

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By **CHAIRMAN BARRY STANG**, on February 16, 1991, at 3:00 p.m.

**ROLL CALL**

**Members Present:**

Barry "Spook" Stang, Chairman (D)  
Floyd "Bob" Gervais, Vice-Chairman (D)  
Ernest Bergsagel (R)  
Robert Clark (R)  
Jane DeBruycker (D)  
Alvin Ellis, Jr. (R)  
Gary Feland (R)  
Mike Foster (R)  
Patrick Galvin (D)  
Don Larson (D)  
Scott McCulloch (D)  
Jim Madison (D)  
Don Stepler (D)  
Rolph Tunby (R)

**Members Excused:** Rep. Howard Toole (D)

**Staff Present:** Valencia Lane, Legislative Council  
Claudia Johnson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**EXECUTIVE ACTION ON HB 309**

**Motion:** REP. LARSON MOVED HB 309 DO PASS.

REP. MCCULLOCH moved to adopt amendment #1. On page 4, line 5, following "public" insert "and to repair areas developed by this program damaged by off-highway vehicles and donate up to 10 percent". EXHIBIT 1

**Discussion:**

REP. FELAND asked if this was previous damage. REP. MCCULLOCH said it is for previous damage and ongoing damage.

REP. FOSTER asked if these are off-highway areas that are damaged. REP. MCCULLOCH said yes.

REP. LARSON asked if the rest of the language after "public" was to be stricken. REP. MCCULLOCH said no.

Ms. Lane said it does not read right, but if the amendment is passed in concept, she will work on it.

Motion/Vote: REP. FOSTER called the question. Voice vote was taken. Motion CARRIED 13 to 4 with REP. BERGSAGEL, REP. STEPPLER, REP. CLARK and REP. NELSON voting no.

Motion: REP. LARSON MADE A SUBSTITUTE MOTION THAT HB 309 DO PASS AS AMENDED.

Discussion:

REP. ELLIS said he is not enthusiastic about the bill because of the loss of highway funds. He understands the intent of the bill and appreciates the concern. On his ranch, four wheel off-road vehicles are operated for work only. The hypothesis of how much fuel is used in recreational biking is not true. The only way he would support the bill is to cut the fee in half.

REP. TUNBY said he agrees with REP. ELLIS.

REP. FELAND said a lot of fuel is burned in off-road machines. This is an attempt to raise money to keep them all in one place instead of having them all over the countryside. Some trails would be developed, i.e., snowmobile trails.

REP. LARSON echoes REP. FELAND'S position. This is part of the big tourism industry. The money is from gasoline taxes for trail development. REP. LARSON recommended this bill be passed.

Motion/Vote: REP. STEPPLER moved to adopt amendment #2. Take the amount of the gas tax down to 1/8 of 1¢ to raise \$109,600 a year. REP. BERGSAGEL called the question. Voice vote was taken. Motion CARRIED 12 to 4 with REP. LARSON, REP. FELAND, REP. GERVAIS and REP. MCCULLOCH voting no.

Discussion:

REP. LARSON said the bill has been gutted. It is useless to place \$109,000 in a recreational trails package.

CHAIRMAN STANG asked if it will take a 3/5 vote on the floor of the House to use this money, because it is diverting highway funds to a different use. Ms. Lane said she would have to check into it. Normally, when a bill is drafted that requires a majority vote, it is placed in a section of the bill that states that.

CHAIRMAN STANG said he owns an off-road vehicle, and does not believe this will solve the problem. It wouldn't matter how many trails there are, people do not always stay on the trails.

**CHAIRMAN STANG** said he does not like taking highway funds to be used for something else, even a small amount.

**REP. FELAND** said many of the people who ride bikes, ride where they should.

**REP. FOSTER** said he understands the desire to have the full amount of money, but he felt the \$100,000 will move the program along.

Motion/Vote: **REP. BERGSAGEL** called the question to adopt amendment #2. Voice vote was taken. Motion CARRIED 12 to 4 with **REP. LARSON, REP. FELAND, REP. GERVAIS** and **REP. MCCULLOCH** voting no.

Motion/Vote: **REP. STEPLER** MADE A SUBSTITUTE MOTION THAT HB 309 DO PASS AS AMENDED. Roll call vote was taken. EXHIBIT 2

Vote: HB 309 DO PASS AS AMENDED. Motion CARRIED 9 to 6.

EXECUTIVE ACTION ON HB 192

Motion: **REP. LARSON** MOVED HB 192 DO NOT PASS.

Discussion:

**REP. LARSON** said he is from a logging area is aware of and familiar with this problem. When this bill went to hearing, half of the people in the audience were for and half against it. When half of the constituency is against something, the committee should not impose regulation. There is no guarantee the people will get the same rate or better than they now receive. There is a real possibility regulation could force worse rates. On a hauling job whether road conditions deteriorate and the road becomes nearly impassable, they will still be required under this bill to haul those logs for that rate. Ninety percent of the proponents for regulation of log haulers came from the Flathead area. The opponents came from all over western Montana. That was significant and indicated a particular problem with mills in the Flathead Valley. There is a well-established flat rate called the Flathead Rate. It says a hauler can receive nine or ten cents on the highway, eleven or twelve cents on an improved county road, and sixteen cents on an unimproved logging road. **REP. LARSON** suggested instead of state regulation, make a contractual requirement between the mill and contractor be established. The industry is downsizing at this time, they estimate that logging will be reduced by 25% in the next 5 years. This is not the time to impose regulation. He urged a do not pass.

**CHAIRMAN STANG** said this bill was heard last session. It was interesting during the hearing in this session, that no one was present from the Wood Products Association. Part of the agreement for not passing the bill last session was that the wood

products industry promised to get together with the log haulers and work something out. One meeting was held, than the wood products people would not work with the haulers anymore. It is frustrating when the mills are making profits and will not share it with the people doing the work. Truckers are independent and do not like regulation. **CHAIRMAN STANG** does not want this bill to be tabled, because whether it is a do pass or do not pass motion on the floor, the issue needs to be presented to the whole body to make a decision.

**REP. FOSTER** said his area has quite a bit of logging in it, but slow in reacting to this bill. Once they did, it was unanimous in opposition to the bill. He said there are problems, but is this the answer. He feels it isn't, and will not support the bill. He received a phone call from the Board of Directors of the Montana Logging Association, and they have decided against this bill.

**CHAIRMAN STANG** said it stands to reason the Logging Association would be against it, because the hauling is contracted out by the logger. The hauler wants to contract with the mill or run a rate so no one will skim the rate.

**REP. STEPPLER** said he has letters from all around western Montana that says someone told them not to come to this meeting. He does not know who told them that. The biggest problem he has, is that most of the haulers in the Flathead do not have written contracts stating what the rate is. The contract that was admitted as evidence has no rate stated and no means for negotiating any changes in that contract. **REP. STEPPLER** opposes the motion.

