

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 17, 1981

The tenth 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 Senators present with Senator Healy late.

CONSIDERATION OF SENATE BILL NO. 471; SENATE BILL NO. 472; AND, SENATE BILL NO. 473:

Senator Van Valkenburg, District 50 told the committee that these three bills are related and he would like to present them all at one time.

Senate Bill No. 471 is an act to provide emancipation status for certain youths 16 years of age or older and providing a procedure for obtaining that status; amending section 41-1-101, MCA.

Senate Bill No. 472 is an act to provide for voluntary alternative residential placement of children; providing for the makeup and revising the duties of the youth court committee; and amending sections 41-3-101, 41-3-102, and 41-5-105, MCA.

Senate Bill No. 473 is an act to generally revise the youth court act relating to youths in need of supervision; changing the name to "Youth in Need of Services"; providing that the parent of the youth is under the jurisdiction of the youth court.

He introduced Steve P. Nelsen, from the Youth Justice Council, who spoke in support of the bill.

Senator Van Valkenburg introduced Harold Hanser.

Harold Hanser, Montana Youth Justice Council told the committee he supports all three bills. Today in Montana, youths who are emotionally disturbed, chemical dependent, or whose behavior is seriously threatening to their emotional or physical well being are generally without treatment. Senate Bill No. 473 would define this small group, encourage community based services and provide for more efficient use of public funds to the state and local communities. A youth who is chemical dependent does not belong in a correctional facility or jail. He/she needs residential treatment. Tragically this treatment is generally not available today.

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Senator Van Valkenburg introduced Randi R. Beaver, representing the Youth Justice Council said they support all three bills. Emancipation recognizes that the youth is accountable for his own behavior and now he will have the responsibility and privileges that go along with adulthood. The advantages of having this legislated allows the professional system to help the youth on his way to living and maintaining in adult society (legally). Emancipation of youths will save government money that may be spent detaining or sheltering these youths when they may be better off taking care of themselves. It will provide another vehicle to respond to the individual and developmental needs of these youths.

Senator Van Valkenburg told the committee Senate Bill No. 472 is a method to provide for voluntary residential placement of children. That means that when a kid and the parents cannot agree on that child living at home, that they cannot get along, that the child can be placed. When you deal in the system, you see this quite a bit. You see a lot of internal conflict between parents and children. In that case they could petition the court to place the child in another home in the community. It provides a method for going through a hearing. Community based services are most desirable. Senate Bill 473 is a bill that makes several amendments to existing youth court act, to set up this local committee that provides jurisdiction over the parent. He went over the amendments one at a time.

Senator Etchart asked if there were any other proponents to these bills.

Karen Mikota, from the League of Women Voters of Montana, told the committee their position favors promoting alternatives in the system designed to divert youth. We see a great need for further counseling, treatment and follow up. Community based services have proven most effective. These bills address these urgent needs. Programs dealing with chemical dependence are a priority across the state.

Senator Etchart asked if there were any other proponents. There were none. Senator Etchart asked if there were any opponents to these bills.

Jeremiah F. Johnson, Youth Court, Missoula County Courthouse, Missoula, MT, representing the Montana Probation Officers Association said we support Senate Bill 471, but strongly oppose Senate Bill 472 and 473. These bills are not prepared with careful consideration and support of the youth justice people in the State of Montana. They provide for many problems in working with "status offenders" including jail sentences for these offenders as well as their parents. The biggest problems

with the bills is that there was not a coordinated effort in addressing the problems the bill tries to address. These bills should be killed and sent back for further work.

Curt Chisholm, Department of Institutions, said they have no problem with Senate Bill No. 471 and 472, but that they need to have clarification on the financial feasibility of the costs implied on Senate Bill No. 473. He suggested a fiscal note.

Dan Russell, Department of Institutions, Corrections Division, Helena, told the committee they oppose Senate Bill No. 473 for two reasons. One, the definition of "Secure Facility" does not preclude the use of Pine Hills School and Mountain View School for purposes of detention for three days or more. And two, dispositions can be made for mental health counseling, medical treatment, evaluations in approved treatment facilities, placement in alternative residential placements and community based alcohol and chemical dependency programs. There have been no provisions made or a fiscal note developed to pay for these services. This will have significant fiscal impact on the State of Montana.

