

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By Chairman Stang, on February 14, 1989, at 3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: Rep. Harrington

Members Absent: None

Staff Present: Paul Verdon, Researcher
Claudia Johnson, secretary

Announcements/Discussion: None

HEARING ON HOUSE BILL 596

Presentation and Opening Statement by Sponsor:

Rep. Grinde, House District 30, opened stating this bill is an act requiring that the decal showing payment of fee in lieu of tax for an off-highway vehicle be provided by the Dept. of FWP. Rep. Grinde stated that FWP enacted legislation last session for the decals and expected the counties to pay for them. Rep. Grinde stated that last week the House of Representative passed HB 165 on the floor and it address most of the same concerns that HB 596 does. Rep. Grinde stated this bill comes from the Tradesman Association, and is effective July 1, 1989.

Testifying Proponents and Who They Represent:

Cort Harrington, Montana County Treasurers Assoc.

Proponent Testimony:

Mr. Harrington stated when this bill was passed last session the Dept. of FWP did not want it, but the way the bill was drafted included language that the County Treasurers had to issue decals when the vehicles were registered and the form of the decal was to be prescribed by the Dept. of FWP. After Legislation was over last session, FWP handed over the decals along with the bill to the County Treasurer's office and stated they (FWP) did not have to provide the decals just prescribed the form. In the past where Counties have experienced where that same exact language existed where the

form is to be prescribed by a state agency, the forms or decals are provided at no cost to the County. Mr. Harrington distributed handouts of statutes on the bill from last session that does not state that the Dept. of FWP has to pay for the decals. Mr. Harrington stated this bill makes the Dept. of FWP conform to the same as other state agencies where this same language exists.

Testifying Opponents and Who They Represent:

Dick Johnson, Dept. of Fish Wildlife and Parks

Opponent Testimony:

Mr. Johnson stated the Dept. of FWP believes that HB 165 address's the concerns of HB 596, therefore, HB 596 is unnecessary because HB 165 provides for decal forms prescribed by the Dept. of Justice and provides funding for administration of the act. The Dept. of Justice presently purchases all local snowmobile decals.

Questions From Committee Members: None

Closing by Sponsor: Rep. Grinde closed.

HEARING ON HOUSE BILL 602

Presentation and Opening Statement by Sponsor:

Rep. Roth, House District 96, stated his bill is to exempt trucks from the vehicle code. Rep. Roth stated his bill is a request is from a constituent who had bought some tractors for his trucks which are legal in Wyoming and his base of operation, and North Dakota. Rep. Roth stated this person is three feet out of compliance in Montana, he has to purchase a travel permit that allows him to operate in the state and pays this permit each time he comes into the state. This bill will allow these operators to operate on a term permit that is good for one year and is only good for interstates. Rep. Roth stated after speaking with the Highway Dept. it was determined that these trucks were too heavy to operate on secondary highways whether they had a permit or not. This yearly permit will cost \$125 compared to a trip permit of \$10.

Testifying Proponents and Who They Represent:

Ben Havdahl, Exec. Vice President of the Montana Motor Carriers Assoc.

Proponent Testimony:

Mr. Havdahl stated they wanted to go on record in support of HB 602 for the reasons outlined by Rep. Roth. Mr. Havdahl

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stated they have run into this problem before and the Montana Highway Dept. has adopted a regulation which would allow the 100 foot combination on the interstate but the permit fee has to be paid for each trip. Mr. Havdahl stated another advantage of this bill for the 100 feet overall on the interstate is last year the Federal Highway authorized under a grandfather provision a statutory length for a semi trailer in Montana to be 53 feet long and under our present statute it is 48 feet long and because of the grandfather authorization by the federal highway administration, Senate Bill 72 will be coming into the House Committee that changes the statutory length of a semitrailer from 48 feet to 53 feet. Mr. Havdahl stated a Rocky Mountain double combination under permit consists of a semitrailer and a double trailer has an overall length of 95 feet.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Noponents: Jess Munro, acting director of Dept. of Highways