**REP. ELLIS** said his experience with regulated truckers comes in the livestock field and as a result is biased against regulation. He would support anything to mandate operating under contract.

**REP. CLARK** said people hauling to mills in his area do not want regulation. By the volume of mail from the Flathead the people are obviously able to organize. If they want to force the mills to give them contracts, they can get together and force the issue. **REP. CLARK** opposes the bill.

**REP. FELAND** said if the committee passes this bill, in five years there will be little competition left.

**REP. MCCULLOCH** said this is the second bill before the Legislature dealing with this sort of problem. There is a problem, and if it isn't addressed the committee will be remiss of their duties.

**Motion:** **REP. MCCULLOCH MADE A SUBSTITUTION MOTION THAT HB 192 DO PASS.**

Discussion:

REP. GALVIN said the truckers are screaming for help, but how to address it is another problem. He felt it should be put before the floor.

REP. TUNBY said he will vote to get it on the floor.

REP. GERVAIS agreed it should go to the floor.

REP. LARSON said he didn't have a problem with the bill going to the floor. This is imposing regulation on half the industry that does not want it. There are other alternatives. A solution might be a committee bill that would establish a firm contractual relationship between the contractor and the mill and specifies the rate. That is a simple relationship that can be forced on those mills.

CHAIRMAN STANG informed the committee that yesterday was the deadline to have a committee bill drafted.

REP. FOSTER said this is not a statewide problem. Apparently, there are problems in the northwest with some mills, but is it fair to stick everyone else because there are a few problems. This is not the right approach.

REP. BERGSAGEL said he would prefer to see it go to the floor with a do not pass recommendation. He will support it to get it on the floor, but will not support it on the floor.

REP. CLARK said this problem is in the Flathead, and is a regional problem.

Motion/Vote: REP. LARSON called the question. Roll call vote was taken. EXHIBIT 3

Vote: HB 192 DO PASS. Motion CARRIED 10 to 5.

EXECUTIVE ACTION ON HB 37

Motion: REP. LARSON MOVED HB 37 DO PASS.

Discussion:

REP. LARSON spoke to his motion. He distributed two letters received from Jesse Munro, GVW, and Larry Larsen, Director, Department of Highways. EXHIBIT 4 Both letters were written in mid-1989, suggesting there were not major problems with the potato haulers. This is a unique case as an agriculture product that is fairly critical in its timing and deserves special consideration. REP. LARSON recommended the bill do pass.

REP. FOSTER said there was discussion of an amendment to say something to the effect that potatoes are agricultural seeds.

**CHAIRMAN STANG** said the man who maintains these roads testified to the damage that is done by the potato haulers. The trucks carry legal weights, but it is impossible to keep track of the speeds. The roads that are damaged are the primary routes from the Portland-Seattle-Tacoma-Spokane area. People traveling to Glacier Park from that direction change their routes to avoid the chuckholes caused by the heavy traffic. It is not fair to give one group a preference over the others.

**REP. ELLIS** said there are restrictions on load limits for a purpose and has difficulty supporting this measure.

**REP. TUNBY** asked how many miles of road are affected. **CHAIRMAN STANG** said probably about 50 miles.

**REP. TUNBY** said it seems unacceptable to drive at a regular speed with too much weight and tear up roads. There should be some way to monitor the speed limit if one is imposed. The cost of monitoring the speed limit would be insignificant compared to the cost of roads.

Motion/Vote: **REP. GERVAIS MADE A SUBSTITUTE MOTION THAT HB 37 DO NOT PASS.** Question was called. Roll call vote was taken.  
**EXHIBIT 5**

Vote: **HB 37 DO NOT PASS.** Motion **CARRIED** 10 to 6.

Motion/Vote: **REP. CLARK MADE A SUBSTITUTE MOTION THAT HB 37 BE TABLED.** Roll call vote was taken. **EXHIBIT 6**

Vote: **HB 37 BE TABLED.** Motion **CARRIED** 8 to 7.

### HEARING ON HB 723

#### Presentation and Opening Statement by Sponsor:

**REP. BOB PAVLOVICH, House District 70, Butte,** said that **REP. PHILLIPS** conceded to combine his bill, HB 723 with this bill. They both raise funds for the veteran's cemetery at Fort Harrison. HB 723 will generate money from a special issuance of veterans' license plate, and HB 733 would generate money from the purple heart medal license plates. He said \$1 from each plate will be given to the state to cover the cost of printing the license plates, \$3 will go to the county for costs associated with the sale and \$6 will be used for the construction and renovation of the cemetery. **EXHIBIT 7 and 8**

**Proponents' Testimony:**

**Rich Brown, Administrator, Montana Veterans Affairs Division,** stated his support for HB 723 and HB 733. He presented written testimony. **EXHIBIT 9**

**George Poston, United Veterans Committee of Montana,** strongly supports these two bills.

**Ron Davis, past Commander of the Military Order of the Purple Heart, and currently Adjutant for that Order,** supports HB 723. The Order of the Purple Heart is awarded to members of the armed forces of the United States who are wounded by an instrument of war in the hands of an enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action. There are over 25 states in the U. S. that have special Purple Heart license plates, and it is time Montana got in line with the rest of the country.

**Hal Manson, American Legion of Montana,** strongly supports both bills. The American Legion is involved with the cemetery and Mr. Manson is the commander of the military burials. It is a beautiful location, but it needs more money to make it look good. Some building and renovation of the grounds is needed. Much of the work is done by volunteers.

**Dick Baumberger, Disabled American Veterans of Montana,** is a member of the Cemetery Advisory Board representing the DAV. This is a good opportunity for veterans to have the option to support their own cemetery. There is a lot of work to do and concrete, long-term funding is needed. He urged support of both HB 723 and HB 733.

**Opponents' Testimony:** None

**Closing by Sponsor:**

**REP. PHILLIPS** said he is sure most people have seen military cemeteries like the Arlington cemetery, how neat and nice it looks. He asked the committee to take an opportunity to go to Fort Harrison and see what is there. There is federal money available on a 2 to 1 match. This will not require big bucks, but enough to do landscaping, underground sprinklers, sod and a building. He said the committee could decide if they want to combine the emblem for the veteran and the purple heart on the plates.

**HEARING ON HB 751****Presentation and Opening Statement by Sponsor:**

**REP. BOHARSKI, House District 4, Kalispell,** said HB 751 is to prevent the #1 cause of death of teenagers in the United States, which is drunk driving accidents. **REP. BOHARSKI** said he has

difficulty placing kids in jail and slapping them with big fines. When folks asked him to carry this bill, he realized that probably one of the things nearest and dearest to a high school student's heart is his driver's license. If driver's licenses are taken from young folks for altering IDs, perhaps they will think twice about doing some of these things. The statement is made that when students reach 15 or 16 years old, that they are responsible enough to make decisions for themselves. Teenagers like their freedom and they feel they are invulnerable. This problem needs the best mechanism that Legislature can find to prevent children from being maimed and killed in automobile accidents. There is a provision in the bill for a provisional license to drive back and forth to school.