Nick Rotering, representing the Department of Institutions, appeared before the committee requesting amendments. He said while the concept is a good idea, there are too many vague definitions which cause legal problems to the department. What is a secure facility? Treatment options, who pays, the courts? The Parents? Which State agency? Courts may assume too much authority over a state agency budget.

Glen Hufstetler, Director of Youth Court Services of the 11th Judicial District in Kalispell telephoned and told the committee they are opposed to all three bills.

In closing, Senator Van Valkenburg said he would want some sort of local and state sharing of costs, a match of funds. The reasons the state could well afford to contribute money is that we are going to reduce our costs in state institutions by reducing their load, and thus we can do something with that money. We will save money in the long run.

Senator Etchart asked if there were any questions from the committee.

Senator Graham asked if we should get a fiscal note on these bills.

Senator Van Valkenburg said he had no objection to getting a fiscal note.

Senator Graham asked Senator Van Valkenburg if he agreed that there would be a fiscal impact.

Senator Van Valkenburg said yes. There would be no fiscal impact on Senate Bill No. 471 or 472, but yes there would be one on Senate Bill No. 473.

Mr. Nelson said they are preparing a fiscal note, that it is in the process now.

Senator Elliott asked about "Youth Court Committee" on Page 5, Section 2, of SB 473. He asked if there was a need for this committee in every county in the state.

Senator Van Valkenburg reported that is the present law. This bill would amend present law and provide membership of the committee.

Senator Elliot asked about the Child Abuse Team on the last page of SB473.

Judy Wing told the committee that in those counties where we have this problem there are Child Abuse Committees and for those counties where the population is not large, they fall under the jurisdiction of the district committee.

Mr. Hanser told the committee there will be some amendments coming to clear up some of the language.

There being no further testimony or questions the hearing on Senate Bill No. 471, 472 and 473 was closed.

CONSIDERATION OF SENATE BILL NO. 434:

Senator Tveit, sponsor of SB 434 told the committee this is an act to provide that, under the gross vehicle weight law, the maximum load per inch of tire width may not exceed 550 pounds.

Senator Tveit offered some amendments to the bill as follows:

1. Title, line 6.
Following: "WIDTH"
Insert: ", EXCLUDING THE STEERING AXLE,"
Strike: "550"
Insert: "600"
2. Page 4, line 22.
Following: "width"
Insert: ",excluding the steering axle,"
Strike: "550"
Insert: "600"

3. Page 7, line 5.

Following: "width"

Insert: ", excluding the steering axle,"

Strike: "550"

Insert: "600"

Senator Etchart asked if there were any proponents to SB 434.

Don Gruel, Department of Highways told the committee they support this bill. He passed out pictures of highways in different parts of the state for the committee to view. They are attached to these minutes.

Jim Beck, Department of Highways said they support this bill and offered to answer any questions the committee might have.

Don Copley, Department of Highways said they support this bill and also offered to answer any questions the committee might have.

Senator Etchart asked if there were any opponents to SB 434.

Mike Rice, Montana Motor Carrier's, said they were not appearing in opposition to the bill with the amendments on them. He offered the following information.

(1) Motor carriers generally use 10" tires; 550# per inch would allow maximum of 11,000 pounds on steering axle - ; Some combinations would require up to 12,000 pounds on the steering axle.

(2) In addition, certain bulk petroleum haulers and wood chip haulers have invested in special trailers that have 4, 5, 6 axles and are designed to operate with single tires.

In order to facilitate this equipment, the pressure per inch of tire would have to be at least 600 pounds per inch.

(3) The pressure per inch tire standard does vary from state to state. Washington has up to 650#; Idaho 800#; Wyoming, Oregon and Utah have a maximum wheel load of 10,000 pounds or 20,000 pounds per axle; South Dakota has 600# per inch; North Dakota 550# per inch.