Testimony: Mr. Munro stated the dept. helped put this bill together. Mr. Munro stated that current law states they cannot issue term permits to vehicles that exceed 95 feet. Mr. Munro stated the dept. did go into administrative rules earlier this year and provided through administrative rules that the dept. could issue term permits on interstates only as long as the trucks do not exceed 100 feet. Mr. Munro stated it is expensive because of the \$10 per trip each way, but have agreed to the \$125 per year. Mr. Munro stated that Montana is unlike other states where it depends on length of combination they have designated routes on interstates, Montana allows the 95 foot tractor trailer combinations on all roads in Montana and the dept. feels they are pushing the limit on the 95 foot lengths on a lot of the primary road.

Questions From Committee Members: Rep. Aafedt asked Mr. Munro about the triple trailers that had been approved earlier in Committee on a permanent basis and what is their length? Mr. Munro stated they are 110 feet long with the conventional type of tractor or 105 feet long with a cabover tractor and they are restricted to the interstate.

Rep. Aafedt asked Mr. Munro if these haulers wanted this permit for interstate use only? Mr. Munro stated that was correct.

Rep. Stang asked Mr. Munro if this 100 foot term permit was used by this one truck or are there others that use it? Mr. Munro stated that at this time there is only one company

that is using it.

Rep. Stang asked Mr. Munro that even if one of the benefits of using the triple trailers was the flexibility of cornering will this type of load have an adverse affect when they go around the corners on the interstate and cause them to be more dangerous? Mr. Munro stated the triples are more flexible because of more joints, they off-track better than other combinations and that is why the dept. is restricting combinations of this length to the interstates because of better cornering aspects than the primary and secondary roads.

Rep. Stang asked Mr. Munro what the speed limit would be for these semitrucks? Mr. Munro stated it would 65 mph on the interstate.

Rep. Owens asked Mr. Munro if there shouldn't be some consistency of these tractor combinations with two trailers the same length as the triples to have the same speed limit? Mr. Munro stated the dept. does not have a position on that and it would be okay with the dept.

Rep. Stang asked Rep. Roth how his client would feel about a 55 mph speed limit? Rep. Roth stated he didn't think he would like it.

Rep. Owens asked Mr. Havdahl what the problem was with the speed limit? Mr. Havdahl stated he felt it would add confusion to the enforcement of the different sizes.

Closing by Sponsor: Rep. Roth closed stating this bill is not to make any radical changes because the 95 foot lengths are legal in the state of Montana. This bill allows only a special permit for 100 feet, a 3 foot difference which is in the tractor and not on the trailers, so nothing really changes except the front of the tractor and this bill will accommodate the Senate Bill that will be coming through. Rep. Roth stated this bill will also create additional revenue.

Rep. Stang appointed a subcommittee to decide on if the Committee should keep Rep. Grady's HB 574 or Rep. Quilici's HB 245 and report back to the Committee on the next meeting.

EXECUTIVE ACTION:

DISPOSITION OF HOUSE BILL 595

Motion: Rep. Davis moved to adopt HB 595.

Discussion: None

Amendments, Discussion, and Votes: Rep. Davis moved to adopt the amendments. Rep. Davis gave a synopsis of the meeting the

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appointed subcommittee worked on with Jess Munro, acting director of Dept. of Highways, Rep. Russell and Gloria Herminston from the Historical Society. Rep. Davis gave a general overview of what the amendments will do. They will allow the tribes to meet and submit a list of locations and kinds of information they want. Rep. Davis stated the tribes will work with the Dept. of Highways as to size, new locations and current locations. Rep. Davis said this will start in approximately 2 years, he stated it will take that long to bring all this information together and working with the dept. for approval. Rep. Davis stated there will be about 25 signs, about 3 per tribe and the tribes will decide what kinds of historical information they want and will submit them to an advisory board that will consists of members of the tribes, the highway dept., and the historical society. Rep. Davis stated the money should come from the bed tax and not the highways budget. Rep. Davis stated the next two years of bed tax is already appropriated and that is why they cannot do anything until that time and the beginning of 1991 they will be able to spend about \$10,000 per year for these signs.

