

MINUTES OF THE MEETING
HIGHWAYS & TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 14, 1987

The meeting of the Highways and Transportation Committee was called to order by Chairman Larry Tveit on Saturday, February 14, 1987, after adjournment of the Senate, in Room 410 of the State Capitol for Executive Session.

ROLL CALL: All members were present.

DISPOSITION OF SENATE BILL 194: Chairman Tveit stated that there would be no testimony given on any of the bills that were being heard in executive session. Senate Bill 194 was sponsored by Senator Hager. Senate Bill 194 had to do with the changing of license plates from numbers on the plates to a two-letter county designation. The letters would be arranged in a vertical position on the license plates. A proposed amendment was presented by Senator Hager changing page 6, line 23 throughout page 7, line 13, by inserting the abbreviation of all designated counties.

Senator Hager moved the bill as amended. It was moved and seconded that Senate Bill 194 DO PASS AS AMENDED. Motion carried unanimously.

DISPOSITION OF SENATE BILL 106: Senate Bill 106 was sponsored by Senator Halligan and it was a difficult bill for it dealt with GVW Officers having the authorization to carry weapons. Under the law, GVW Officers are called "peace officers" and are allowed to carry weapons. As Director of the Department of Highways, Gary Wicks, has ruled, by using his discretionary authority, that the GVW Officers would not be allowed to carry guns. In 1971, Lt. Governor Bill Christianson introduced legislation to give the scale persons the authority to make arrests. At that time, the GVW Officers were under the jurisdiction of the Highway Patrol. If a GVW Officer was in any kind of trouble, or had to make an arrest, they would notify a Highway Patrolman and he would respond to the call and make the arrest for the GVW Officer. Senate Bill 106 would change the law giving them the authority to carry weapons.

It was moved and seconded by Senator Williams and Senator Hofman that Senate Bill 106 DO NOT PASS. It was unanimously carried.

A request was made that a committee bill be heard that would replace Senate Bill 106 to take the authority away from the GVW Officers as "peace officers" and change them to

"public servants". A motion was made and seconded to support the committee bill. It was unanimously carried.

DISPOSITION OF HOUSE JOINT RESOLUTION 5: HJR 5 was sponsored by Representative Grady urging Congress to take immediate action on the passage of the federal surface transportation reauthorization act.

A motion was made and seconded that HJR 5 BE CONCURRED IN. It was unanimously carried.

DISPOSITION OF SENATE BILL 271: Senate Bill 271 was sponsored by Senator Hirsch. This bill would enact regulating the price of motor fuel at wholesale and retail levels; providing for penalties and remedies for sales in violation of established prices, and prohibiting unfair practices in the sale of motor fuel.

Senator Hofman proposed a set of amendments. (See Exhibit I). A motion was made and seconded that the proposed amendments DO PASS. It was unanimously carried.

Senator Farrell proposed an additional set of amendments to Senate Bill 271. (See Exhibit II) There was another lengthy discussion by the committee on Senate Bill 271 with regards to the practice of selling motor fuel below cost in order to attract patronage, a form of deceptive advertising and unfair method of competition in commerce. They felt that it could cause commercial dislocations, mislead the consumer, create problems for the farmer, burden and obstruct commerce, and divert business from dealers who maintain a fair price policy. The committee was made aware of the bankruptcies among the different merchants who failed because of the competition of those who use such methods resulting in unemployment, disruption of leases, and non-payment of taxes and loans and contribution to an inevitable train of undesirable consequences, including economic depression.

Senator Stimatz moved that both sets of amendments DO PASS. It was unanimously carried.

Senator Farrell moved that Senate Bill 271 DO NOT PASS. He stated that he did not see how the Department of Commerce, or anyone would be able to enforce this bill. A roll call vote was taken with a six to four vote in favor that Senate Bill 271 DO PASS. A motion for Senate Bill 271 to DO NOT PASS failed. Senate Bill 271 unanimously PASSED AS AMENDED.