#### Proponents' Testimony:

Leon Stalcup, Montana Restaurant Association, said more than 40% of all 15 to 19 year old deaths are the result of motor vehicle crashes. Half of the crashes are alcohol related, making it the #1 killer of young people. The indifference of society to the use of forged or altered documents to purchase alcohol is inexcusable. It leads to unsupervised, illegal experimentation with alcohol and inevitably to drunk driving, auto crashing, and maiming and death. Mr. Stalcup asked the committee to support HB 751. The department suggested it would be useful to have an amendment in the title 61-5-302 and add "or ID" behind the license in 1 through 6, so it gives the department more authority. EXHIBIT 10

Duane Tooley, Bureau Chief, Driver Services Division, said the actual affect of this bill will not change what is going on today as far as the driver's license is concerned. Licenses are suspended that are received with a statement that it was a falsified license used to obtain liquor. There is nothing in the statute that says the division can suspend a license or ID card for falsification and use of the ID card. Mr. Tooley supports the bill.

#### Questions From Committee Members:

REP. NELSON asked if there was a time period for the suspension.  
REP. BOHARSKI said it is up to a year.

#### Closing by Sponsor:

REP. BOHARSKI said there were other supporters of this bill who were unable to attend the hearing. Written testimony from MADD and the National Restaurant Association was presented. EXHIBIT 10 Currently, the language of the bill is under 21 years of age. There has been some discussion about leaving the drinking age at 21 or drop it down to 18. When the bill comes to the floor, REP. BOHARSKI will support any decision the committee makes.

HEARING ON HB 720

REP. GARY FORRESTER, House District 98, Billings, said HB 720 will require buses that are painted yellow and black and have the word "School" on them be school buses only. This would eliminate buses on public roads that are operated as campers or other vehicles that are yellow and black, and have the word "School" on them. The people that have these buses do not stop at the railroad tracks as state law mandates. He said his proponents could not come to the hearing.

Proponent's Testimony:

Jim Jensen, School Bus Operator, Bigfork, said it is good news to have this bill introduced. It will help their purpose and minimize the bad passes that are occurring.

Opponent's Testimony: None

Questions from the Committee:

REP. ELLIS asked if he could offer an amendment to this. He said in Red Lodge the schools use the buses to take the kids skiing. They place tape over word "school". REP. FORRESTER said if they have the word "school" on the bus it is O.K. The title of the bill reads "The marking of equipment that contains the word School".

REP. GERVAIS asked if this bill would have a grandfather clause in it. REP. FORRESTER said it would not the way it is written. REP. GERVAIS said there may be some problem in repainting the bus. REP. FORRESTER said there are problems loading and unloading children. REP. FOSTER suggested using the word "and" instead of "or".

Closing by the Sponsor:

REP. FORRESTER said he wished more supporters had been able to speak to the bill. He said this is a safety issue and needs to be addressed.

HEARING ON HB 711

REP. MARY ELLEN CONNELLY, House District 8, Whitefish, said HB 711 provides for a supplemental highway patrol retirement benefit. This bill was before Legislature two years ago, but it was amended too many times in the Senate. The \$.25 on the driver's license has been collected during the past two years. She distributed amendments. EXHIBIT 11 This bill would give an edge for inflation, because these people have not had an increase in the past ten years, and if they did it was \$10 per month. There are a number of retired highway patrol that are not eligible for Social Security because of the way the law was written.

Proponent's Testimony:

**Gene Miller, Retired Highway Patrol Officer, Great Falls,** said two years ago they came to the Legislature with hopes of getting health benefits for the retired, widowed and disabled, but there were problems for the state to do this. It would have raised the cost about 40%. He presumes the money collected would go to the general fund. The health costs keep rising. They plan on using the \$.25 for health costs or whatever the retired people need to buy.

**Bill Yaeger, Montana Association of Highway Patrolman,** handed in written testimony in support of HB 711. EXHIBIT 17

**Tom Sanford, Retired Highway Patrol Officer, Kalispell,** said during the first ten years of retirement there was an inflationary loss of about 40%. During this period, there was no provision for a cost of living. In the past, the state has not paid Social Security for its highway patrol officers. This has been a savings to the state. The career officer has no income from Social Security. Under HB 711, the older retirees receive more benefits than the more recent retirees. A person who retired early due to injuries sustained in shootings, etc, would receive a much larger share. Widows would also receive a much larger share. New retirees will not be eligible for any benefits until they have been retired for a full five years. They are asking that the \$.25 per license continue for the purpose of financing this bill.

**Frank Williams, Retired Highway Patrol Officer,** said he hoped the committee would give favorable consideration to this bill.

Opponent's Testimony: None

Informational Testimony:

**Larry Nachtsheim, Public Employees Retirement Board,** said the Board does not have a position on this bill. The board administers eight retirement systems. The bill as drafted and funded is a concern to the board.

Questions from the Committee:

**CHAIRMAN STANG** said the \$.25 is already in the registration fee, but according to the fiscal note, they have to increase the vehicle registration by 5% to generate payment. The bill shows on page 3, that it goes from \$5.25 to \$5.50, is that correct.

**REP. CONNELLY** said she had been confused about that because of a similar bill that has \$450,000 that is now in the general fund, This bill will coordinate with that. The fiscal note is not accurate, because with the amendments and the coordinating section, that bill will no longer effect this bill. The \$.25 will just continue, and the other \$.25 will not be added.

Mr. Nachtsheim said if SB 192 passes, the \$5.50 will be changed back to \$5.25. One bill repeals for one purpose and the other adds it.

REP. FELAND asked if all of these funds are for retirement. REP. CONNELLY said the other bill is for the current retirees. It does not affect this bill at all, this bill is for the people that are retired now.

REP. FELAND asked how are the retirement funds being handled. Will they be sufficient for the future. He said why don't they pay enough into the system now. Mr. Nachtsheim said if this bill is passed, it would provide a lump sum payment. There is another minimum benefit provision in that retirement system, but what happens under that is the minimum benefits are capped at 60% of the officers' provisional optional salary. Eventually, they will all receive the same benefits.

Closing by the Sponsor:

REP. CONNELLY said it is important for the highway patrolmen to have a decent amount in their retirement. A widow of a sergeant with 25 year of service receives \$484 per month. She urged the committee's support for this bill.