Rep. Roth stated this will expire in 1997 at \$10,000 a year will be about \$60,000.

Rep. Davis stated this project will be over a period of 5 years, and the advisory board will put the signs on a priority list.

Mr. Munro commented that they got together with Bob Clark, Interim dir. of Historical Society, and it was determined that the historical society would turn this over to the historical preservation and review board who would be dealing with the coordinator of Indian of Affairs. They agreed to pay for the money that will be allocated out of there beginning in 1991. Mr. Munro stated that was one of their amendments was to determine a expiration date, because by 1997 the 25 signs should be erected and have been complied by the law.

Bob Clark stated they have some concerns regarding a particular group earmarking a certain amount of the money out of the accommodation tax, and the way the bill was originally written it appeared to give authority to the people who were asking for the signs as to say what design and context of the sign. Mr. Clark stated that the Historical Society would have final agreement as to design and context.

Mr. Verdon stated that the Committee could vote on both of the amendments but they are considerably different than what is before the Committee because they need to be rewritten to meet requirements in Legislative Council but the substance would not be changed.

Recommendation and Vote: Rep. Davis withdrew his motion so Mr. Verdon could rewrite the amendments.

HEARING ON SENATE BILL 624

Presentation and Opening Statement by Sponsor:

Senator Menahan, Senate District 67, stated his bill is for loop signs for the tourists to get off of the interstate and not have to back track but loop and be able to come back out on the interstate. Sen. Menahan stated to promote tourism in Montana we need to get these tourists off of the interstate and into our communities. Sen. Menahan stated we need to develop a cooperative effort with the Dept. of Highways and the tourism budget so when we get the tourist here we can give them something to remember and to enjoy our state.

Testifying Proponents and Who They Represent:

None

Proponent Testimony:

None

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Noponents: Jess Munro, acting director of the Dept. of Highways

Noponents Testimony: Mr. Munro stated the dept. does not have a problem with helping to put up the signs as long as it doesn't come out of their budget and doesn't interfere with federal law.

Questions From Committee Members: Rep. Aafedt asked Sen. Menahan if there would be signs to direct the tourists back to the interstate? Sen. Menahan replied that there would not be a need for that as long as the loop signs were marked to show them where they would come back out onto the interstate.

Rep. Roth asked Sen. Menahan how many loops would be signed? Sen. Menahan replied that he was aware of 2 or 3.

Rep. Stang asked Mr. Munro if the Dept. of Highways designate these highways as loops and get the local areas to pay for the signs and get the highway dept. to put them up would there be some liability to the Highway Dept. if the roads aren't kept up to standards and would there be a cost to the Highway Dept. in addition to the normal costs of maintaining

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these roads to bring them up to certain specifications? Mr. Munro stated they are concerned about scenic routes because there is federal language that can be applied to those routes and doesn't prevent the dept. from repairing potholes and such but any improvements on the road would require the dept. to go through environmental impact statements and limits the dept. availability to work on that road. Mr. Munro offered to have Mr. Don Gruel from the Highway Dept. to come into the Committee to answer the questions more thoroughly.

Rep. Owens asked Mr. Munro if there would be a problem with the federal law the number of signs that are put up in those locations? Mr. Munro replied that there were concerns were the number of signs currently at those interchanges and felt there would be a federal problem with the number of signs that they might have to remove some other signs.

Rep. Stang stated he would like Mr. Gruel to come to the Committee hearing this Thursday, February 16, before the Committee took any action on it.

Closing by Sponsor: Sen. Menahan closed.

