

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

February 1, 1979

The eleventh 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 12:30 p.m.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF SENATE BILL 196: Senator Conover is the Chief Sponsor of Senate Bill 196. It is an act amending section 15-24-1001, MCA, to require a custom combiner's fee for Montana resident custom combiners similar to the fee paid by nonresidents and in lieu of fees presently required. Senator Conover told the committee that in 1974 and 1975, this same bill had been sponsored for legislation. He said that out-of-state combiners were charged an enormous fee, which is detrimental to the harvest in Montana. Custom Combiners within our state, who go south to cut and then come back north are charged \$174.19 to get back into the state. He referred to Page 1, Line 20, and read this to the committee. This bill will add Section 2, which he read to the committee. Senator Conover told the committee the State of Montana is discriminating against our own people who are doing custom cutting. He reported there is a state that reimburses the custom combiners fee when the cutters leave. Thru this bill I am trying to put our own custom combiners in the same category as out-of-state custom combiners.

Chairman Etchart asked if there were any other proponents to Senate Bill 196. Senator Jergeson spoke in support of Senator Conover telling the committee he felt there is discrimination against those young people who want to get going in the custom combining business.

Chairman Etchart asked if there were any opponents to Senate Bill 196. Any questions from the committee?

Senator Graham wanted to know about the \$20 permit, and just exactly what the \$175 fee is.

Mr. Copley, Department of Highways told him it was gross rate fee, registration, and property tax on the vehicle.

Senator Graham wanted to know just what the bill did. Would the cutter still have to pay property tax, GVW fee and everything else.

Mr. Copley said yes, if he uses the vehicle and lives in the state.

Senator Graham wanted to know if this bill would do away with that.

Mr. Copley said No. A \$20 fee plus the GVW fee, and the cutter would be licensed to do custom cutting.

Senator Graham said he was still confused. If the custom combiner was a farmer and cut his own grain and decided to go south to cut grain, when he comes back into the state, he gets stuck for \$175 in addition to his property tax and GVW fees.

Mr. Copley stated the policy of the Highway Department is not in trying to determine if these people are strictly custom combining during the harvest season. They can move around. There are people who do custom cutting and pay the full GVW Fee, and which I assume, is what this bill is trying to address. The Highway Department has no position on it one way or another. I am sure we would have no problem with this bill.

Senator Conover told the committee that when the custom cutter crosses the border and does work, before he could get back into the state he had to buy license plate and GVW and some of these cost from \$400 to \$500 before they are allowed to cross the state line into Montana. Now, they are only required to have a permit, which they can send into the State for, to come into Montana. This is what we are talking about, so that they can come into Montana like a non-resident, a permit that costs \$40. He shows the permit and he is on his way. But, our own people don't have a permit, so it costs them \$174.19.

Senator Graham said he could see what they are trying to do. The Custom Combiner would write into the State for a \$40 permit, so that when they come back into the state, they show the permit and they are fee to enter.

Senator Kolstad asked if this does not apply to anyone who leaves the State.

Mr. Copley reported if you leave a 150 miles from your home to custom combine, then you are a custom cutter.

Senator Graham said, so, if you go beyond a 150 miles, you get stuck for \$175. What you are talking about is the guy who goes out-of-state and pays GVW and when he comes back in, they stick him with extra GVW. This bill will give him the same rate, so he pays regular farm GVW and pays a permit fee of \$40.

Chairman Etchart asked if this would have any effect on the tax base on local counties.

Senator Conover told him no. The tax base would stay the same.

Mr. Copley said it would probably change a little bit as far as revenue to the Department of Highways, maybe two or three

thousand.

Chairman Etchart asked if there were any other questions. There being none, the hearing was closed.

CONSIDERATION OF HOUSE BILL 28: Beata Galda from the Highway Department returned to re-explain House Bill 28. She went thru the existing law and explained to the committee how and what it regulates. (See Exhibit "B" and "C".) She told the committee the purpose of the bill was to bring our laws into compliance with the Federal Government's regulations.

ACTION ON HOUSE BILL 28: Senator Hager moved that HB 28 DO PASS. Senator Hazelbaker seconded this motion. The motion carried unanimously. Senator Etchart will carry this bill on the floor of the Senate.

ACTION ON SENATE BILL 196: Senator Hazelbaker made the motion to DO PASS Senate Bill 196. Senator Kolstad seconded the motion. The motion carried unanimously. Senator Conover will carry on the floor of the Senate.

ACTION ON SENATE BILL 160: Senator Hager read a letter from Mae Jenkins to the committee. See Exhibit "D".

Senator Hager made the motion to DO NOT PASS Senate Bill 160. Senator Hazelbaker seconded the motion. The motion carried unanimously to DO NOT PASS Senate Bill 160.

ACTION ON SENATE BILL 113: Senator Hazelbaker reported to the committee that he would like to make two amendments to this bill. He suggested taking the bill off the second reading and bringing it back into committee.