HEARING ON HB 680

REP. THOMAS LEE, House District 49, Bigfork, said the bill that is before the committee is an effort to illicit help in the problem that the Flathead area is having in regards to Highway 35. He read an editorial from Big Fork's local paper of April, 1990. It said "It's a dumb way to run a road". It said Highway 35 presents a catch-22 situation. It is too narrow to qualify for federal highway money. The feds pay as much as 88% of the money spent on construction. The Highway Department spends millions upgrading the route around the west shore of Flathead Lake. Those on the east shore wouldn't mind the narrow, scenic road that services the area. Unfortunately, despite the state's neglect, Highway 35 remains the industrial haul-way of the Flathead Valley. Several near-misses between school buses and trucks occurred last winter. The state is building a super highway on the west shore while the traffic and the truckers travel the underfunded, deteriorating east shore highway.

Proponents' Testimony:

Cass Steele, self, lives on Highway 35, said her daughter arrived home late because a chip truck was jack-knifed with the bus behind it. She said it was the beginning of what they had all been feeling for the past year and a half. Many of the children are continually frightened by near misses not necessarily because of careless drivers, but because of the conditions of the road. EXHIBIT 12 They have tried to get the trucking industry to voluntarily regulate the times when they use the road. They have

not been able to do this. Governor Stephens sent a letter to the Executive Director of the Montana Motor Carriers, stating his concern about the school bus safety.

**Andy Baxter, East Shore,** said his daughter was on the bus that was nearly run down. He asked why they, as taxpayers, subsidize the trucking industry which refuses to use a federally-supported road. He urged the committee so support HB 680.

**Rose Schiwenson, West Shore,** said the bill is somewhat incomplete because they need to have some amended words to it. She noted on the back of the bill that it states this is Montana Highway 35, from the junction of highway 93, to the junction of 209, should be to the junction of 83. It would place the community of Bigfork back in the area. There are people that get on and off that road, and there is also a at that junction. The proposed amendment would establish a Highway Advisory Committee whose function would be to work with the Highway Department as a liaison with that department and residents of Bigfork and Polson who live along Highway 35. The first concern of the committee would be to initiate a study of a bike-way, walk-way along the route, and using existing easements. The committee would also make suggestions for improving safety along the route. The on-going committee would help with planning and implementing changes concerning the highway. There would be ten members on the committee, seven of these would be appointed by the elected representatives of the area, and three members would be appointed by the Tribal Council. There have been many attempts to deal with the problems through the Highway Department, and contacts with the Montana Motor Carriers Association. The Legislature is their last resort. She asked the committee to please consider the passage of HB 680. The Highway 35 road bed dates back to the 1930s. The trucks are now more frequent and longer. There are truck trains. Tourism is flourishing. They like to drive slowly and stop frequently for fruit stands. Residents allow time for this. The amendments would encourage low impact tourism. They hope destination tourists and could possibly bike around the lake. They are also concerned about fast trucks moving along the lake. The tankers with trailers do not have any buffer for any spills that happen. The Highway is substandard. There is no federal funding for it because it is substandard. The state pays for the rebuilding that is done. If there is an interest in conserving dollars they cannot keep resurfacing the road. The heavy trucks need to be moved to the federally funded west shore. The state cannot afford to pay for two parallel routes. In the statutes, it states that if a person knows of a hazard which could cause personal injury or death and nothing is done to improve it, those persons having that knowledge and failing to repair it, are civilly and criminally liable. The people on the west shore don't want the traffic. The Highway Department established the west shore as the best side of the lake to improve. Trucks do have to stop for one light in Polson. There would be a stop light in Bigfork, but the Highway Department is against this because it would set a bad precedent. She disagreed.

**Opponents' Testimony:**

**REP. DOWELL, House District 5, Kalispell,** said he opposes this reluctantly. He is sensitive to the bus situation. He said if they look at the map that was distributed, the trucks would have to go through Polson. Last summer, a hearing was held in Kalispell about the possibility of a truck by-pass. There are many toxic fuels coming through Kalispell. The federal government has allocated \$750,000 for a study to find a way around Kalispell. He said the study might take two years.

**Ben Havdahl, Montana Motor Carrier's Association,** presented written testimony. **EXHIBIT 13** He said they strongly oppose HB 680. If the bill is allowed to pass, it would set a very dangerous precedent. Highway 35 was constructed by state monies. The trucking industry accounts for about 40% of the highway user taxes paid in Montana. The Montana Motor Carriers continues to promote safety on all highways in Montana. He said the residents are seeking one answer to the problem and that is banning trucks on the highway.

**Morris Campbell, Truck Driver,** said he drives one of the super trains that has been discussed here. He said they have a good safety program within their company. If it were safer to drive on Highway 93, they would be there. Very few of their drivers receive tickets on Highway 35. They have radios and the school buses let them know where they are and they do the same. There are no passing lanes on the hill out of Somers which has a curve at the bottom. He said the problem is impatient drivers.

**Jim Jensen, Co-owner of school bus and retired Highway Patrol,** said they contract to the Bigfork School District. He thinks the one incident was blown-out of proportion. The busses have gone to CB radios. He said Highway 35 did have a FAP (Federally Approved Project) number. Highway 35 is a better route.

**Larry Sturm, School Bus Driver, Bigfork,** said at the present time, he has accumulated over 1,100,000 accident-free commercial miles. Safety of the children is extremely important. He said while driving the bus, he has been tailgated, passed on double lines and violated by passenger cars. He sends his schedule, times and dates to the major trucking companies, so they are aware of his route. He said not one of the proponents called him to ask what was going on between the school bus drivers and the truckers.

**Dave Galt, Administrator, Gross Vehicle Weight (GVW),** said they have several concerns if the bill would pass. They are concerned about increased traffic through both Kalispell and Polson. They are concerned about starting a truck-ban in other areas in the state. This ban could cause economic hardship to the trucking and timber industry. The accident record for Highway 35 does not warrant such drastic actions.

**Richard Turner, Supertrain Driver, Missoula,** said there hadn't been any mention of their concern and their equipment. He said the Missoula Cartage Company usually takes the state safety award for 5 million miles or more accident-free miles. He said they do need more sand on the highways when there is ice.

**Marilyn Solberg, Solberg Trucking, Kalispell,** said she is opposed to HB 680, and presented written testimony. EXHIBIT 14

**Don Allen, Executive Vice President, Montana Wood Products Association,** said they support the comments made by Mr. Havdahl regarding safety and information.

**Bud Clinch, Montana Logging Association (MLA),** said he opposes HB 680. The MLA is an association of 600 family owned businesses with over 200 truck-owned firms. They are also concerned about safety as is evidence by their unrelenting effort to combat safety problems and workers' compensation. Success is evidenced by the past three successive reduction in rates for log truckers.

**Grant Buswell, self,** said he lives on the East Shore of the Flathead Lake. His front door knob is exactly 95 feet from the Highway. He talks with the truck drivers on the CB. He is more concerned about his fellow senior citizens, some of whom should not be driving cars. He said the classification of 26,000 pounds is discriminatory, which amounts to a U-Haul or beer truck. In twenty years, he has never known of one school bus accident.

