chairman Manning suggested that it might be helpful to schedule official meetings on every Tuesday and Thursday from now on so that Saturdays would not need to be used for meetings. Chairman Manning suggested that the bills scheduled for next Tuesday be talked over in the committee today so that Tuesday's business would progress more smoothly.

DISCUSSION OF SENATE BILL 142: Senator Aber, the chief sponsor of SB 142 explained that a few years ago the federal government made money available for law enforcement communication equipment. The goal was to be able to connect all of the law enforcement forces together. That necessitated relay offices in many of the counties and cities. Even though there is usually cooperation and joint payment for the services between the cities and the counties, the program was still costing the local areas quite a bit of money. If the station is manned 24 hours each day, the counties or cities must have a minimum of five extra people on the pay roll. Eventually the relays will be automated, but until then there needs to be some relief given to the counties. The highway patrol receive the most benefit from the systems in most of the counties, but they contribute nothing to the financing of the systems. Captain Tooley suggested this bill to Senator Aber and the counties seem excited about it.

Senator Aber further explained that the 20% would be left in the counties instead of sending it back to the state for later distribution. This bill will not change the method of payment of fines and it will not cost the state anything more in the long run, but it will be of great help to the counties and cities.

Senator Lockrem asked how much the individual counties would receive. Senator Aber responded that he hadn't seen the fiscal note, but that he knew Mr. Zennicker and Mr. Meisner were working on those figures and should have them by Tuesday. Senator Aber further noted that on some days 80% of the calls were Patrol work.

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Chairman Manning asked how the law enforcement communications systems were handled in the larger counties. Senator Aber answered that he thought that they usually shared the center, with the county and the city each sharing the expenses. He added that there would be no reason to have more than one center in a county because the system is designed to tie together the game wardens, the firemen, the sheriff, the police, and the highway patrol.

Senator Bergren commented that he was sure that the counties would be happy to keep the money collected on these fines.

Senator Healy asked if this bill would apply to the fines collected by the sheriff, too. Senator Aber replied that the money collected by the sheriff stays in the county now anyway, so this bill would apply only to the fines from highway patrol citations.

Senator Healy asked how this money would be segregated. Senator Aber answered that this bill should add no extra book-keeping as the fines sent into the state must be itemized in a report from the counties, including information about the reason for the citation.

Senator Healy asked where the money would go if the county had more than one city. Senator Aber answered that the money would revert back to the governing body that is in charge of the law enforcement communication system. He referred to page two, line 17 and the following material in SB 142.

Senator Hazelbaker commented that the high frequency repeaters are being installed rapidly to take care of the relays. Senator Hazelbaker suggested that the shall language might be changed to be applicable only where the communication gaps occur. Senator Aber added that eventually these repeaters will cover the whole state, and will finally be interstate, with a network covering an entire area.

Chairman Manning suggested that the dual city/county question about where the funds would go in the case of shared or duplicate systems be cleared up before the Tuesday meeting. Senator Aber suggested that if the city and county shared a system both in costs and benefits, then there could be an agreement worked out between them to split the incoming funds. The money would initially go to the governing body under whose direct supervision the communication system is operating.

Senator Hazelbaker suggested that he could contact Curt Wheeling of the Department of Administration, Communication Division concerning the Task Force for Crime Control and their knowledge of this law enforcement communication system.

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DISCUSSION OF SENATE BILL 147: In the temporary absence of Senator Lockrem, chief sponsor of the bill, Senator Graham explained that this bill was submitted at the request of the Department of Highways. SB 147 would fine an overweight vehicle for the miles traveled before the first open state scale if the vehicle is overweight in excess of 7%. Senator Graham noted that there have been problems with logging trucks that are overweight. Some of the scales do not allow the logs to be dropped there, so another truck and a loader must be brought to the scale to comply with the law.

Mr. Beck of the Department of Highways said that he was concerned about this bill, so he talked to the regional counsel in Denver and in turn checked with Washington. Mr. Beck was told that Montana was not in compliance with regulations as long as the first state scale provision was in the bill. He asked the regional office if there would be any possibility of giving them one legislative session to comply if Montana is found to be in violation, and found out that it is their policy to give some opportunity to comply with the law. Mr. Beck thought that being that the state was trying to tighten regulations it would be looked upon favorably by the FHWA. Mr. Beck also reported that the Montana Motor Transport Association had no opposition to the bill.

Senator Graham noted that the commercial truckers should know pretty well how much weight they are carrying as they are often paid on the basis of weight hauled. The problem is with the loggers and ranchers who don't have much of an idea how much they are hauling.