DISPOSITION OF SENATE BILL 187: Senate Bill 187 was sponsored by Senator Farrell. Senate Bill 187 would allow special vehicle combinations to operate on interstate highways by special permits.

Senator Farrell moved that the amendments DO PASS. Paul Verdon referred to subsections, page 4--technically the subsections would identify the definite sections that triple trailers would be driven on interstate highways only.

Motion was made to amend Senate Bill 187 by adding subsection 14, and carried unanimously.

Paul Verdon, Researcher, spoke about the Statement of Intent, paragraph 3. The working draft of the proposed rules of Montana are attached and the Statement of Intent. A motion was made and seconded that the Statement of Intent BE ADOPTED. Motion carried unanimously.

Senator Farrell moved that Senate Bill 187 DO PASS AS AMENDED. Motion was seconded and carried unanimously.

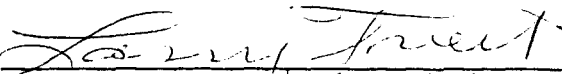
DISPOSITION OF SENATE BILL 212: Senate Bill 212 was sponsored by Senator Farrell. Senate Bill 212 will provide a classified commercial vehicle operator's license program; revising the motor vehicle laws to remove references to chauffeurs. Senator Farrell presented an amendment to the bill. It would strike "I" to "A" following "calls" on page 16, line 12; strike "II" and insert "B" on page 16 and line 13.

It was moved and seconded that the amendments to Senate Bill 212 DO PASS. Motion carried.

A motion was made and seconded that Senate Bill 212 DO PASS AS AMENDED. Motion unanimously carried.

A motion was made and seconded that the Statement of Intent to Senate Bill 212 BE ADOPTED. Motion unanimously carried.

ADJOURNMENT: A motion was made and seconded that executive session be adjourned.



Senator Larry Iveit, Chairman

Highways & Transportation Committee
February 14, 1987
Executive Action

I, SENATOR WILLIAMS, being first duly sworn deposes and say that on February 14, 1987, that I case and presented my votes on the following bills prior to executive action to Senator Larry Tveit, Chairman.

Senate Bill	106	Yes <i>BW</i>
Committee Bill		Yes <i>BW</i>
Senate Bill	187	Yes <i>BW</i>
Senate Bill	194	Yes <i>BW</i>
Senate Bill	212	Yes <i>BW</i>
Senate Bill	271	No <i>BW</i>
HJR	5	Yes <i>BW</i>

Committee bill railroad crossing - Yes

Dated this 14th day of February, 1987.



Senator Williams

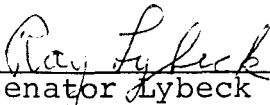
Highways & Transportation Committee
February 14, 1987
Executive Action

I, SENATOR LYBECK, being first duly sworn
deposes and say that on February 14, 1987, that I
cast and presented my votes on the following bills
prior to Executive Action to Senator Tveit, Chairman

Senator Bill 106	Yes	R.L.
Committee Bill	Yes	R.L.
Senator Bill 194	Yes	R.L.
Senate Bill 187	Yes	R.L.
Senate Bill 212	Yes	R.L.
Senate Bill 271,		
Amendements	Yes	R.L.
Bill as amended	Yes	R.L.
HJ5	Yes	R.L.

Committee bill railroad crossing - Yes

Dated this 14th day of February, 1987.



Senator Lybeck

ROLL CALL

HIGHWAYS & TRANSPORTATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2

NAME	PRESENT	ABSENT	EXCUSED
Chairman: Larry Tveit	✓		
Vice Chairman: Lawrence Stimatz	✓		
Senator Hubert J. Abrams	✓		
Senator William Farrell	✓		
Senator Tom Hager	✓		
Senator Sam Hofman	✓		
Senator Ray Lybeck			
Senator Darryl Meyer	✓		
Senator Cecil Weeding	✓		
Senator Bob Williams	✓		

Each day attach to minutes.