Senator Hager made the motion to remove Senate Bill 113 from second reading and move it back into committee for further amendments. Senator Hazelbaker seconded the motion. The motion carried unanimously. Senator Hazelbaker is in charge of this.

ACTION ON SENATE JOINT RESOLUTION 7: Copies of the proposed amendments to SJR 7 were handed out to the Senators. See Exhibit "E". Senator Hazelbaker suggested changing this to a simple Senate Resolution and direct it to the Department of Highways for an interim study and report back to the 47th session as soon as possible. Committee decided to Kill SJR 7 and type up a new bill, making it a Committee Resolution. Chairman Etchart decided to hold up both until the new Committee Resolution is ready and we can take care of both matters at the same time.

OTHER BUSINESS: Senator Hager reported on the progress of the Committee Bill regarding vehicles on private property. See Exhibit "F". If 75% of the committee approves this motion, we can have it drafted up, he reported.

Senator Hager made the motion to have this Committee Bill drafted up. Senator Hazelbaker seconded the motion. The motion

carried unanimously. Senator Hager will be in charge of taking it down to Shaun Simon to draft up.

OTHER BUSINESS: Chairman Etchart asked that Senate Bills 297 and 304 be set for Tuesday, February 6, 1979 at 1:00 P.M.

There being no further business, the committee adjourned at 1:30 p.m.

Mark Etchart  
SENATOR MARK ETCHART

cf

## ROLL CALL

Highways COMMITTEE

Each Day Attach to Minutes.

**DATE** \_\_\_\_\_

COMMITTEE ON BILL NO. \_\_\_\_\_

**VISITOR'S REGISTER**

*Sen. Conover*

2 SB 196

This permit should also be for the harvest season to cover the ones that leave here in the spring to go South and those that get involved in a late harvest up North.

Exhibit  
"A"

Examples of what states charge harvesters are as follows:

Texas - 42,000# G.V.W.	\$ 34.67
Oklahoma - Axle Limits (Whatever other states charge their harvesters)	40.00 (Montana)
Kansas - 42,000# G.V.W.	45.02
Colorado - Axle Limits	30.00
Nebraska - Axle Limits	20.00
Montana Non-Resident	40.00
Montana Resident Farmer	174.19
Saskatchewan - 42,000#	\$33.33 Canadian
	28.33 U. S. Currency

As you can see the Montana resident farmer is really taking a beating. Enclosed are photo copies of receipts and letters to substantiate these figures.

We propose that, sixth sub-section be added to Section 84-6015 to read as follows:

"Montana farmers already having Farm Gross Vehicle Weight fees paid on their vehicle shall purchase the same permit for a fee of \$20.00, valid thru the harvest season, as a non-resident as specified in sub-section 1 this section in lieu of commercial gross vehicle weight fees and overwidth and over-height permits."

NAME: Senator Max Concess DATE: 2-15-79

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: SB146

DO YOU: SUPPORT? ✓ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

*Comm. on the Environment  
Chairman*

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

RIGHT OF WAY

18-2.6AI(14)-S6230

Sub-Chapter 14

Outdoor Advertising Regulations

18-2.6AI(14)-S6210 DEFINITIONS (1) Off-premise Signs: Signs which are located on property, separate and apart from the property on which the advertised activity is carried out.

(2) On-premise Signs: Signs erected on property for the purpose of advertising its sale or lease, or for advertising an activity conducted on the property. Boundaries which in the judgment of the Commission are fabricated solely to circumvent the intent and purpose of this definition shall be disregarded.

(3) Non-conforming Sign means one which was lawfully erected but which does not comply with the provisions of State law or State regulations passed at a later date, or which later fails to comply with the State law or State regulations due to changed conditions.

(4) Conforming Sign means one which was lawfully erected and which complies with State law and regulations in regard to spacing, zoning, size, and lighting requirements. (History: Sec. 82A-701.1, R.C.M. 1947, Sec. 32-4718, R.C.M. 1947; Order MAC No. 18-1; Adp. 12/29/72; Eff. 12/31/72; AMD MAC Not. No. 18-2-16; Order MAC No. 18-2-12; Adp. 11/10/75; Eff. 12/8/75.)

18-2.6AI(14)-S6220 SIGN SPACING (1) Alleys, undeveloped rights-of-way, private roads and driveways shall not be regarded as intersecting streets, roads or highways.

(2) Only roads, streets and highways which enter directly into the main-traveled way of the primary highway shall be regarded as intersecting.

(3) Official and "on premise" signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with the above spacing requirements.

(4) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs. (History: Sec. 82A-701.1, R.C.M. 1947, Sec. 32-4718, R.C.M. 1947; Order MAC No. 18-1; Adp. 12/29/72; Eff. 12/31/72.)

