

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 17, 1985

The meeting of the Highways and Transportation Committee was called to order by Chairman Harp on January 17, 1985 in Room 420 of the State Capitol.

ROLL CALL: All members were present with the exception of Representatives Harbin and Keyser, who were excused.

CONSIDERATION OF HOUSE BILL 22: Representative John Harp, District 7, testified as sponsor of the bill, stating it was a simple proposal allowing reconstruction trust funds (RTF) to be used toward improving and maintaining all highways in the State, and would have no fiscal impact (Exhibit 1).

PROPOSERS: Mr. Gary Wicks, Director, Department of Highways, said the bill would resolve a long-standing problem with frontage roads on the interstate system. He explained the Department of Highways is responsible for maintaining these roads, which are not eligible for any federal aid and which local governments are not volunteering to maintain.

Referring to page 30 of the Department's Report to the 49th Legislature, Mr. Wicks said such roads need more than patching, and proper maintenance of these roads requires performance of overlays and other work, for which the only potential for funding is the RTF program.

There were no other proponents and no opponents of the bill.

QUESTIONS: Representative Zabrocki asked Mr. Wicks if he were certain the dates in House Bill 22 are correct. Mr. Wicks replied he believed that bill was drafted correctly and said there were no dates to change.

There were no further questions and Representative Harp closed without additional comment.

CONSIDERATION OF HOUSE BILL 23: Representative Hubert Abrams, District 24, sponsor of the bill, stated it would repeal the statutes authorizing the allocation of funds to the federal-aid priority primary highway program; the federal-aid economic growth center highway program; and the federal-aid safer off-system roads program; and asked Mr. Wicks to explain the purpose of the bill to the Committee (Exhibit 2).

Mr. Wicks stated the bill cleans up language no longer pertinent for the allocation of funds for certain highway systems in Montana. He said the Surface Transportation Act eliminated old highway programs and the bill is an effort to bring about compliance with federal regulations.

There were no other proponents and no opponents of the bill and Representative Abrams closed without comment.

DISPOSITION OF HOUSE BILL 58: Representative Glaser, referring to amendments drafted by Legislative Researcher, Tom Gomez, (Exhibit 3) at the request of the Committee, said he hoped the Committee would leave "gratuitous" in the bill, as it would assist policing among regulated carriers and he has found no objection to this wording from legitimate farmers.

Representative Abrams said he supported the amendments as proposed.

Representative Campbell asked how gratuitous hauling of cattle would be checked. Representative Glaser replied that a market restriction would not resolve the problem, and as agricultural people have historically helped their neighbors, he would hate to see this way of life become lost, since there is often no other way for farmer/ranchers to survive. He made a motion that the amendments be approved as proposed. Representative Compton seconded the motion, which was unanimously approved by the Committee.

Representative Zabrocki made a motion to amend page 2, line 1 from "22" feet to "24" feet. Representative Compton seconded the motion which was given unanimous committee approval.

Representative Koehnke said he opposed the bill in that PSC checks may be viewed as a form of harrassment and/or the system may be abused.

Representative Campbell stated he opposed the bill as it would appear that more regulated carriers could be easily circumvented. Representative Glaser replied Representative Gilbert had made it clear to him, those who presently abuse gratuitous hauling privileges are obvious.

Representative Smith said the bill is an effort to avert carriers who farm as a sideline, and made a motion that House Bill 58 DO PASS AS AMENDED. The motion was seconded and passed with 9 committee members voting aye and Representative Campbell, Compton, Howe and Koehnke voting no. Representative Keyser left a proxy vote, aye, and Representative Harbin left no vote.

DISPOSITION OF HOUSE BILL 22: Representative O'Connell made a motion that House Bill 22 DO PASS. Representative Peterson seconded the motion which was given unanimous approval by the Committee.

DISPOSITION OF HOUSE BILL 23: Representative Smith made a motion that House Bill 23 DO PASS. Representative O'Connell seconded the motion which was unanimously approved by committee members.

Chairman Harp reminded committee members of meetings to be held at the Department of Highways on Tuesday, January 22, for a tour of departmental facilities and a question/answer session, and on Thursday, January 24, at which the Northwest Traffic Institute will provide information on changing speed limits and related matters.

Chairman Harp asked committee members to allow Mr. Larry Majerus, Administrator, Motor Vehicle Division, Department of Justice, to address 10 bills drafted by the Division which relate to committee matters and are in need of sponsors.