ROLL CALL VOTE

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION

Date 9/12/77 Bill No. 2011 Time 9:12 a.m.

NAME	YES	NO
Chairman: Larry Tveit		
Vice Chairman: Lawrence Stimatz		
Senator Hubert J. Abrams		
Senator William Farrell		
Senator Tom Hager		
Senator Sam Hofman		
Senator Ray Lybeck		
Senator Darryl Meyer		
Senator Cecil Weeding		
Senator Bob Williams		

Secretary _____

Chairman _____

Motion: _____

STANDING COMMITTEE REPORT

February 14

19 87

MR. PRESIDENT

We, your committee on HIGHWAYS & TRANSPORTATION

having had under consideration Senate Bill No. 106

First reading copy (white)
color

REQUIRING GWV OFFICERS TO CARRY FIREARMS

Respectfully report as follows: That Senate Bill No. 106

XXXXXXXX
DO PASS

DO NOT PASS

SENATOR TVEIT

Chairman.

STANDING COMMITTEE REPORT

February 14 1987

MR. PRESIDENT

HIGHWAYS & TRANSPORTATION

We, your committee on.....

HJR

No. **5**

having had under consideration.....

third

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color

URGING PASSAGE OF SURFACE TRANSPORTATION REAUTHORIZATION ACT

Respectfully report as follows: That..... **HJR** No. **5**

BE CONCURRED IN

DO PASS

~~XXXXXXXXXX~~

.....
Senator Larry Tveit \

Chairman.

STANDING COMMITTEE REPORT

February 14

87

19.....

MR. PRESIDENT

HIGHWAYS & TRANSPORTATION

We, your committee on.....

SENATE BILL

179

having had under consideration..... No.....

first

reading copy (white)
color

REPEALING PRORATIN OF MOTOR VEHICLE FEES WITH EXCEPTIONS

Respectfully report as follows: That..... **SENATE BILL**..... No. **179**.....

~~DO PASS~~

~~DO NOT PASS~~

..... **SENATOR TVEIT**

Chairman.

STANDING COMMITTEE REPORT

February 14

1937

MR. PRESIDENT

HIGHWAYS & TRANSPORTATION

We, your committee on.....

SENATE BILL

187

having had under consideration.....

No.....

first

reading copy (white)

color

SPECIAL PERMITS FOR OVERLENGTH VEHICLES ON INTERSTATE HIGHWAYS

Respectfully report as follows: That.....

SENATE BILL

187

No.....

1.

Page 4, line 9

Following: line 8

Insert: " (b) a combination of vehicles powered by a cab-over (tilt cab) type truck-tractor or a truck may not exceed overall length of 105 feet, inclusive of front and rear bumpers and overhang;

(c) a combination of vehicles powered by a conventional truck-tractor may not exceed overall length of 110 feet, inclusive of front and rear bumpers and overhang;"

Renumber: subsequent subsections.

AND AS AMENDED

~~DO PASS~~

STATEMENT OF INTENT ADOPTED AND ATTACHED

DO NOT PASS

.....SENATOR TVEIT.....

Chairman.

STATEMENT OF INTENT
Senate Bill No. 187

A statement of intent is required for this act because Title 61, section 4, grants to the department of highways authority to make rules prescribing qualifications of drivers and for the equipping and operation of special vehicle combinations.

The legislature intends that the rules for operation of special vehicle combinations be consistent with those rules adopted by states and provinces allowing these vehicle combinations. Rules are to include provisions for general operation, equipment, combination description, drivers, speed, stability, weight, load sequence, operational procedures, accidents, and insurance.

The legislature intends that the department of highways may restrict the operation of special vehicle combinations during times or periods when adverse conditions, weather, or other safety considerations make such operation unsafe or inadvisable.