18-2.6AI(14)-S6230 PERMITS (1) Applications for permits may be obtained at any of the Department of Highways Field offices located in Missoula, Butte, Great Falls, Glendive and Billings, and from the Helena Headquarters office. A permit must be obtained for each sign and the application for the permit must be accompanied by an initial fee of six dollars (\$6.00). Permits shall be issued for three (3) years, assigned a permit number and renewed every three (3) years thereafter upon payment of three dollars (\$3.00) without the filing of a new application.

(2) Permits for new signs in conforming areas are issued after the proposed location and sign size has been checked in regard to spacing, size and lighting criteria. A new sign must not be erected without first receiving a permit. (History: Sec. 82A-701.1, R.C.M. 1947; Sec. 32-4718, R.C.M. 1947; Order MAC No. 18-1; Adp. 12/29/72; Eff. 12/31/72; AMD MAC Not. No. 18-2-9; Order MAC No. 18-2-7; Adp. 8/14/74; Eff. 11/4/74; AMD MAC Not. 18-2-16; Order MAC No. 18-2-12; Adp. 11/10/75; Eff. 12/8/75; PRIOR P. 18-105, 10-10/25/74.)



"D"

2-1-79

SB160

Dear Tim Hayes,

Because of the lack of time  
to prepare a proper bill. I  
will forgo any consideration  
at this time. Kind work with  
Dealers & used dealers in the  
next year to come up with  
a preferable bill.

Thank you for the opportunity

-3  
John B. Johnson

"E"

PROPOSED AMENDMENTS TO SENATE JOINT RESOLUTION NO. 7

1. Page 1, line 25 and lines 1 and 2 on page 2.

Following: Line 24

Strike: "That the speaker of the House and the Committee on Committees in the Senate each appoint four members two from each party, to serve jointly on a committee"

Insert: "That the Committee on Priorities assign to the appropriate interim committee a study"

2. Page 2, lines 4-5.

Following: "and"

Strike: "file a report with the Legislature as soon as possible during the present session."

Insert: "report its findings and recommendations to the regular session of the 47th Legislature."

Title Start here Carol:

1. Page 1, line 1.

Following: "Senate"

Strike: "Joint"

2. Title, line 4.

Following: ~~the~~ "A"

Strike: "Joint" ~~SENATE AND THE HOUSE OF REPRESENTATIVES~~

3. Title, lines 4 and 5.

Following: "SENATE" on line 4.

Strike: "AND THE HOUSE OF REPRESENTATIVES"

4. Title, line 6.

Following: "line 5"

Strike: line 6 in its entirety.

Insert: "DEPARTMENT OF HIGHWAYS TO CONDUCT ~~another~~ AN INTERIM STUDY"

5. PAGE 1, line 25 and lines 1 and 2 on page 2.

Following: ~~the~~ "That"

Strike: ~~the~~ "the Speaker of the House and the Committee on Committees in the Senate appoint four members, two from each party, to serve jointly on a committee"

Insert: "the Department of Highways conduct an interim study"

SENATE COMMITTEE Highways & Transportation

Date 2-1-79 H Bill No. 28 Time

Carol Frazer  
Secretary

Frank Etulant  
Chairman

**Motion:** \_\_\_\_\_

Do Pass

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 2-1-79 SB Bill No. 196 Time

Carol Frasier  
Secretary

Frank Etchert  
Chairman

Motion:

Do Pass

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 2-1-79 SB Bill No. 160 Time

Carol Traversi  
Secretary

Mark Etulant  
Chairman

Motion: \_\_\_\_\_

Do Not Pass

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & TransportationDate 2-1-79 SB Bill No. 113 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman	/	
Tom V. Hager, Chairman	/	
Frank W. Hazelbaker	/	
Allen C. Kolstad	/	
Carroll A. Graham	/	
Dave Manning	/	
John E. Healy	/	

Carol Frasier  
SecretaryMark Etchart  
Chairman

Motion: Pull out of second reading  
& bring back to committee  
for further Consideration

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

February 2

19 79

MR. President:

We, your committee on Highways and Transportation.....

having had under consideration ..... House..... Bill No. 28.....

Respectfully report as follows: That..... House..... Bill No. 28.....

DO PASS BJ.

# STANDING COMMITTEE REPORT

.....February 2.....1979....

MR. President:

We, your committee on Highways and Transportation.....

having had under consideration .....Senate..... Bill No. 196.....

Respectfully report as follows: That.....Senate..... Bill No. 196.....

DO PASS



STATE PUB. CO.  
Helena, Mont.

SENATOR MARK ETCHEART

Chairman.

# STANDING COMMITTEE REPORT

February 2

19 79

MR. .... **President:**.....

We, your committee on ..... **Highways and Transportation**.....

having had under consideration ..... **Senate**..... Bill No. **160**.....

Respectfully report as follows: That..... **Senate**..... Bill No. **160**.....

~~DO NOT PASS~~ *PR.*