

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

March 19, 1985

The meeting of the Highways and Transportation Committee was called to order by Chairman Harp on March 19, 1985, at 3:45 p.m. in Room 420, State Capitol.

ROLL CALL: All members of the Committee were present.

DISCUSSION OF COMMITTEE LETTER: Chairman Harp referred to the fine print underneath the Department of Highways map noting RTF projects, which states "This map and the accompanying list indicate the level of reduction that would have to be made if the RTF program is not funded. No decision has been made on which projects would be cut. That authority rests with the Montana Highway Commission." He advised committee members the map illustrates which projects could be cut if RTF funding is reduced by the Legislature (Exhibit 1).

Representative Howe stated he did not agree to sign (6) in the committee letter. Chairman Harp stated that in signing the committee letter, members were not stating their concurrence with (6), but are making the reference as a matter of fact. He commented the map shows a reduction of funding from \$40 million to \$28 million, or a \$12 million decrease (Exhibit 2).

Representative Keyser stated he opposed the map as it is, since project areas designated with an "x" could leave people with the impression that those project areas will be the first to be cut, if funding is reduced, when in fact, any project on the map could be cut.

Representative Glaser advised the Committee the "x" notations could be removed from the map. Representative Keyser stated the dots could be retained and Representative Harbin asked why the Department of Highways denoted certain areas with an "x" at all.

Representative Glaser commented there is a need to make certain all information is represented clearly and correctly, since it will be released to both the press and the Legislature.

Representative Harbin said he believes there is a need to know if there is a legitimate reason for the "x" denotation. Chairman Harp advised the Committee it is for such reasons that he wanted committee discussion prior to releasing a committee letter.

Mr. Tom Gomez, Legislative Researcher, told committee members he spoke with Director Gary Wicks, who advised him the "x" denotes areas in need of repaving or widening, which could be subject to a level of reduction. Mr. Gomez added that the Highway Commission has not made any determinations as to where reductions will be made.

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Chairman Harp advised committee members they have a choice between sending the letter as it is, along with the map, or rewriting the letter and putting the percentage of dollars and projects which will be affected on the reverse side of the map.

Representative Keyser stated if the latter were done, he would have no problem with the map.

Vice Chairman Abrams asked if the map were public information. Chairman Harp stated he first saw the map when the gas tax was being discussed, but no one has paid much attention to it yet. He said he believes the Committee needs to leave the disclaimer on the map and add percentages.

Representative Keyser made a motion that the suggestion to leave the disclaimer and add percentages to the map be approved. Representative Koehnke seconded the motion. Chairman Harp clarified the fact that the map would strictly show areas which could be affected and would have no "x" denotations. The motion was given unanimous approval of the Committee.

Representative Glaser stated the absence of "x" and their replacement with dots would appear to have an even more frightening affect, in getting the committee's concerns across to others.

CONSIDERATION OF SENATE BILL 387: Representative Carl Zabrocki, District 26, testified for the bill's sponsor, Senator Lybeck (who was not present), and read from the title of the bill. Representative Zabrocki said the command car at a disaster or emergency site, would have a green signal light, making it easy for those assisting to locate the command center.

PROPONENTS: Mr. Lyle Nagel, representing the Montana State Volunteer Firemen's Association, told the Committee the designation would apply to large groups responding to a disaster or emergency. He said a problem exists in locating the command center among the many vehicles in the area and that the green light would resolve the situation. Mr. Nagel advised committee members Yellowstone County used the method this past summer, thus saving time during the emergency situation. He urged the Committee to give Senate Bill 387 a favorable recommendation (Exhibit 3).

Representative Helen O'Connell asked to go on record as a proponent of the bill. There were no other proponents and no opponents.

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QUESTIONS: Representative Campbell asked why a green signal light could not be used without enacting legislation. Mr. Nagel replied that a vehicle can be used for any type of response work during a disaster or emergency. Representative Glaser commented the command vehicle is usually the first responder.

Representative Harbin stated he thought it would be important to make a distinction on page 4, line 4 of the bill, by changing "shall" to "may".

Representative Zabrocki closed without comment, except to ask that the Committee give Senate Bill 387 a favorable recommendation.

DISPOSITION OF SENATE BILL 387: Representative Keyser made a motion that Senate Bill 387 BE CONCURRED IN. The motion was given unanimous approval of the Committee.

Representative Koehnke was asked to carry Senate Bill 387.

CONSIDERATION OF SENATE JOINT RESOLUTION 27: Senator Larry Stimat, District 35, told committee members the resolution is a simple statement asking that bartenders give a designated driver (sober driver), encouragement by providing non-alcoholic beverages to that person (page 2, lines 9-15). He said the bill was introduced at the request of a group of young people and some bartenders, who are already participating in such a program.