EXECUTIVE ACTION:

DISPOSITION OF HOUSE BILL 337

Motion: Rep. Stang moved to adopt HB 337.

Discussion: None

Amendments, Discussion, and Votes: Rep. Stang moved to adopt the amendments. Rep. Stang stated the amendments basically puts into statute the speed limit fines over 85 mph and leaves the night speed limit in effect and deals with the city limits in the special restricted areas will be left the same and will provide a violation of a speed limit established by this bill is not a misdemeanor and may not be recorded against the driving record of a person convicted on that person's insurance premium.

A subcommittee was appointed to check into this with Rep. Stepler, Rep. Aafedt and Rep. Clark being on the committee.

Recommendation and Vote: Rep. Aafedt made the motion to table HB 337. The question was called. Roll call vote was taken. The motion CARRIED to TABLE 8/7. See roll call vote.

DISPOSITION OF HOUSE BILL 523

Motion: Rep. Westlake made the motion to DO NOT PASS.

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Discussion: Rep. O'Connell stated she co-signed the bill and believed in it.

Rep. Roth commented that he would not have a problem doing away with the insurance part of the bill, but did state that those that are injured are usually paid for by the state.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Roth called the question. Roll call vote was taken. The motion CARRIED 9/6 to DO NOT PASS. See roll call vote.

DISPOSITION OF HOUSE BILL 596

Motion: Rep. Roth moved for a DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Roth moved for a coordination clause with HB 165.

Rep. Stang stated that if both HB 165 and HB 596 should pass that HB 165 will prevail.

Mr. Verdon stated that it is provided that only this particular section is amended in both bills.

Rep. Stang asked Ms Ellison to comment. Ms. Ellison stated that the whole idea was to get the Dept. Of FWP out of the decals and let the Dept. of Justice provide the decals the same as with the snowmobiles. Ms. Ellison stated that is why part of the \$4 was going to FWP to pay for those decals.

Motion: Rep. Roth made the motion to remove lines 6 and 7 of the title and strike "FWP" and insert "Justice".

Rep. Stang asked Ms. Ellison if HB 165 fails and the sticker is there is lieu of tax, who pays for that sticker now? Ms. Ellison stated that is the problem they are having because current law does not state that anyone pays for just that the Dept. of FWP provides the decals.

Motion: Rep. Roth withdrew his previous motion.

Rep. Stang asked Mr. Verdon if HB 165 does not pass, will HB 596 take precedence that the FWP will pay for it?

Rep. Bachini called the question on Rep. Roth's motion. All Committee Members voted to accept the amendment.

Rep. Stang stated if HB 165 fails and HB 596 passes than the Dept. of FWP will pay for the decals.

Recommendation and Vote: Rep. Roth made the motion to adopt HB

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596 as amended. Question was called. The motion CARRIED to DO PASS AS AMENDED. Rep. Campbell voted no.

DISPOSITION OF HOUSE BILL 602

Motion: Rep. Roth moved to adopt HB 602.

Discussion: Rep. Clark stated that the difference between the doubles and the triples is that the triples lose their permit on the spot and will have to drop the trailer at that spot and felt that an amendment to this should be made for the doubles also along with enforcing the 55 mph the same as the triples.

Motion: Rep. Roth withdrew his motion until Mr. Verdon can get the amendments drawn up.

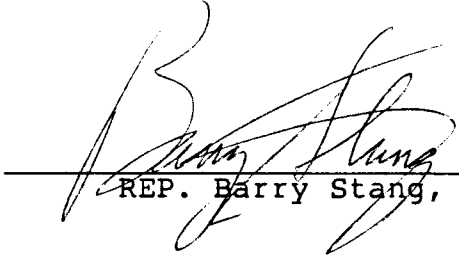
Amendments, Discussion, and Votes: None

Recommendation and Vote: None

ADJOURNMENT

There being no further business the Committee was adjourned.

Adjournment At: 5:05 p.m.