Mr. Majerus advised committee members some of the bills resulted from Legislative Audit Committee recommendations. He said bills 92-96 pertain to drivers licenses and would (1) allow a judge to seize a drivers' license once his or her license is suspended; (2) create a statute to make counterfeiting of a drivers' license a crime; (3) institute a penalty for violation of restrictions on a drivers' license; and (4) eliminate a current requirement that the Motor Vehicle Division investigate the character and habits of an individual prior to reinstatement of a drivers' license.

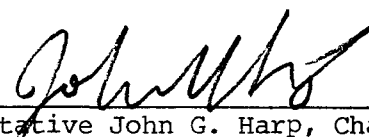
Mr. Majerus said one of the bills would propose the filing of a security interest in a motor vehicle no longer be required, creating compliance with the Uniform Commercial Code.

Mr. Majerus explained the Legislative Auditor criticized the Division for not getting unregistered vehicles registered. He said a sale between private parties presently allows a situation to exist wherein the seller can provide more than one bill of sale, thus indefinitely postponing the initial 20 day licensing period. Proposed legislation would require a permit for such a sale to prevent future abuse in these situations, according to Mr. Majerus.

Mr. Majerus told the Committee, bills 43-45 would (1) provide a housekeeping bill for registration of new cars from dealerships; (2) bring Montana regulations for odometer disclosure into uniformity with those in other states; and (3) clarify laws relating to the sale and distribution of motor vehicles by dealerships.

Mr. Majerus requested those interested in sponsoring any of the proposed legislation contact him in the near term, as the deadline for introduction of such bills is January 22, 1985.

There were no other comments and the meeting was adjourned at 3:45 p.m.


Representative John G. Harp, Chairman

DAILY ROLL CALL

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date Jan 17, 1985

| Name | Present | Absent | Excused |
|-----------|---------|--------|---------|
| Harp | X | | |
| Abrams | X | | |
| Campbell | X | | |
| Compton | X | | |
| Glazer | X | | |
| Harbin | X | | |
| Howe | X | | |
| Kennerly | | | X |
| Koyser | | | X |
| Koehnke | X | | |
| O'Connell | X | | |
| Peterson | X | | |
| Smith | X | | |
| Zabrocki | X | | |
| | | | |
| | | | |

VISITOR'S REGISTER

HOUSE Highways & Transp. COMMITTEE

BILL House Bill 22

DATE 1-17-85

SPONSOR Rep. Harp

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

1-17-85
Exhibit 1
HB 22

BILL SUMMARY
(HB 22)

Prepared by Tom Gomez, Legislative Council.

House Bill 22 requires the expenditure of highway reconstruction trust fund (RTF) account money on all public roads and highways for which the department of highways holds statutory maintenance responsibility.

House Bill 22, as written, would amend sections 60-3-217 and 60-3-218, MCA, to:

- (1) require the department of highways to expend RTF funds on non-federal-aid system roads and highways maintained by the department as of July 1, 1976, for which the department holds maintenance responsibility under section 60-2-203, MCA.
- (2) include non-federal-aid system state roads as part of the highway reconstruction trust program, requiring the department to initiate, plan, design and carry out reconstruction of these public roads according to need.

Sponsor: Rep. John Harp

Fact Sheet - Orphan Plant

Purpose: Permit the expenditure of funds from the Reconstruction Trust Fund (RTF) account on 1065 miles of road called "orphan plant".

Background: This orphan plant consists of sections of highways for which the Department of Highways has maintenance responsibility but are not eligible for federal-aid funding and are not on the federal-aid interstate, primary or secondary systems. This orphan plant was created as the result of the realignment of a primary highway or by the construction of an interstate along the same general route of a primary highway. These sections usually provide local access to the people who live along them, and are spread throughout Montana along the interstate routes.

In 1983 the legislature created the RTF program to provide a state funded highway program for the purpose of financing construction projects on the primary and secondary systems. In addition, these funds can be used for pavement preservation projects, such as seal and cover, on interstate highways. There is no authority to use these funds on any highway other than those on the interstate, primary or secondary systems.

Financial Impact: None. At the present time there is no funding source available for projects on the orphan plant other than maintenance funds. This bill would provide that funding source. There is no net financial impact on the Department's funds, but provides more funding flexibility to meet the needs on these sections of Montana's highways.

VISITOR'S REGISTER

HOUSE Highways & Transp.

COMMITTEE

BILL House Bill 23

DATE 1-17-85

SPONSOR Abrams

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

BILL SUMMARY
(HB 23)

Prepared by Tom Gomez, Legislative Council.

House Bill 23 repeals various statutes relating to the allocation and apportionment of funds to federal-aid off-system roads, federal-aid priority primary routes, and federal-aid economic growth center development highways.