(4) House is considering and most likely will pass the Multistate Highway Transportation Agreement. The purpose of the agreement is to establish uniform standards, weight, length, etc., for over the road trucks. A tire standard, as being proposed in SB 434, because of variations, would be a prime example of the kind of study to be undertaken by the Multistate Highway Committee.

And last the standard, outmoded way to enforce weights; used before the adoption of the Table B bridge formula by the American Association of Highway Officials 20 years ago.

Senator Etchart asked if there were any questions from the committee.

Senator Elliott asked if the problem with the roads was due to poor construction or loads.

Don Gruel said that even though some of the roads in the pictures are of older construction, they feel it is due to the loads.

Senator Graham asked about tire width per weight.

Mr. Gruel said they put a load limit in the spring for load limit per width.

There being no further questions from the committee, the hearing on SB 434 was closed.

ACTION ON SENATE BILL NO. 416:

Senator Hager reported to the committee he has just received some information that about 280 pre-fab house units are going to be moved from Billings to Coal Strip and they are going to be moved down the highway. They have a height of about between 25 and 30 feet. This is not house moving, but does this fall under this bill?

The Committee discussed the bill at length. Paul Verdon gave the following amendment:

1. Page 1, line 11.
Following: "chapter"
Strike: "7"
Insert: "4"

Senator Elliott reported he was a former manager of a coop and he knows of the problems. I have seen quite a bit of house moving. He said some of the abuses that are going on are, unlimited mileage moves. He offered that if you move a house within certain radius, say ten miles, the house mover would not have to pay. Also, take the best route possible to handle the least number of interruptions of service. And also, give enough advance notice. I would like us to come up with a bill to provide some of these things for both sides.

Senator Graham made the motion that the Committee Do Not Pass SB 416. Vote: 8 aye, 1 nay. Senator Etchart, Hazelbaker, Elliott, Tveit, Manning, Graham, Healy, Stimatz voting aye. Senator Hager voting no. The motion carried.

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ACTION ON SENATE BILL NO. 434:

Senator Hazelbaker made the motion that the amendments to SB 434 be adopted. All senators present voting aye, the motion carried.

Senator Hazelbaker made the motion that SB 434 as amended do pass. All Senators present voting aye. The motion carried.

ADJOURNMENT:

There being no further business of the Highways and Transportation Committee the meeting adjourned at 2:05 p.m. The next meeting of the committee will be at 12:30 p.m. on February 19th in Room 410.

Mark Etchart
Senator Mark Etchart, Chairman

ROLL CALL

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2-17-81

NAME	PRESENT	ABSENT	EXCUSED
SENATOR MARK ETCHART	✓		
SENATOR TOM HAGER	✓		
SENATOR FRANK W. HAZELBAKER	✓		
SENATOR ROGER H. ELLIOTT	✓		
SENATOR LARRY J. TVEIT	✓		
SENATOR DAVE MANNING	✓		
SENATOR CARROLL GRAHAM	✓		
SENATOR JACK HEALY	<i>late</i>		
SENATOR LAWRENCE G. STIMATZ	✓		
VERDON - Legislative Council	✓		

Each day attach to minutes.

DATE

2/17/81

COMMITTEE ON

Highway & Transportation

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Paula Root				
Henry Hall				
Chris Verada				
Lucy Spurr				
Letty OConnell				
Rina Telford				
Sharon Duthie				
Krista Johnson				
Bekki Hart				
Jim Switzer				
Uma Pussman				
Brick Walsh				
Carol Johnson				
Michelle Johnson				
Michelle Johnson				
Frank Beale	Youth Justice Council	471-472 473	✓	
Karen Mukota	LNVA Montana	471, 472, 473	✓	
Judy Kling	SIRS			
Mike Steyer	MT Assoc. of Counties			
Bill Huber				
Mike Rice	Montana Motor Carriers	SB 434		✓
Ellye Alf				
Mary Brown				
Jim Olson				

(Please leave prepared statement with Secretary)

DATE 2-17-81

COMMITTEE ON Highways & Transportation

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

NAME: Steve P. Nolsen DATE: 2-17-81

ADDRESS: 303 No. Roberts

PHONE: 449-3604

REPRESENTING WHOM? youth Justice Council

APPEARING ON WHICH PROPOSAL: SR 471-472-473

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: HAROLD HANSEER DATE: 2-17-81