There were no proponents and no opponents of Senate Joint Resolution 27.

QUESTIONS: Representative Campbell asked who would have responsibility for the program. Senator Stimat replied the Department of Justice, Motor Vehicle Division, would disseminate public information promoting designated driver programs.

Representative Smith stated the beverage distributors would probably assist with publicity if they were notified by the Division.

DISPOSITION OF SENATE JOINT RESOLUTION 27: Representative O'Connell made a motion that Senate Joint Resolution 27 BE CONCURRED IN. Representative Smith seconded the motion, which was given unanimous committee approval.

CONSIDERATION OF SENATE BILL 237: Senator Chris Christiaens, District 17, told the Committee the 1981 Legislature increased fees for oversize permits, which were transferred from one vehicle to another. He said the Department of Highways does not allow copies to be made of a permit and, thus, a farm implement dealership cannot haul a combine and header at the same time. The cost of each permit

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is \$75, according to Senator Christiaens, who said the bill states the Department shall issue an original permit for all vehicles of the dealership. He commented he is not aware of any dealership with a great number of vehicles for hauling machinery and that, usually, there are not more than 4 vehicles. Senator Christiaens urged passage of the bill.

PROONENTS: Mr. Irv Dallinger, Montana Hardware and Implement Dealers, told the Committee the situations referred to by Senator Christiaens occur mostly at harvest time and if copies of a permit were allowed there would be no problem for a dealer in hauling more than one piece of equipment from one place to another on the same day.

Mr. Don Copley, Administrator, GVW Division, Department of Highways, told members of the Committee his division is neutral on the bill.

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

QUESTIONS: Representative Smith asked if any industry in the State is presently allowed the same status proposed for implement dealers in the bill.

Representative Harbin asked Senator Christiaens about the definition of "implement dealers" and if the bill included logging and mining equipment. Representative Christiaens replied it would and said he wanted to remind the Committee, the bill is not asking for copies of a permit, but original permits.

Representative Harbin asked Mr. Copley for clarification of this issue. Mr. Copley replied their permits presently pertain only to farm implement dealers.

Representative Peterson asked whether an implement dealer who owned three vehicles would receive three permits. Senator Christiaens replied affirmatively.

Representative Smith asked if a piece of machinery used for other purposes, but also for farming would then be classified as farm machinery. Representative Harbin commented that tree farming is considered to be husbandry, but requires a logging permit. Senator Christiaens stated he could not answer the questions posed by Representative Smith.

Representative Harbin asked if it were really oppressive to implement dealers to buy more than one permit. Senator Christiaens replied it was not oppressive, but is contrary to the intention of 1981 legislation.

There were no further questions from the Committee and, in closing, Senator Christiaens asked the Committee to support Senate Bill 237.

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DISPOSITION OF SENATE BILL 237: Representative Smith made a motion that Senate Bill 237 BE NOT CONCURRED IN.

Representative Koehnke made a substitute motion that Senate Bill 237 be Tabled. The motion to Table was approved with all members of the Committee voting aye, except Representatives Abrams, Keyser, Campbell and O'Connell.

Representative Koehnke told committee members it was his thought that the bill could be taken off the Table and amended at a later date.

FURTHER DISCUSSION OF COMMITTEE LETTER: Representative Harp asked Mr. Gary Wicks, Director, Department of Highways, to explain why the Department used "x" denotations on the map (Exhibit 1). Mr. Wicks replied the map represented a major portion of programs approved in 1983, of which a possible 453 miles would be eliminated, by proposed funding changes. He commented these are critical miles and will be completed by 1990 if the Department can carry out its original program plans. He commented there has been no discussion with the Highway Commission as to which projects would be eliminated, but emphasized most projects are of fairly high priority.

Mr. Wicks told the committee the Department looked at funding under existing law and at the possibility of a \$25 million reduction in RTF projects in FY86-87. He said priorities of the Department are to (1) maintain highways; (2) match every federal dollar (saying sometimes the federal government has different priorities) at \$8 of federal funds for every \$2 of state funds; (3) complete the primary system which is 100% state-funded. Mr. Wicks commented after the 86-87 biennium, there will be few dollars for the RTF fund, creating a priority now for maintenance and federal matches.

Mr. Wicks said there is no rationale for the "x" denotations on the map, as it is believed the Highway Commission will try to apportion cuts throughout the state, in the event of a decrease in funding. He said the "x" denoted a potential level of reduction only.

Chairman Harp commented that eventually, the RTF fund would be eliminated completely if no gas tax funds are received for the program.

Mr. Wicks advised the Committee this same information was presented to the Taxation Committee one week ago.

