

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

January 18, 1979

The sixth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:37 p.m.

ROLL CALL: All members of the committee were present, with Senator Hager arriving late.

Chairman Etchart informed the committee we had received three bills that have been assigned to this committee. The committee decided to schedule them for next week:

SB 113, sponsored by Senator Graham for Tuesday, January 23, 1979 at 1:30 p.m. in room 410 of the State Capitol Building.

SB 98, sponsored by Senator Hazelbaker for Tuesday, January 23, 1979 at 1:30 p.m. in Room 410 of the State Capitol Building.

HB 4, sponsored by Code Commissioner, for next Thursday, January 25, 1979 at 1:30 p.m. in Room 410 of the State Capitol Building.

CONSIDERATION OF SENATE BILL 77:

Senator Hager stated he would like to insert "from the far left lane" on Line 19, page 2 after the word made and before the word if. I talked to Larry Majerus this morning and he showed me the law pertaining to this. I would like to amend.

Chairman Etchart asked the committee if they would like to discuss this amendment.

Senator Hager made the motion to Amend Senate Bill 77 to insert "from the far left lane", on Line 19, page 2 after the word made and before the word if. Senator Graham seconded this motion. The motion carried unanimously to DO PASS SB 77 as amended.

CONSIDERATION OF SENATE BILL 72:

Senator Kolstad moved that Senate Bill 72 DO NOT PASS.

Senator Manning asked to be briefed on the Hearing of SB 72, as he was absent. The secretary read from the minutes. Senator Manning agreed with Senator Kolstad.

Senator Graham seconded Senator Kolstad's motion to DO NOT PASS Senate Bill 72. The motion carried unanimously with Senator Hager voting no.

CONSIDERATION OF SENATE BILL 52:

Senator Graham reported on his research. He stated we have two sets of law. One for the Department of Health, which requires every junkyard to be screened and one for the Department of Highways, which has the Ladybird Act that required screening with money available, but no money became available. They are asking to put money on additional screening that may be required if they have to meet federal regulations.

Senator Hager reported to the committee that some of the junkyard dealers in Billings had a meeting last night. Their big problem with SB 52 is the word may. These people seem to be of the opinion that the Highway Department has already been given the money to do the screening. They also seem to think the repeal is some mischief.

Senator Graham stated there is a question of jurisdiction. The Highway Department want to get out and let the Department of Health regulate it.

Senator Hager moved to amend line 24 of Section 1, Page 1, to strike the word may and put in shall. The motion carried unanimously to DO PASS as Amended.

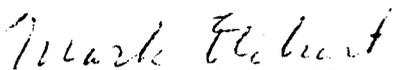
In regard to Section 2 of this bill, Chairman Etchart read the Section to the Committee.

Senator Kolstad said he could see no conflict with repealer.

Senator Hager said he would go along with leaving the repealer in.

Senator Graham made the motion to give a DO PASS to Senate Bill 52 as amended. The motion carried unanimously.

ADJOURNMENT: There being no further business Chairman Etchart adjourned the meeting at 2:00 p.m.

  
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SENATOR MARK ETCHART, CHAIRMAN

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*Highway & Transportation*  
ROLL CALL  
1-18-79

COMMITTEE

46th LEGISLATIVE SESSION - 1979

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NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓ <i>Date</i>	<del>X</del>	
Frank W. Hazelbaker	✓		
Allen C. Kolstad	✓		
Carroll A. Graham	✓		
Dave Manning	✓		
John E. Healy (Jack)	✓		

Each Day Attach to Minutes.

SB 72

SB 72 requires all contracts for work on state and federal-aid highways be let by competitive bidding if cost exceeds \$1000.00. Actually, the bill carries this out by deleting a provision which allows the Highway Commission to dispense with competitive bidding if it finds that the work may be done in a more efficient manner. Although styled as a "housekeeping" measure, the bill has far ranging effects. For example, a considerable amount of work along state highways and Interstate federally-aided highways is done by railroads on a contract basis with the Highway Department. This work includes crossing repair, ballast work, and signal work on overpasses. Railroads have the unique equipment and the expertise to do this work and could do it more efficiently and economically than private contractors. Railroad maintenance personnel have been doing this type of work for years. However, if they were required to bid each job, it probably would not be worthwhile for them to engage in such work.

Also, railroads are required to perform certain maintenance along federally-aided highways by federal law and are paid with federal funds through the State Highway Department, so many of these jobs cannot be bid out to other organizations.