ADDRESS: 508 Conthomas Billings, Montana

PHONE: 252-5191 ex 230

REPRESENTING WHOM? Montana Youth Justice Council

APPEARING ON WHICH PROPOSAL: SB 473, 472, 471

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Today in Montana, youths who are
emotionally disturbed, chemical dependent,
or whose behavior is seriously threatening to
their emotional or physical well being are
generally without treatment. SB 473 would
defuse this small group, encourage community
based services and provide for more
efficient use of public funds, both state
and local. A youth who is chemical
dependent does not belong in a correctional
facility or jail. He/she needs residential
treatment. Tragically this treatment is
generally not available today.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Linda L. Beaver DATE: 2/17/81

ADDRESS: 2200 River Rd Missoula MT 59801

PHONE: 728-3099

REPRESENTING WHOM? Youth Justice Council

APPEARING ON WHICH PROPOSAL: SB 271-472-473

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Emancipation recognizes that the youth is

accountable for his own behavior and now he will
have the responsibility and privileges that go along
with adulthood. — The advantages of having
this legislated allows the professional system to
help the youth on his way to living + maintaining in
adult society. (legally) — Emancipation of
youths will save govt money that may be spent
detaining or sheltering these youths when they may
be better off taking care of themselves — IT will
provide another vehicle to respond to the individual
and developmental needs of these youths.

NAME: Karen Tuskota DATE: 2/17/81

ADDRESS: 406 N. Ewing

PHONE: 443-6287

REPRESENTING WHOM? LWV of Montana

APPEARING ON WHICH PROPOSAL: SB 471, 472, 473

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

Our position favors promoting alternatives in the system-designed to divert youth, We see a great need for further counseling, treatment + follow up. Community based services have proven most effective.

These bills address these urgent needs.

Programs dealing with chemical dependence are a priority across the state.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Jeremiah F. Johnson DATE: 2/17/81

ADDRESS: YOUTH COURT Rm. 303 MISSOULA CO. COURTHOUSE, MISSA, MT.

PHONE: 721-5700

REPRESENTING WHOM? MONTANA PROBATION OFFICERS ASSOCIATION

APPEARING ON WHICH PROPOSAL: S.B. 471, 472, 473

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: We support S.B. 471 but strongly oppose
S.B. 472 and 473. These bills ^{are} not prepared with
careful consideration and support of the youth justice
people in the state of Montana. They provide for
many problems in working with "STATUS OFFENDERS"
including jail sentences for these offenders as
well as their parents. The biggest problems with
the bills ^{is} that there was not a coordinated
effort in addressing the problems the bill tries
to address. These bills should be killed and sent
back for further work.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: CURT CLISHOLM DATE: 2/17/81

ADDRESS: DELENA

PHONE: 202-612-1111

REPRESENTING WHOM? DEPT of INSTITUTIONS

APPEARING ON WHICH PROPOSAL: SS 473

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

TO get clarification
on financial
responsibility for
costs implied
is will.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Dan Russell DATE: 2/17/81

ADDRESS: 1539 11th Ave. Helena

PHONE: 449-5671

REPRESENTING WHOM? Dept. of Institutions - Corrections Division

APPEARING ON WHICH PROPOSAL: SB 473

DO YOU: SUPPORT? AMEND? OPPOSE? ☒

COMMENTS: (1) The definition of "Secure Facility"

does not preclude the use of Pine Hills School and
Mountain View School for purposes of detention
for 3 days or more

(2) Dispositions can be made for
mental health counseling, medical treatment, evaluations
in approved treatment facilities, placement in alternative
residential placements & community based alcohol &
chemical dependency programs. There have been
no provisions made or a fiscal note developed
to pay for these services. This will have
significant fiscal impact on the State of Montana.

NAME: N. R. Robinson DATE: 2-17-81

ADDRESS: 1539 11th Ave Helena

PHONE: 449-3930

REPRESENTING WHOM? DEPT. OF INSTITUTIONS

APPEARING ON WHICH PROPOSAL: SB 473

DO YOU: SUPPORT? AMEND? ✓ OPPOSE?