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Representative Harbin told Mr. Wicks the Committee proposed eliminating "x" denotations from the map and asked why some areas received the denotation while others did not. Mr. Wicks replied there was no particular reason for choosing which areas to "x", other than to "x" enough areas to total the estimated \$25 million loss to the program.

Representative Peterson suggested the Committee state at the bottom of the map, the percentages which would be lost. Mr. Wicks replied the total loss, including the state match, would be \$33 or \$34 million annually.

Chairman Harp asked Mr. Wicks to work with Legislative Researcher, Tom Gomez, to create a map without "x" denotations and a project list showing percentages of elimination. Mr. Wicks replied he had no problem with illustrating the impact of reductions to the RTF program.

Chairman Harp advised the Committee and Mr. Wicks that he was trying to achieve the complete consensus of the Committee.

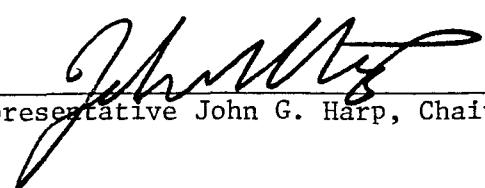
Representative Harbin said he believed people who saw an "x" for their area would become upset, while a dot in all areas would be more acceptable.

Mr. Wicks stated he could show the level of dollars related to elimination of projects and add a bar showing miles to be completed if projects were eliminated. Representative Harbin replied that might be difficult since projects differ in cost. Representative Smith stated costs would have to be averaged.

Mr. Wicks stated he would like to spend time with the Committee showing them the information presented to the Taxation Committee, and where the Department of Highways will be in 1989, if funding is reduced.

Chairman Harp advised committee members they would meet on Thursday, March 21, 1985, after the remaining bills are heard, for this purpose.

There being no further business before the Committee, the meeting was adjourned at 5 p.m.


Representative John G. Harp, Chairman

DAILY ROLL CALL

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date March 19, 1985

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

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Exhibit 1, p1
Conum. letter



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.

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(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