**Bob Zachariasen, Safety Director, Missoula Cartage Company,** said they have been in business for 32 years. They haul wood chips from Kalispell and Columbia Falls to Missoula, and travel over 5.5 million miles a year. They have one of the best safety records in the state.

**Shirley Prayor, Truck Driver, Bigfork,** said the trucks are evenly divided. Highway 93 also has school buses. They have not addressed the fact that most of the building of homes along Highway 35 came after the highway was built. It is important to remember that the whole area is dependant on trucks.

REP. LEE read a statement by SEN. ETHEL HARDING, Senate District 35. She strongly supports the safety issues addressed in the bill. She wants the bill passed in a manner that provides increased signing immediately by the Highway Department. She advises the committee to work with the Highway Department regarding signing, speed limits, school bus stops, etc.

Questions from the Committee:

REP. LARSON asked what the posted speed limit is in that area. Hank Butslof, safety director, Department of Highways, said it is 50 mph. REP. LARSON asked if additional enforcement was employed during the school year or the summer months. Mr. Butslof didn't think they did. REP. LARSON asked if there was any highway

construction projects planned for Highway 35 to improve that road. Mr. Butslof said he didn't know. REP. LARSON asked if anyone in the audience could answer that. REP. LEE said Highway 35 is not wide enough to be funded by any federal funds. As a consequence, the only work that will be done is to overlay the existing roadway. There is some brush clearing to clear the right-of-way. There are no shoulders on this highway, because there is no room.

CHAIRMAN STANG asked if it would be possible for the Highway Department to get together with the Wood Products and the Montana Motor Carriers Association to develop a sign to be funded through highway money or private donations to post both ends of the route and some of the blind bus stops. Dave Galt said the Highway Department would be willing to work with both the Motor Carrier's Association and the Wood Product's Association. He could not commit on what the cost of the signs would be. Mr. Havdahl said they had offered a plan and would be happy to participate. They would sponsor a sign program if needed. There are objections to billboards in the area. Mr. Allen said they would be willing to cooperate. Mr. Sturm answered the question. He has been working with Mr. Herzog in Kalispell. They were able to get 15 school bus stop signs posted along Highway 35 between Yellow Bay and Bigfork. That portion of the road does have school bus stop signs.

REP. DEBRUYCKER asked how the accident happened. Ms. Schweison said the truck following the school bus was unable to stop. The truck had been following the school bus for two miles. She said the 15 signs were not just between Yellow Bay and Bigfork, they go all the way down Highway 35 to Echo Lake. She said her community would be happy to see more signage on the road.

REP. FOSTER asked how often does the highway patrol, patrol that area. REP. LEE said enforcement is a difficult problem on the east shore.

Closing by the Sponsor:

REP. LEE said he would be willing to carry the opponents' legislation, as he has carried this one. The question of the bill forcing everything into downtown Kalispell is not the reality it might appear. As far as FAP, only one very small project was done. REP. BROOKE said several people in her district have summer homes on Flathead Lake and have strong support for this bill. SEN. HARDING does not want this bill killed. She would like it to address in some form the safety issues that have been raised. He did sit down with the commercial carriers and they tried to work out the financial questions about driving the west shore. The truckers were not willing to do that.

HEARING ON HB 705

REP. PAT GALVIN, House District 40, Great Falls, said HB 705 has been amended. It addresses the problem of train collisions with vehicles, and the effect it has on the insurance of the train engineer, which raises the rates on his automobile insurance.

**EXHIBIT 15**

Proponents' Testimony:

Dave Ditzel, Brothers of Locomotive Engineers, said his members are concerned that when the engineers have been involved in a collision at a railroad crossing, their auto insurance went up.

Pat Keim, Director of Government Affairs, Burlington Northern, said he has seen these situations and it is not right. There is no relationship between a driver's license and the ability to run a locomotive.

Francis Marceau, United Transportation Union, said the 1200 members he represents, urge support of the bill.

Richard Van Aken, Transportation Communications Lodge 528, said they support HB 705. This bill will resolve a problem with current law that penalizes train crew members for railroad crossing accidents over which they have no control and for being in charge of a non-vehicle in a non-vehicle accident.

Matt Pepas, Brothers Maintenance and Weight, said he is in favor of the HB 705.

Opponent's Testimony: None

Informational Testimony:

Duane Tooley, Chief of Driver's Services' Bureau, said with the amendments they do not have a problem with the bill. The amendments could have led to a decertification of the commercial driver program, if the wording would have been left in. This bill is non-effect on the bureau.

Questions from the Committee:

REP. LARSON asked if the train engineers have a train driver's license. Mr. Ditzel said they do. It is a rule card that everyone is required to have in their possession.

Closing by Sponsor:

REP. GALVIN thanked the committee for a good hearing and urged their support.

EXECUTIVE ACTION ON HB 705

Motion: REP. STEPPLER MOVED HB 705 DO PASS.

Motion/Vote: REP. STEPPLER moved to adopt the amendments. Question was called. Voice vote was taken. Motion CARRIED unanimously. EXHIBIT 15

Motion/Vote: REP. STEPPLER MADE A SUBSTITUTE MOTION THAT HB 705 DO PASS AS AMENDED. Question was called. Voice vote was taken.

Vote: HB 705 DO PASS AS AMENDED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 733 and HB 723

Discussion:

Ms. Lane said she compared the two bills. There are three places where they have different language. One is for Veterans, and the other one for Purple Heart. HB 723 would remain as it is with the addition of the Purple Heart language added into it. On page 1, line 15, "was awarded the Purple Heart medal" is different language. On HB 733, page 2, lines 22 through 25, "A symbol..." is different provision and on page 3, line 7, "Purple Heart license fee of \$10" and on page 2, line 8 and 9, "Purple Heart license plates" are the differences between the two bills. It will be easy to take HB 723 and put in the language from HB 733. HB 723 would contain the language from both of the bills.

MOTION: REP. LARSON MOVED HB 723 DO PASS.

Motion/Vote: REP. LARSON moved to adopt the amendments. Question was called. Voice vote was taken. Motion CARRIED unanimously.

Motion/Vote: REP. NELSON MADE A SUBSTITUTE MOTION THAT HB 723 DO PASS AS AMENDED. Question was called. Voice vote was taken.

Vote: HB 723 DO PASS AS AMENDED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 711

MOTION: REP. TUNBY MOVED HB 711 DO PASS.

Motion/Vote: REP. GALVIN moved to adopt the amendments. EXHIBIT 11

Discussion:

REP. LARSON said he wasn't sure what the amendments did and why they were entered. Mr. Nachtsheim said the original bill had some administrative difficulties. It creates a pool of \$.25 per license which equals \$210,000. The Justice Department transfers it to the Highway Patrol in a fund that will be kept separate.

