

MINUTES OF THE MEETING
HIGHWAYS & TRANSPORTATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 8, 1987

Representative John Harp, Chairman of the House Highways and Transportation Committee, called the meeting to order at 1:00 p.m. in Room 317 of the Capitol.

ROLL CALL

All committee members were present, except Rep. Kennerly, who was excused. Mary McCue, researcher, was present.

HB 28 was to be heard. Also an orientation meeting would be conducted.

HOUSE BILL 28

Rep. Loren Jenkins, District 13, sponsor of HB 28, explained this bill would change distribution of GVW fines and forfeitures for GVW weight violation on road offenses on county maintained roads. Ninety percent of the fines would go into the county road fund, 10% would go to the State Treasurer for deposit in the State special revenue fund. Section 61-12-701 mentions highway patrolmen, sheriffs or sheriff's deputies. HB 28 could be amended to include GVW officers in section 2 or subsection 2. He would appreciate that. The main idea is that if these trucks are breaking down these roads, they will take the money and rebuild the roads. They don't want to touch GVW fines on highways, just on county roads.

PROPOSERS

GORDON MORRIS, Executive Director of the Montana Association of Counties, supports HB 28.

ROSS FITZGERALD, Montana Grain Growers Association, supports HB 28.

BOB STEPHENS, Montana Grain Growers Association, supports HB 28.

OPPOSERS - None

Rep. Clyde Smith asked if this bill is trying to exempt billing for GVW fines. Rep. Jenkins replied this refers to a fine or forfeiture on a bond issued for an offense on a county road.

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Rep. Kadas discussed Section 61-12-701 regarding disposition of fines and forfeitures on page 1. Exceptions provided in subsection 2 change the heart of HB 28. This talks about all fines and bonds that are collected in any court for violations of laws and regulations in relation to highway patrolmen or county sheriffs or deputy sheriffs with no mention of GVW officers. Rep. Jenkins said there probably should be a mention of GVW officers' tickets, but it would have to go into section 2. He doesn't want to change 60-12-701 any further and doesn't want to get into all the fines under 60-12-701.

Rep. Smith said about 1% of violations are on county roads and there are very few vehicle traffic fines on county roads. The highway fund would lose about \$3,500. Would this extend into county jurisdiction?

Rep. Swysgood remarked that if this amendment is included in this bill, they will have to include funding or just amend it saying that GVW officers' tickets issued on county roads go into the county fund.

Rep. Harper suggested they could work with GVW and coordinate with them. Rep. Jenkins reminded them this is just for county-maintained roads.

Rep. Thomas asked about sending 10% to the state. Rep. Jenkins said if a GVW officer writes the ticket, they should be entitled to some of the fine. Rep. Thomas thought it might cost as much to account for it as it would bring in.

Jess Munro, Administrator of the GVW Division, and Beate Galda, attorney for the Highway Department, pointed out that right now the GVW fines pay according to 6-110-168 which provides that 50% goes to the state and the other 50% goes to the county road funds. Approximately 40% ends up in the county road fund. They have no problem with this going to the county fund. It makes another funding account. The Highway Department would have to note on the ticket that it was written on a county road.

Rep. Jones asked if this meant that GVW people would not go on county roads. Mr. Munro advised they will still patrol county roads for violations.

Rep. Jenkins closed asking for help with the amendment and trusted the committee and hoped for a do pass.

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The committee will hold off on executive action until the amendment is before the committee.

ORIENTATION MEETING.

Committee members introduced themselves and gave a brief resume' on their interests in connection with highways and transportation problems.

Rep. Harp suggested the committee could look at the Burlington Northern closure of its southern line and what effect that would have on roads in Montana, and what effect it would have on transportation and the highway system. Airlines could be looked at in light of what exactly Montana transportation needs are and whether they are being filled, what with all the mergers. They need to understand where transportation in Montana is going. There is no planned legislation in the state. The RTF program will probably be back on line before the end of this session. This fund needs to be replenished. An ad hoc committee endorsed putting \$150 into that account.