HUBERT ABRAMS, V. Chairman

Bud Campbell

BUD CAMPBELL

Duane Compton

DUANE COMPTON

W.E. Glaser

WILLIAM GLASER

Ray Harbin

RAYMOND HARBIN

Ramona Howe

RAMONA HOWE

Roland Kennerly

ROLAND KENNERLY

John G. Harp

JOHN G. HARP, Chairman

Kerry Keyser

KERRY KEYSER

Francis Koehnke

FRANCIS KOEHNKE

Helen O'Connell

HELEN O'CONNELL

Mary Lou Peterson

MARY LOU PETERSON

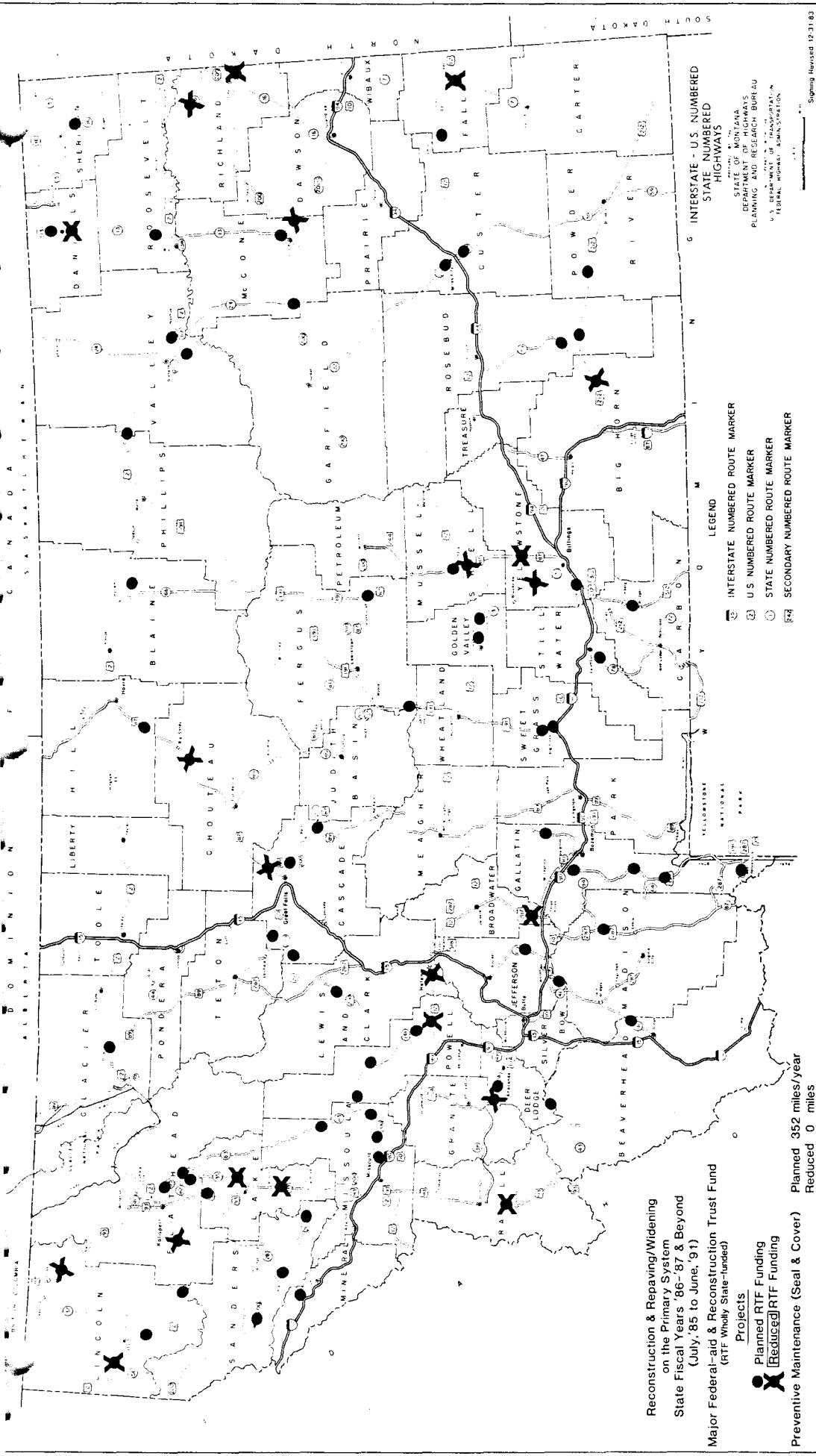
Clyde Smith

CLYDE SMITH

Paul Sabrocki

CAL. SABROCKI

March 19, 1985
Exhibit 2
Comm. letter



VISITORS' REGISTER

House Highways & Transp. COMMITTEE

BILL NO. SB 387

DATE March 19, 1985

SPONSOR Lybeck

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

3-19-85
Exhibit 3
HB 387

NAME Mike P. Nagel BILL NO. SB387
ADDRESS Simms 211 DATE 3-19-85
WHOM DO YOU REPRESENT? all State Vol. Firemen's Assn
SUPPORT X OPPOSE _____ AMEND _____

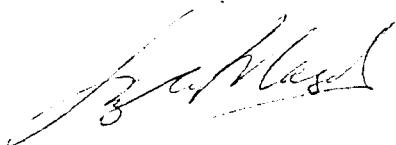
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

On fires where more than 1 fire company has responded a separate command center is usually established. It may be in a fire truck or some other location. This bill will allow some way to distinguish this command or control center from other vehicles on the scene.

In Cascade Co. this system was used last summer when several large fires occurred. It proved to be worthwhile. In the past when 1 vehicle was established but not marked differently than other fire vehicles a lot of time and radio traffic was involved to find the control center.

I urge a do pass on this bill. Thank you



VISITOR'S REGISTER

HOUSE Highways & Transp.

COMMITTEE

DATE March 19, 1985

BILL SJR 27

SPONSOR Stimatz

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

House Highways & Transp. COMMITTEE

BILL NO. SB 237

DATE March 19, 1985

SPONSOR *Christiaens*

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

MARCH 19

19 95

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL Bill No. 387

THIRD reading copy (BLUE)
color

AN ACT TO REQUIRE POLICE AND EMERGENCY VEHICLES TO CARRY A PORTABLE GREEN SIGNAL LIGHT FOR PURPOSES OF DESIGNATION AS THE ON-SCENE COMMAND AND CONTROL VEHICLE IN AN EMERGENCY OR DISASTER;

Respectfully report as follows: That SENATE BILL Bill No. 387

BE CONCURRED IN

XDO PASS

STATE PUB. CO.
Helena, Mont.

Representative John G. Sharp, Chairman

STANDING COMMITTEE REPORT

MARCH 12

19 85

MR. SPEAKER:

We, your committee on
HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration
SENATE JOINT RESOLUTION Bill No. 27

THIRD reading copy (BLUE)
color

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MONTANA ENDORsing THE DESIGNATED DRIVER PROGRAM TO
REDUCE THE INCIDENCE OF DRIVING WHILE UNDER THE INFLUENCE OF
INTOXICANTS.

Respectfully report as follows: That
SENATE JOINT RESOLUTION Bill No. 27

BE CONCURRED IN

X
DO PASS

STATE PUB. CO.
Helena, Mont.

Representative John G. Marp, Chairman.

COMMITTEE SECRETARY