It is allocated through the eligibility requirements that are on the fund. Each eligible patrolman would get an \$1100 payment. The amount would be based on years of service. The people who have the most service will get the most credit. There was an equalizer in there that said the people who are receiving a disability either as a retired patrol officer or as a beneficiary of a retired patrol officer or the spouse of a patrol officer who was killed in duty would be given credit for twenty years of service, because their service was interrupted by the disability or death. The people who have just retired and received more than the minimum benefit structure that is in that system would have their service reduced by 25% for the purpose of the calculation. REP. LARSON asked if this was a one-time supplement or annual. Mr. Nachtsheim said it annual.

REP. ELLIS asked how long ago would a person have had to retire for this bill to make a difference. Mr. Nachtsheim said a person has to be retired for five years and be fifty five years of age.

REP. STEPPLER said on the second page of the amendments #4, it strikes \$4.25 and inserts \$5.25. He asked if that was consistent with page 3, line 14, which states \$5.50. He asked what was the difference. Mr. Nachtsheim said the number in section 4 was a typographical error and should have read \$5.25. The reason for the difference in the body of the bill and the coordination instruction in section 4, is the law currently says \$5.25. SB 192 would take the \$5.25 that is currently in law and make it \$5.00. This bill would not use anymore money than what is currently there now. It will stay at \$5.25. REP. STEPPLER asked if it had to be raised \$.25 to fight \$.50. He asked what would happen if SB 192 didn't pass. Mr. Nachtsheim said then they would be at \$5.50.

CHAIRMAN STANG said that is correct. If SB 192 does not pass, current law is \$5.25, The problem arises if the other bill does pass which reduces existing law by \$.25 or down to \$5.00. The final result should be \$5.25.

Motion/Vote: REP. LARSON called the question to adopt amendment. Voice vote was taken. Motion CARRIED unanimously.

Motion/Vote: REP. NELSON MADE A SUBSTITUTE MOTION THAT HB 711 DO PASS AS AMENDED.

Discussion:

REP. LARSON said the committee passed a bill for retirement incomes that increased to the Highway Patrol on their insurance policies. He thinks it is unfair to other public employees to give the highway patrol a \$1,000 annual supplement.

REP. TUNBY said when this was discussed previously it didn't sound like there would be that much. He wanted someone to address the amount of money a little better. Mr. Nachtseim said

there are currently 182 retired patrolmen. The bill would eliminate 34 of those people, because they are working in another public capacity. The amendments were finished two days ago, so they have not been able to see how the age would affect it. REP. TUNBY said he thought it was to help out people who were receiving the smaller amounts. Mr. Nachtsheim said there are two mechanisms to do that. The average benefit for survivors over 80 years of age is \$517 per month. There are 10 disabled members who receive \$739. Most of the people who are in these categories have less than twenty years of service.

REP. TUNBY asked if they should coordinate this bill with other state pensioners. CHAIRMAN STANG said if this bill passes, the Appropriation's Committee will coordinate it.

REP. DEBRUYCKER asked where the bill is that addresses the retirement officers. CHAIRMAN STANG said it is currently in the Taxation Subcommittee.

REP. GERVAIS said \$700 per month is cheap. They couldn't live on it.

REP. LARSON asked about the benefits for a retiree with more than twenty years of service. Mr. Nachtsheim said there are 154 retired men with an average benefit of \$844. There are 3 categories for benefit: service retirement; disability; and survivorship. It varies from \$1947 per month to \$150 per month for some people who have completed a full twenty years.

REP. MADISON said the highway patrolmen were originally not eligible to participate in Social Security. As the law changed and they were eligible to participate, it was too costly to them. They were caught in the middle. The current system forces them to retire when they have twenty years. That kicks in extra cost for the state to retrain highway patrolmen for other jobs.

REP. FOSTER asked about the \$400,000 to be used to support this. REP. DEBRUYCKER said the \$400,000 is going back into the general fund.

CHAIRMAN STANG said the \$400,000 that no one qualifies for will go into the general fund. Mr. Nachtsheim said the tax generates \$210,000 per year.

REP. TUNBY asked if the first payment will be made in September, 1992, so the other \$400,000 didn't enter in at all. Mr. Nachtsheim said that was correct.

REP. ELLIS said the Senate Bill does away with the \$.25, and dumps the part that is in the fund now and puts it in the general fund.

REP. LARSON said the Highway Patrol should get a fair shake. The fund could grow substantially. He wondered if the highway patrol

is getting a greater share than the other public employees.

REP. ELLIS asked how the retirement funds for the patrolmen ten years ago are compared to the people retiring now. Mr. Nachtsheim said they administer eight retirement systems. They have varying degrees of benefits, some have social security, some don't. The Highway Patrol retirement is based on the current salary at the time of retirement. In 1981, there were 121 retired patrolmen. In 1990 there were 182. The number of retirees will continue to increase. The best retirement system they administer is the Judge's. They receive 3 and 1/3% for each year of service, which is 1/2 salary in fifteen years and they receive Social Security. The next best systems are the Firemen and Policemen. They receive 2 1/2% per year of service, but do not have Social Security coverage. They get 1/2 pay after 20 years of service. There are three law enforcement systems that are on a 2% system. It means they work 25 years to receive 1/2 pay, they are: the sheriff's; the game wardens; and the highway patrol. The game wardens was created as a spin-off in 1963 from the PERS. Because it was a spin-off, they did have Social Security coverage.

CHAIRMAN STANG asked if the committee places this increase in the bill, will the highway patrolmen be actuarially sound, or will they be back to ask for an increase. Mr. Nachtsheim said this is a distribution, not really an annuity. They will spend what is there. This benefit will be totally funded. He thinks SB 192 will pass.

REP. NELSON called the question to adopt the amendment. Voice vote was taken. Motion CARRIED unanimously.

Motion/Vote: REP. GERVAIS MADE A SUBSTITUTE MOTION THE HB 711 DO PASS AS AMENDED. Roll call vote was taken. EXHIBIT 16

Vote: HB 711 DO PASS AS AMENDED. Motion CARRIED 15 TO 2.

#### EXECUTIVE ACTION ON HB 720

Motion: REP. ELLIS MOVED HB 720 DO PASS.

Discussion: REP. ELLIS moved to adopt amendment #1. The title and on line 14 should be "and" instead of "or".

#### Discussion:

REP. TUNBY asked if they should cross out the part about color of the bus. REP. ELLIS said just change the word "or" to "and".

REP. TUNBY said that REP. FORRESTER was only concerned about the word "school". CHAIRMAN STANG said that REP. FORRESTER agreed with the amendment.

**Motion/Vote:** Question was called to adopt amendment #1. Voice vote was taken. Motion **CARRIED** unanimously.

**Motion/Vote:** REP. TUNBY moved to adopt amendment #2 to eliminate the section on "color". Question was called. Voice vote was taken. Motion **CARRIED** unanimously.