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STANDING COMMITTEE REPORT

February 14 1937

MR. PRESIDENT

We, your committee on HIGHWAYS & TRANSPORTATION
having had under consideration SENATE BILL No. 194
first reading copy (white)
color

REPLACE NUMBERED COUNTY LICENSE PLATES WITH 2-LETTER DESIGNATION

Respectfully report as follows: That SENATE BILL No. 194

1. Page 6, line 23 through page 7, line 13.
Following: "follows:" on page 5, line 23
Strike: the remainder of line 13 through "LN." on
page 7, line 13.
Insert: "Beaverhead, BV; Big Horn, BH; Blaine, BL;
Broadwater, BW; Carbon, CB; Carter, CT; Cascade, CS;
Chouteau, CH; Custer, CU; Daniels, DN; Dawson, DW;
Deer Lodge, DL; Fallon, FA; Fergus, FE; Flathead, FL;
Gallatin, GT; Garfield, GD; Glacier, GC; Golden Valley,
GV; Granite, GR; Hill, HI; Jefferson, JE; Judith Basin,
JB; Lake, LA; Lewis and Clark, LC; Liberty, LB;
Lincoln, LN; Madison, MA; McCone, MC; Meagher, MR;
Mineral, MN; Missoula, MS; Musselshell, MU; Park, PK;
Petroleum, PE; Phillips, PH; Pondera, PO; Powder, River
PD; Powell, PW; Prairie, PR; Ravalli, RA; Richland,
RI; Roosevelt, RV; Rosebud, RB; Sanders, SA; Sheridan,
SH; Silver Bow, SB; Stillwater, SW; Sweet Grass, SG;
Teton, TE; Toole, TO; Treasure, TR; Valley, VA; Wheatland
WH; Wibaux, WB; and Yellowstone, YE."

AND AS AMENDED

DO PASS

DO NOT PASS

SENATOR TVEIT

Chairman.

STANDING COMMITTEE REPORT

February 14,

1937

MR. PRESIDENT

We, your committee on HIGHWAYS & TRANSPORTATION

having had under consideration SENATE BILL No. 212

first reading copy (white)
color

PROVIDE COMMERCIAL VEHICLE OPERATOR'S LICENSING PROGRAM

Respectfully report as follows: That SENATE BILL No. 212

1. Page 16, line 12
Following: "Class"
Strike: "I"
Insert: "A"

2. Page 16, line 13
Following: "Class"
Strike: "II"
Insert: "S"

STATEMENT OF INTENT ADOPTED AND ATTACHED

AND AS AMENDED

DO PASS

DO NOT PASS

.....SENATOR TVEIT.....

Chairman.

STANDING COMMITTEE REPORT

.....February 14..... 1987.....

MR. PRESIDENT

HIGHWAYS & TRANSPORTATION

We, your committee on.....

SENATE BILL

having had under consideration..... No. 271

First reading copy (white)
color

MOTOR FUEL SALES REGULATION AND FAIR COMPETITION

SENATE BILL

Respectfully report as follows: That..... No. 271

1. Page 2, lines 13 through 15
Following: "means" on line 13
Insert: "; (a)"
Following: "the" on line 13
Strike: "current invoice" on line 13 through "date of sale" on line 15
Insert: "published terminal prices closest to the point of an alleged violation of (this act), as compiled by generally accepted petroleum industry-related companies that publish such prices, including oil price information service and computer petroleum information, that were in effect on the day of the alleged violation;"
Following: "or" on line 15
Insert: "(b)"

2. Page 2, line 25.
Strike: "3%"
Insert: "1%"

3. Page 4, line 9.
Following: "prohibited."
Insert: "(1)"

- 4.1 Page 4, line 22.
Following: line 21
Insert: "(2) A retailer who is also a refiner or broker shall add the cost to retailer and cost to wholesaler markups required under {section 2}."

AND AS AMENDED

DO PASS

DO NOT PASS

.....SENATOR TVEIT.....

Chairman.