REP. Barry Stang, Chairman

BS/cj

3806.min

Carl Herington

EXHIBIT 1
DATE Feb 14
HB 586

The following Sections contain language that a state agency is to prescribe the form of something. In no instance is anyone charged for receiving a copy of the form so prescribed.

15-7-208, 15-7-304, 15-23-502, 15-23-602, 15-23-701, 15-23-802,
15-24-1207, 15-25-113, 15-30-116, 15-35-104, 15-36-105,
15-37-104, 15-38-105, 15-59-105, 15-59-204, 15-70-202, 15-70-325,
16-11-115, 16-11-121, 20-5-405, 20-5-406, 20-5-408, 20-30-301,
20-30-302, 23-2-615, 23-5-626, 31-1-221, 32-1-302, 50-15-302,
50-15-303, 50-20-106, 50-20-110, 50-53-106, 50-70-107, 53-2-613,
53-4-507, 61-3-304, 61-3-317, 61-3-342, 61-3-421, 61-3-444,
61-3-445, 61-3-725, 61-4-517, 61-6-302, 70-9-310, 70-23-202,
72-16-422, 72-16-502

VISITORS' REGISTER

COMMITTEE

624

Feb. 14

Menekan

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Hegruwp

BILL NO.

DATE _____

SPONSOR

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

602

Feb. 14

Rath

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

Highways and Transportation

COMMITTEE

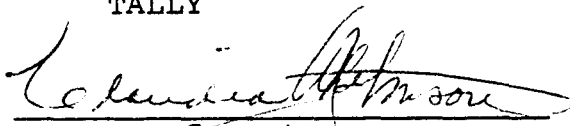
DATE Feb. 14, 1989

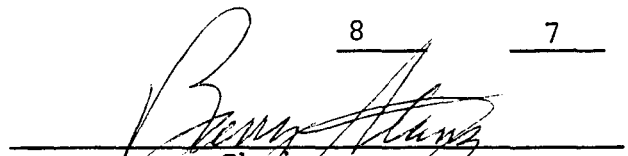
BILL NO. HB 337

NUMBER _____

NAME	AYE	NAY
Rep. Bachini, Bob	✓	
Rep. Davis, Ervin		✓
Rep. Harrington, Dan	✓	
Rep. O'Connell, Helen		✓
Rep. Steppler, Don	✓	
Rep. Westlake, Vernon	✓	
Rep. Aafedt, Ole	✓	
Rep. Campbell, Bud	✓	
Rep. Clark, Robert		✓
Rep. Owens, Lum	✓	
Rep. Patterson, John		✓
Rep. Roth, Rande	✓	
Rep. Zook, Tom		✓
Chairman Stang, Barry "Spook"		✓
Vice Chairman Linda Nelson		✓

TALLY


Secretary

 8 7
Chairman

MOTION: Rep. Aafedt moved to TABLE HB 337, 8-7 approved.

ROLL CALL VOTE

Highways and Transportation COMMITTEE

DATE Feb. 14, 1989 BILL NO. HB 523 NUMBER _____

NAME	AYE	NAY
Rep. Bachini, Bob		✓
Rep. Davis, Ervin	✓	
Rep. Harrington, Dan	✓	
Rep. O'Connell, Helen		✓
Rep. Steppler, Don		✓
Rep. Westlake, Vernon	✓	
Rep. Aafedt, Ole	✓	
Rep. Campbell, Bud	✓	
Rep. Clark, Robert		✓
Rep. Owens, Lum	✓	
Rep. Patterson, John	✓	
Rep. Roth, Rande		✓
Rep. Zook, Tom	✓	
Chairman Stang, Barry "Spook"	✓	
Vice Chairman Linda Nelson		✓

TALLY

Claudia Johnson
Secretary

Barry Stang
Chairman

9 6

MOTION: Rep. Westlake Motion Do Not PASS Carried
9/6.