**Discussion:**

REP. LARSON said he agreed with REP. TUNBY'S amendment. He asked who had the responsibility for altering the buses upon sale from the public carrier to a private party, is it the responsibility of the seller to have the bus painted or the buyer. CHAIRMAN STANG said that should be included in the terms of the sale.

REP. FOSTER asked if this would do everything they wanted it to do. Since the bus is still the same color. It is difficult to differentiate between an active and an inactive bus, unless it is a different color. CHAIRMAN STANG said that all he cared about was having the letters "school bus" taken off. The original intention was to change the color, but it is too expensive to paint a bus.

REP. NELSON asked how many places do the school buses have "school" on them. She asked if it was on the back and the front. CHAIRMAN STANG said yes.

REP. FOSTER asked about churches who use buses. There are still children, but it is not a school function. He wondered if the bill accomplished anything. REP. GERVAIS said if they had the flashing lights which the bill does not take off, the drivers would still have to stop.

REP. GALVIN said in Kalispell nearly all churches have school buses and they are labeled with a specific name.

REP. FOSTER said for the churches who don't have their own buses, there wouldn't be any designation of children on the bus. He said he was leaning away from voting for the bill. He is concerned that this could cut out some safety factors for children.

REP. TUNBY said the reason for this bill was because people are ignoring the passing rules.

REP. LARSON said there isn't a grandfather clause in the bill that should make the people clean up old buses with "school bus" written on them. CHAIRMAN STANG said every old bus out there will have to comply with the law or receive a fine.

**Motion/Vote:** REP. GERVAIS MADE A SUBSTITUTE MOTION THAT HB 720 DO PASS AS AMENDED.

Vote: HB 720 DO PASS AS AMENDED. Motion CARRIED 13 to 4 with REP. FOSTER, REP. BERGSAGEL, REP. CLARK and REP. STEPPLER voting no.

EXECUTIVE ACTION ON HB 751

Motion: REP. LARSON MOVED HB 751 DO PASS.

Discussion:

REP. LARSON moved to adopt amendment #1. Mr. Stallcup explained the amendment. He talked to the Highway Department who suggested changing the title of the bill. In 61-5-302, and insert "or I.D. card" after every mention of the word "license". He had talked to REP. BROWN to see if he would oppose the bill if it included the age of 18 through 21 years old. REP. BROWN said he might not vote for it but he wouldn't speak against it.

Motion/Vote: REP. LARSON moved to adopt the amendments as proposed in concept. Question was called. Voice vote was taken. Motion CARRIED unanimously.

Motion/Vote: CHAIRMAN STANG moved to adopt amendment #2. To strike 21 years of age and make it 18 years of age. REP. FELAND called the question. Voice vote was taken of who wasn't in favor. Motion CARRIED 4 to 13.

Motion/Vote: REP. LARSON MADE A SUBSTITUTE MOTION THAT HB 751 DO PASS AS AMENDED. REP. FELAND called the question. Voice vote was taken.

Vote: HB 751 DO PASS AS AMENDED. Motion CARRIED 15 to 2 with REP. NELSON and REP. STEPPLER voting no.

ADJOURNMENT

Adjournment: 5:30 p.m.

  
\_\_\_\_\_  
BARRY STANG, Chair

  
\_\_\_\_\_  
CLAUDIA JOHNSON, Secretary

BS/cj

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 2-16-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FLOYD "BOB" GERVAIS, V.-CHAIR	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. JANE DEBRUYCKER	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. PATRICK GALVIN	✓		
REP. DICK KNOX			✓
REP. DON LARSON	✓		
REP. SCOTT MCCULLOCH	✓		
REP. JIM MADISON	✓		
REP. LINDA NELSON			✓
REP. DON STEPPLER	✓		
REP. HOWARD TOOLE			✓
REP. ROLPH TUNBY	✓		
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓		

HOUSE STANDING COMMITTEE REPORT

February 16, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 309 (first reading copy -- white) do pass as amended .

Signed: \_\_\_\_\_  
Barry Stang, Chairman

And, that such amendments read:

1. Page 2, line 4.

Strike: "1/2"

Insert: "1/8"

2. Page 4, line 6.

Following: "cost"

Insert: ", to repair areas developed by this program that are damaged by off-highway vehicles,"

3. Page 4, line 9.

Following: ". "

Insert: "Up to 10% of the money deposited in the off-highway vehicle account may be used to repair areas developed by this program that are damaged by off-highway vehicles."

4. Page 4, line 12.

Strike: "1/2"

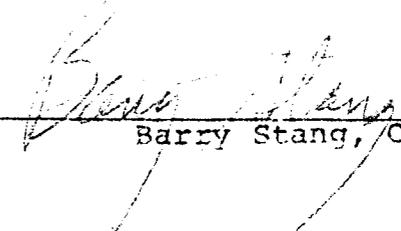
Insert: "1/8"

HOUSE STANDING COMMITTEE REPORT

February 16, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation  
report that House Bill 192 (first reading copy -- white) do  
PASS.

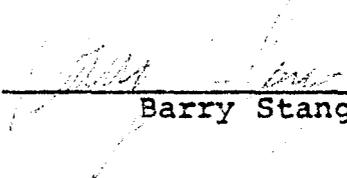
Signed:   
Barry Stang, Chairman

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 705 (first reading copy -- white) do pass as amended .

Signed:   
Barry Stang, Chairman

And, that such amendments read:

1. Page 2, line 10.

Following: "(e)"

Strike: "(i)"

Following: "is"

Strike: ":"

2. Page 2, line 11.

Strike: "(A)"

3. Page 2, line 15.

Following: "highway"

Strike: "; or"

Insert: "."

4. Page 2, lines 16 through 20.

Strike: subsection (B) in its entirety

5. Page 2, line 21.

Strike: "(ii)"

Following: "in"

Insert: "this"

6. Page 2, line 22.

Strike: "(1) (e) (1) (A) or (1) (e) (1) (B)"

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 723 (first reading copy -- white) do pass as amended .

Signed:   
Barry Stang, Chairman

And, that such amendments read:

1. Title, line 5.

Following: "SERVICE"

Insert: "AND FOR HOLDERS OF THE PURPLE HEART MEDAL"

2. Page 1, line 14.

Following: "States"

Strike: "and who"

Insert: "may be issued license plates inscribed as provided in subsection (2) if he:  
(a)"

3. Page 1, lines 15 and 16.

Following: "circumstances" on line 15

Strike: remainder of line 15 through "subsection (2)" on line 16

Insert: "; or

(b) was awarded the purple heart medal"

4. Page 1, line 17.

Following: "(2)"

Insert: "(a)"

Following: "of"

Strike: "a written application and"

5. Page 1, line 22.

Following: "set"

Strike: "following"

Insert: ". The plates must display:  
(i)"

6. Page 2, line 1.

Following: "application"

Strike: "."