COMMENTS: While the concept is a good idea
there are too many vague definitions which
cause legal problems to the department.
What is a cause to state? The treatment
options, who pays the unit? The parents?
Which state agency? Can't they assume too
much authority in a state agency's budget.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SB 434

(1) Motor carriers generally use 10" tires; 550# per inch would allow maximum of 11,000 pounds on steering axle - ; Some combinations would require up to 12,000 pounds on the steering axle.

(2) In addition, certain bulk petroleum haulers and wood chip haulers have invested in special trailers that have 4, 5, 6 axles and are designed to operate with single tires.

In order to facilitate this equipment, the pressure per inch of tire would have to be at least 600 pounds per inch.

(3) The pressure per inch tire standard does vary from state to state. Washington has up to 650#; Idaho 800#; Wyoming, Oregon and Utah have a maximum wheel load of 10,000 pounds or 20,000 pounds per axle; South Dakota has 600# per inch; North Dakota 550# per inch.

(4) House is considering and most likely will pass the Multistate Highway Transportation Agreement. The purpose of the agreement is to establish uniform standards, weight, length, etc., for over the road trucks. A tire standard, as being proposed in SB 434, because of variations, would be a prime example of the kind of study to be undertaken by the Multistate Highway Committee.

(5) The standard, outmoded way to enforce weights; used before the adoption of the Table B bridge formula by the American Association of Highway Officials 20 years ago.

2-17-81

Given the station director
of Youth Court Services of
the 4th judicial district
in Killebrew just called
and wants the Committee
know he opposes all these
bills.

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2-17 513 Bill No. 416 Time _____

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager		✓
Senator Frank Hazelbaker	✓	
Senator Elliott	✓	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

CAROL DOYLE FRASIER
Secretary

Mark Etchart
SENATOR MARK ETCHART
Chairman

Motion: Do Not Pass as amended

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

Amendments 5B 4/6

1. Page 1, line 11
Following: "chapter"
Strike: "7"
Insert: "4"

-End-

STANDING COMMITTEE REPORT

February 17

19 81

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Bill No. 416

Respectfully report as follows: That Senate Bill No. 416

introduced bill no. 416 be amended as follows:

1. Page 1, line 11.
Following: "chapter"
Strike: "7"
Insert: "4"

AND, AS SO AMENDED
~~DO PASS~~
DO NOT PASS

JRF

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/17/81 Vote Bill No. 434 Time

NAME	YES	NO
Senator Mart Etchart	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Tom Hager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Frank Hazelbaker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Elliott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Tveit	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Manning	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Graham	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Healy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Stimatz	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Carol Doyle Frasier
CAROL DOYLE FRASIER
 Secretary

Mark Etchart
SENATOR MARK ETCHART
 Chairman

Motion: Do Pass as amended

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

SUGGESTED AMENDMENTS TO SB 434

1. Title, line 6.
Following: "WIDTH"
Insert: ", EXCLUDING THE STEERING AXLE,"
Strike: ~~"550"~~ "550"
Insert: "600"
2. Page 4, line 22.
Following: "width"
Insert: ", excluding the steering axle,"
Strike: ~~"550"~~ "550"
Insert: "600"
3. Page 7, line 5.
Following: "width"
Insert: ", excluding the steering axle,"
Strike: ~~"550"~~ "550"
Insert: "600"

STANDING COMMITTEE REPORT

February 17 19 81

MR. **President:**

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

having had under consideration **Senate** Bill No. **434**

Respectfully report as follows: That **Senate** Bill No. **434**

introduced bill no. 434 be amended as follows:

1. Title, line 6.

Following: "WIDTH"

Insert: ", EXCLUDING THE STEERING AXLE,"

Strike: "550"

Insert: "600"

2. Page 4, line 22.

Following: "width"

Insert: ",excluding the steering axle,"

Strike: "550"

Insert: "600"

3. Page 7, line 5.

Following: "width"

Insert: ",excluding the steering axle,"

Strike: "550"

Insert: "600"

~~XXXXXX~~

AND, AS SO AMENDED

DO PASS

JRF