House Bill 23, if enacted, would:

- (1) eliminate the law that requires the department of highways to apportion to each county available state highway construction funds for the purpose of matching federal funds for off-system roads. See section 60-3-208, MCA;
- (2) delete statutes that provide for the allocation and apportionment of available state construction funds for matching federal-aid priority primary route funds which are made available for improvement of high-traffic sections of highways on the federal-aid primary system that connect to the interstate system. See sections 60-3-221 through 60-3-225, MCA;
- (3) repeal the sections of the law that authorize the allocation and apportionment of state construction funds to match federal funds made available for economic growth center development highways, which are designated in areas influenced by growth and requiring highway upgrading to accomodate the existing and future needs of the public in those economic growth centers. See sections 60-3-231 through 60-3-234, MCA.

January 17, 1985

Proposed Amendment to House Bill 58.

1. Page 1, line 23.
Following: "livestock"
Insert: ":
 (i)"
2. Page 1, line 24
Following: "and pasture"
Insert: ";or"
Following: "~~or-to-a-point~~"
Insert: "(ii) to a point"



444-4536
OFFICE (406) 444-3000
HOME (406) 443-7952

1-17-85
Exhibit 4

LARRY G. MAJERUS
ADMINISTRATOR
DIVISION OF MOTOR VEHICLES

MOTOR VEHICLE DIVISION

DEPARTMENT OF JUSTICE 2 303 ROBERTS
HELENA, MONTANA
59620

| LC # | SHORT TITLE | DRAFTER |
|------|---|--------------|
| 1092 | Seizure of Driver's License on Conviction Requiring Mandatory Suspension | Paul Verdon |
| 1093 | Prohibiting Counterfeit Driver License or Identification Card | Paul Verdon |
| 1095 | Probationary Drivers' License; Penalty for Violating Restrictions | Paul Verdon |
| 1096 | Clarifying Driver's License Reinstatement | Paul Verdon |
| 1141 | Revision of Filing Security Interests in Motor Vehicles | Greg Petesch |
| 1142 | Provide for Vehicle Purchase Sticker as Proof of Purchase - Grace Period | Jim Lear |
| 1143 | Responsibility of Dealer to Send Information on Transfer of New Car | Jim Lear |
| 1144 | Odometer Disclosure Upon Transfer of Vehicle Ownership; Functioning Odom. | Jim Lear |
| 1145 | Clarify Laws on Sale & Distribution of Motor Vehicles; Provide Civil Penalty | Jim Lear |
| 1146 | Wrecking Facility to Periodically Surrender Ownership Documents to DMV | Paul Verdon |

STANDING COMMITTEE REPORT

JANUARY 17

19 35

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL Bill No. 22

FIRST reading copy (WHITE)
color

**ALLOWING HIGHWAY RECONSTRUCTION TRUST FUND USE FOR
ALL HIGHWAYS.**

Respectfully report as follows: That HOUSE BILL Bill No. 22

DO PASS

STANDING COMMITTEE REPORT

JANUARY 2 17 35
..... 19.....

MR. SPEAKER:.....

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION.....

having had under consideration HOUSE BILL..... Bill No. 23.....

FIRST reading copy (WHITE)
color

REPEAL ALLOCATION OF FUNDS TO CERTAIN FEDERAL-AID HIGHWAYS.

Respectfully report as follows: That HOUSE BILL..... Bill No. 23.....

DO PASS

STANDING COMMITTEE REPORT

JANUARY 17

19 83

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL Bill No. 58

FIRST reading copy (WHITE)
color

**EXEMPT GRATUITOUS TRANSPORT OF LIVESTOCK BY
RANCHER FROM PSC REGULATION**

Respectfully report as follows: That HOUSE BILL Bill No. 58

be amended as follows:

1. Page 1, line 23.
Following: "livestock"
Insert: ";
(1)"
2. Page 1, line 24.
Following: "and pasture"
Insert: ", or"
Following: "or-to-a-point"
Insert: "(1) to a point"
3. Page 2, line 1
Following: "of"
Strike: "22"
Insert: "21"

AND AS AMENDED

DO PASS

JK 1/19/85
Representative John G. Harp, Chairman.

PROXY VOTE

Date Jan 17, 1985

Representative Keiper District 74

having been excused from this meeting of the House Highways and

Transportation Committee, hereby leaves proxy vote for:

House Bill(s): 58 Aye X No Abstain

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Senate Bill(s): _____ Aye _____ No _____ Abstain _____

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| | | | |

Other instructions: _____

Henry Kessler
Representative Signature


Rep. John G. Harp, Chairman