

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

March 14, 1985

The meeting of the Highways and Transportation Committee was called to order by Chairman Harp on March 14, 1985, at 3:30 p.m. in Room 420, State Capitol.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF SENATE BILL 253: Representative Raymond Harbin, District 53, testifying for the bill's sponsor, Senator Lynch, (who could not be present), read from the title of Senate Bill 253.

PROPOSERS: Mr. Larry Majerus, Administrator, Motor Vehicle Division, Department of Justice, stated Senate Bill 253 was requested by the Department of Justice and would move a required temporary motor vehicle sticker from the right front windshield to the back window of a motor vehicle, for the convenience of law enforcement personnel.

Mr. John Scully, Montana Sheriffs and Peace Officers Association, stated the change proposed by the bill will allow conformity with the requirement for all other temporary vehicle stickers, which are placed in the back window of a motor vehicle.

There were no other proponents and no opponents of Senate Bill 253.

There were no questions from the Committee and Representative Harbin closed without comment.

DISPOSITION OF SENATE BILL 253: Representative Smith made a motion that Senate Bill 253 BE CONCURRED IN. The motion was seconded by Representative O'Connell and given unanimous approval by the Committee.

Chairman Harp asked Representative Harbin to carry Senate Bill 253.

OTHER BUSINESS: Chairman Harp read to the Committee a draft of the committee letter to the 49th Legislature.

Representative Campbell commented he thought the letter was excellent, and Representative Zabrocki said he was worried by the letter.

Representative Harbin suggested the Committee change "proposals" to "activities" and insert "there have been efforts to divert these funds" instead of "it has been proposed that" and that "be diverted" be stricken in the same line on page 2, while "them" would be inserted between "reallocated" and "to" on the following line along with the insertion of "efforts" between "these" and "are" on that same line. The suggestion was approved by committee members.

Referring to section 6(c), Chairman Harp told committee members the Department of Justice was looking at the highway earmarked account for the purchase of two-way radios for the Highway Patrol. Representative Smith responded, stating that Highway Patrol radios presently in use are inadequate and need to be updated.

Chairman Harp advised members of the committee there are approximately six different actions pending which could affect the highway earmarked account adversely. He cited the worst situation which could occur, (in his opinion), is that the account would be \$16 million in the red by FY87, and said \$35 million in projects for FY86 would be affected.

Representative Keyser made a motion that the committee letter be printed and sent to all members of the House and Senate and that it be signed by each member of the Committee.

CONSIDERATION OF SENATE BILL 237: Representative Bud Campbell, District 48, testified in lieu of sponsor, Senator Christiaens, by reading the title of the bill to committee members. Representative Campbell explained that if an implement dealer owned two or more pieces of equipment for moving implements, he would need more than one permit to move the implements, at the present time.

Mr. Irv Dallinger, Association of Hardware and Implement Dealers, stated that if a permit is issued to move implements and a day or two delay takes place between the moving of another implement, a new permit is required. He said the bill would allow an implement dealer to purchase three permits at once if he owned three towing vehicles, for the amount of a single permit (\$75).

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Mr. Don Copley, Administrator, GVW Division, Department of Highways, told the Committee his division met with the Association of Hardware and Implement Dealers concerning the matter. He explained that one permit can presently be transferred from one vehicle to another, but cannot be photocopied for simultaneous use by several vehicles.

There were no other proponents and no opponents of Senate Bill 237.

QUESTIONS: Representative Zabrocki said he believes there is a problem since the bill pertains only to implement dealers.

Representative Peterson asked if dealers paid one fee and did not pay for extra permits. Mr. Copley replied this was correct.

Representative Keyser said a dealer should obtain two different permits in these instances, since a load going east would be an entirely different one from a load going west. Mr. Copley replied this activity is presently allowed by law.

Vice Chairman Abrams asked if the bill would apply to out-of-state implement dealers. Mr. Copley replied it would not.

Representative Smith referred to the triple-overweight permit for loggers and asked if implement dealers were not getting different treatment in this instance.

Representative Campbell closed without comment, except to ask that the Committee give Senate bill 237 favorable consideration.

DISPOSITION OF SENATE BILL 237: Representative Peterson, as an afterthought, asked if there is a limit to the number of permits which may be purchased. Chairman Harp replied it was a good point.

Representative Smith commented that Senate Bill 237 is a problem for him, too, as he believes a permit should be purchased for each load.

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Representative Glaser asked whether it is stated in the bill that an implement dealer must own the vehicle used for transporting a load and then asked Representative Campbell how much implement dealers charge to haul farm equipment.

Representative Peterson stated she objected to there being no limit to the number of loads which can be hauled with one permit.

Chairman Harp advised the Committee the bill could be Tabled since committee members have problems with it and the sponsor, Senator Christiaens, is not present to defend the bill.

Representative Keyser made a motion that Senate Bill 237 be Tabled. The motion was given unanimous approval by the Committee.

CONSIDERATION OF SENATE BILL 419: Chairman Harp advised the Committee he would pass on hearing Senate Bill 419 this date, since the sponsor was not present.

Mr. Curt Chisolm, Deputy Director, Department of Institutions, told the Committee his department will need spending authority if the bill passes.