Senator Bergren commented that one of the loggers' concerns was that they were not allowed to take off at the scale any longer because of the accidents on state ground that were caused with broken bindings. The truck has to wait for a loader and another truck, which can tie a man up for two or three days.

Senator Smith noted that the Forest Service has clamped down on truckers and often require a scale in the woods or on the trucks. If they haul overweight twice, then the Forest Service requires them to cease hauling. Some of the mills are not paying for the logs over the GVW, so the probability of overweight trucks is becoming more and more remote. There are problems however with grain trucks being overweight.

In response to a question from Senator Graham concerning the federal reaction to this law, Mr. Beck said that it's better than the way the law presently reads with no penalties.

Senator Graham commented that ranchers ought to be able to get along fairly well with the 7% allowance as people didn't intentionally overload because of the problems at the scales if they are found in violation. But the loggers truck scales are not always that good.

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Chairman Manning suggested that Senators Aber and Graham speak with Senator Lockrem concerning this bill.

Mr. Beck commented that he did not want to leave the committee with the impression of impending doom from the FHWA, but the Department of Highways will testify that there are problems.

Chairman Manning noted that there are always lots of ingenious people who will get around the law no matter what we do.

Senator Aber said that with the logging problem any % would cause the same old reply from them. Truckers don't want the roads broken up, yet they make no suggestions as to alternatives to this bill. This figure of 7% gives quite a little lee way.

DISCUSSION OF SENATE BILL 178: Senator Smith, the prime sponsor of this bill, asked leave of the committee to speak for a moment about SB 134. Senator Smith noted that he had received a letter from Albert Goke from the Department of Community Affairs concerning a motor vehicle inspection that was carried out in Lewis and Clark County in conjunction with the Vo Tech Center. The conclusion of this inspection program was that there was no significant difference between Montana with no mandatory inspection and those states that did have inspection. Therefore, Goke concludes that motor vehicle inspection would have little chance of being beneficial to the public.

Referring now to SB 178, Senator Smith noted that this bill, written by Mr. Beck, would define axle so as to be fair to the legitimate operator while at the same time cracking down on the violators.

Mr. Beck noted that he had been in contact with the Montana Motor Transport Association and they had no problems with SB 178.

Referring back to Senator Smith's comments about SB 134, Chairman Manning noted that there should be no trouble with the bill on the floor with evidence like Mr. Goke's letter.

Senator Smith, again referring to SB 134, reported that there were only a couple of areas in which Montana cars did not look better than inspected states' cars. Those areas were tail lights, stop lights and side walls. Montana still has the law that if a Highway Patrolman finds a problem with a car he can pull them off and conduct a random inspection. Senator Smith said that he would make a copy of this report available to each committee member.

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DISCUSSION OF SENATE BILL 160: Chairman Manning commented that this bill could be introduced as a resolution instead of a bill.

Mr. Beck reported that he would be appearing to testify on this bill. The one problem with the bill is that there is only one producer of fly ash in the state, a man named Bob Lynch from Billings. Mr. Lynch sued the state once to make them use fly ash to fill voids instead of hydrated lime.

Senator Graham asked if the fly ash was not cheaper than the lime from Canada. Mr. Beck responded that the problem is that you get a better product with the lime oftentimes.

Senator Graham asked if Senator Towe had represented Mr. Lynch in the law suit. Mr. Beck replied "Yes".

Senator Graham asked if fly ash didn't contain some lime. Mr. Beck responded that according to his people it did not.

Senator Etchart asked if the lime made the roads more brittle. Mr. Beck responded that the purpose of a mineral filler such as lime instead of the fly ash, was primarily to make the surface more impervious to water. He did not know if that caused the surface to be more brittle, but told the committee that he would bring the experts from the Department with him on Tuesday.

ADJOURNMENT: There being no further business, Chairman Manning adjourned the meeting at 10:40.

Dave Manning
DAVE MANNING, CHAIRMAN

ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 7/27/77

1/27/77

NAME	PRESENT	ABSENT	EXCUSED
Dave Manning, Chairman	✓		
Larry Aber, Vice Chairman	✓		
Tom Hager	10:15 ✓		
Frank Hazelbaker	✓		
Lloyd Lockrem	✓		
Mark Etchart	9:50 ✓		
Carroll Graham	✓		
John Healy	✓		
Richard Smith	✓		
Russell Bergren	✓		

DATE January 27, 1977

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

BILL NO.

VISITOR'S REGISTER