Committee members thought they could handle some of the gas tax bills that were going to the overworked House Taxation Committee. Rep. Mercer thought that whoever has the gas tax bill should have the coal tax bill. Rep. Harp explained the coal bill is in the statute in RTF law. It would only transfer to the general fund. Funds would only go from the coal severance to the general fund. It is 6% now. We do have the time to tell what the RTF fund is doing.

Rep. Swysgood is concerned about highways because they are an integral part of the transportation system. He would like to see this committee get the \$2 million appropriation for highways. They have a lot of areas to look into and he thinks they have the expertise to look at these realistically.

Rep. O'Connell said the gas tax and RTF fund and the \$20 million that was lifted from there in July when they stripped the various departments, was done to take care of the general fund. \$20 million was taken from this fund and legislators got a break from that. When the gas and diesel tax was passed, it was the view of those passing it that it was to be used for highways. She is recommending that no money from the gas tax fund be taken from the fund except for highway use.

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There are some things the elected are truly responsible for like police, fire, etc. What is the feeling if I ask for a bill saying that highway funds can't be used for anything other than highway use?

Rep. Harp said it wasn't actually "gas tax money". It takes 2/3 vote from the House and Senate to change that, since it is Constitutional law.

Rep. Mercer advised that once something is put into a special fund, it would have to be done through the constitutional process.

Rep. Stang wants signs along highways. Sen. Bengtson has a bill in for that.

Rep. Swysgood thought the RTF should be put back in place. It is vital for construction to go on. Highways cost a lot of money. It takes three years between a plan and development. They will regress further back in time by not being able to keep current. He thinks this is something that they need to keep up on.

Rep. Harp reminded them that the interstate highway is 95% complete. They are doing what they say they were going to do. Most of the projects will be let, but are put on hold. All things that go into preconstruction and design are already done, but if there is no money, they will be put on the shelf which will make for a delay.

Rep. Mercer is concerned about the RTF going through the Taxation Committee. Perhaps the Highways and Transportation Committee could request a committee bill or resolution on the gas and diesel tax, and if the committee agrees, get it going. Director Wicks doesn't want it to wait.

Rep. Thomas said to request the bill and if the speaker doesn't give them the bill, they will file a committee bill.

Rep. Mercer is to ask the speaker to have the gas and diesel tax bill put in the Highways Committee.

Rep. Glaser isn't big on taxes. It's a sneaky thing to do to people and people don't like it. If we bring it in here, we have to be straight--truckers will be very much against it.

Rep. Campbell asked what exactly is the Highway Committee able to do? Rep. Harp advised that this committee can do

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basically whatever it wants to do. If you want it 100% funded, it is up to this committee.

Rep. O'Connell mentioned an interim highway committee met a couple of times during the interim. They seemed to lay down rules.

Rep. Campbell advised that the GVW guy gives tickets to trucks and this has picked up somewhat.

Rep. Glaser thought if the building of roads were in the Transportation Committee, and if the tax bills were in the committee, they could coordinate.


Rep. Roth thinks the B.N. will not be in Montana very long. They will run it out of Denver or somewhere else.

Rep. Swysgood asked about devoting funds for weed spraying. He takes exception to taking funds and putting that money into other areas of the Highway Department.

Rep. Harp said this is a committee on transportation as well as highways. How can Montana be made attractive to the airlines to keep them in Montana?

ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 1:50 p.m.



Rep. John Harp
Chairman

VISITORS' REGISTER

Highways & Transportation COMMITTEE

BILL NO. HB-28

DATE June 2, 1917

SPONSOR Rep. L. Perkins

NAME (please print)	RESIDENCE AND/OR REPRESENTING	SUPPORT	OPPOSE
Ross H. Fitzgerald	Mt GRAN Snowers Ass'n	✓	
State Jelle	Dept of Highways	Neither	
Jesse Munro	Dept of Highways	Neither	
Cort Harrington	Mont. County Treasurer	.	
Gordon Morris	M.A.Co.	✓	
Bob Stephens	M.G.G.A.	L	
J.A.	NMW		
John Delano	Self		

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.