OTHER BUSINESS: Representative Glaser stated that an anhydrous ammonia safety bill will be heard on March 15, 1985, which requires that the tank owner's name and phone number be printed on the tank, and will require a statement of intent.

There being no further business before the Committee, the meeting was adjourned at 4:22 p.m.

Representative John G. Harp,
Chairman

DAILY ROLL CALL

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date March 14, 1985

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



HOUSE COMMITTEE HIGHWAYS AND TRANSPORTATION MONTANA STATE LEGISLATURE

March 15, 1985

TO: The 49th Legislature of the State of Montana

FROM: The House Committee on Highways and Transportation

RE: Diversion of state highway funds to other state programs and increases in vehicle and highway related fees.

It is the consensus of the House Committee on Highways and Transportation that the integrity of the state highway funding program is seriously jeopardized by certain legislative proposals now in committee that would divert funds currently allocated for highway construction and maintenance needs in order to provide funding for programs unrelated to the purpose for which the highway funding program exists.

It is the unquestionable duty of the state to assure safe and adequate public roads and highways. Toward this end, the state has provided special funding for construction and maintenance of public highways that relies completely upon revenues obtained from GVW fees, excise and license taxes on gasoline and special fuels, and coal severance tax collections.

The importance of maintaining the integrity of this funding for public highways is recognized under Article VIII, section 6, of the Montana State Constitution, which says:

Section 6. Highway revenue non-diversion. (1) Revenue from gross vehicle weight fees and excise and license taxes (except general sales and use taxes) on gasoline, fuel, and other energy sources used to propel vehicles on public highways shall be used as authorized by the legislature, after deduction of statutory refunds and adjustments, solely for:

(a) Payment of obligations incurred for construction, reconstruction, repair, operation, and maintenance of public highways, streets, roads, and bridges.

(b) Payment of county, city, and town obligations on streets, roads, and bridges.

(c) Enforcement of highway safety, driver education, tourist promotion, and administrative collection costs.

(2) Such revenue may be appropriated for other purposes by a three-fifths vote of the members of each house of the legislature.

Yet, with a constrained budget and the demands placed upon the legislature to increase funding for public education, the local government block grant program, social services and other important programs, there have been efforts to divert or reallocate highway funds to other state agency programs. Among these efforts are legislative attempts to:

(1) eliminate the share of gas, oil, and mineral royalty funds currently earmarked for the highway program;

(2) limit the sources of funding to the reconstruction trust fund (RTF) account, which is intended to provide adequate funding for the reconstruction of primary and secondary state highways;

(3) raise the gasoline and special fuels tax by 3 cents to replace monies taken from the highway account and reallocated for uses other than the highway program;

(4) divert over \$1.4 million in earmarked funds for the purchase of communications equipment for the department of justice;


(5) alter the distribution of coal severance tax monies, a portion of which is deposited in the highway RTF account;

(6) increase subsidies of over \$1 million for gasohol projects by allocating additional funds from the highway earmarked account.

It is the express concern of this committee that the integrity of the highway earmarked account be preserved and that state highway funds be utilized for the sole purpose of public highway and road construction, reconstruction, repair, maintenance, and other proper uses. We, therefore, respectfully request your urgent attention to this matter and ask your careful consideration of pending legislation that affects the funding for highways in the


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state. We especially urge you to examine the attached illustration that presents in detail highway projects which could lose adequate funding for the work presently planned to be carried out between 1985 and 1991.


HUBERT ABRAMS, V. Chairman


JOHN G. HARP, Chairman


BUD CAMPBELL


KERRY KEYSER


DUANE COMPTON

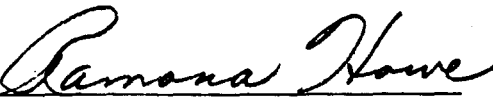

FRANCIS KOEHNKE


WILLIAM GLASER



HELEN O'CONNELL

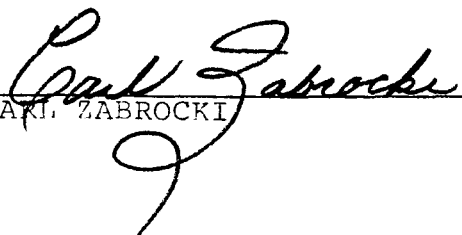

RAYMOND HARBIN


MARY LOU PETERSON


RAMONA HOWE


CLYDE SMITH


ROLAND KENNERLY


CARL ZABROCKI

VISITOR'S REGISTER

HOUSE Highways & Transportation COMMITTEE

BILL SB 253

DATE March 14, 1985

SPONSOR Lynch

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Highways & Transportation COMMITTEE

BILL SB 237

DATE March 14, 1985

SPONSOR Christiaens[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Highways & Transportation COMMITTEE

~~OFF~~ COMMITTEE

BILL SB 419

DATE March 14, 1985

SPONSOR Conover

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

March 14

19 35

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL Bill No. 253

THIRD reading copy (BLUE)
color

AN ACT PROVIDING FOR THE DISPLAY OF A TEMPORARY MOTOR VEHICLE STICKER
IN THE UPPER LEFT-HAND CORNER OF THE REAR WINDOW; AMENDING SECTION
61-3-342, MCA.

Respectfully report as follows: That SENATE BILL Bill No. 253

BE CONSIDERED IN

DEBATE