Insert: "; or

(ii, a symbol representing the purple heart medal.

(b)"

7. Page 2, line 3.

Following: "to"

Insert: "qualified"

8. Page 2, line 10.

Following: "veterans'"

Insert: "or purple heart medal"

Following: "fee"

Strike: ", which may not exceed"

Insert: "of"

9. Page 2, line 13.

Strike: "motor vehicle account in the state special revenue"

Insert: "state general"

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 3

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 711 (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_  
Barry Stang, Chairman

And, that such amendments read:

1. Title, line 6.

Following: "FEES;"

Insert: "PROVIDING A STATUTORY APPROPRIATION;"

2. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS 17-7-502 AND"

3. Page 1, lines 12 through 24.

Following: "retirees."

Strike: remainder of line 12 through "benefit." on line 24

Insert: "(1) In addition to any retirement allowance payable under this chapter, a retired patrol officer or a beneficiary determined by the board to be eligible under subsection (2) shall receive an annual lump-sum payment beginning in September 1992 and each succeeding year as long as he remains eligible.

(2) To be eligible for the benefits under this section, a person must be:

(a) a retired patrol officer who is 55 years of age or older and who has been receiving a service allowance for at least 5 years prior to the date of distribution;

(b) a beneficiary of a patrol officer who would have been eligible under subsection (2) (a); or

(c) a recipient of a disability or survivorship allowance under 19-6-601 or 19-6-603.

(3) A retired patrol officer otherwise qualified under this section who is employed in a position covered by a retirement system under Title 19, chapters 3 through 13, is ineligible to receive any lump-sum payments provided for in this section until his employment in the covered position is terminated. Upon termination of his covered employment, the officer becomes eligible in the next fiscal year succeeding his termination.

(4) (a) Twenty-five cents of each motor vehicle registration fee provided for in 61-3-321 must be deposited in the highway patrol fund at the end of each fiscal year. The fee is statutorily appropriated, as provided in 17-7-502, for payment of benefits to eligible recipients. The total funds must be distributed by the department in lump-sum payments to eligible recipients along with their normal retirement allowance payment.

(b) The lump-sum payment must be distributed proportionally to all eligible recipients based on years of service at the time of retirement, subject to the following:

(i) a recipient under subsection (2) (c) is considered to have 20 years of service for the purposes of the distributions.

(ii) any recipient of a service retirement allowance exceeding the maximum monthly allowance under 19-6-707(2) (a) must have his years of service reduced 25% for the purposes of the distributions.

NEW SECTION. Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; section 1; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws of 1985.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana.

Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991.)"

Renumber: subsequent sections

4. Page 4, line 10.

Following: "is"

Strike: "\$4.25"

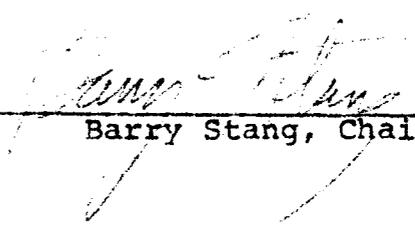
Insert: "\$5.25"

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 1

Mr. Speaker. We, the committee on Highways and Transportation report that House Bill 720 (first reading copy -- white) do pass as amended .

Signed: 

Barry Stang, Chairman

And, that such amendments read:

1. Title, line 6.

Following: first "BUS"

Strike: "IS THE COLOR OF A SCHOOL BUS OR"

2. Page 1, line 11.

Strike: "Color of and markings"

Insert: "Markings"

3. Page 1, lines 13 and 14.

Following: "it" on line 13

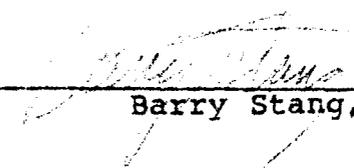
Strike: remainder of line 13 through "or"

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 751 (first reading copy -- white) do pass as amended .

Signed: 

Barry Stang, Chairman

And, that such amendments read:

1. Title, line 10.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "61-5-206"

Insert: "AND 61-5-302"

2. Page 4, line 2.

Following: line 1

Insert: "Section 2. Section 61-5-302, MCA, is amended to read:

"61-5-302. Unlawful use of license or identification card. It is a misdemeanor for any person to:

(1) display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or altered driver's license or identification card;

(2) lend his driver's license or identification card to any other person or knowingly permit its use by another;

(3) display or represent as one's own any driver's license or identification card not issued to him;

(4) fail or refuse to surrender to the department upon its lawful demand any driver's license or identification card which has been suspended, revoked, or canceled;

(5) use a false or fictitious name in any application for a driver's license, or commercial vehicle operator's endorsement, or identification card or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application; or

(6) permit any unlawful use of a driver's license or identification card issued to him."

Proposed Amendments to HB 309  
Montana Audubon Legislative Fund  
House Highways & Transportation  
January 12, 1991

EXHIBIT 1  
DATE 2-16-91  
HB 309

1. Page 4, Line 4  
Strike "only to"  
Insert "for the following purposes: (i) to"
  2. Page 4, Line 6  
Following "cost"  
Insert ";
  3. Page 4, Line 6  
Following "and"  
Insert "(ii) to address environmental consequences of facilities through planning, mitigation, and monitoring.  
(b)"
  4. Page 4, Line 8  
Strike "and to promote off-highway vehicle safety."
  5. Page 4, Line 10  
Strike "(b)"  
Insert "(c)"
- 
6. Page 4, Line 5  
Following "public"  
Insert "and to repair areas damaged by off-highway vehicles"  
*developed by this program donate  
up to 10%*

EXHIBIT 2  
DATE 2-16-91  
HB 309

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-16-91 BILL NO. 309 NUMBER \_\_\_\_\_

MOTION: Rep Stepler Made substitute  
Motion that HB 309 Do Pass As Amended  
Motion Carried 9-6

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN		✓
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK		✓
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN	✓	
REP. DICK KNOX		
REP. DON LARSON	✓	
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON	✓	
REP. LINDA NELSON		✓
REP. DON STEPLER		✓
REP. HOWARD TOOLE		
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN		✓
TOTAL	9	6

EXHIBIT 3  
 DATE 2-16-91  
 HB 192

HOUSE OF REPRESENTATIVES  
 HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-16-91 BILL NO. HB 192 NUMBER \_\_\_\_\_

MOTION: Rep. McCulloch made Substitute  
Motion that HB 192 Do PASS.  
Motion Carried 10-5

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK		✓
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND		✓
REP. MIKE FOSTER		✓
REP. PATRICK GALVIN	✓	
REP. DICK KNOX		
REP. DON LARSON		✓
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON	✓	
REP. LINDA NELSON	✓	
REP. DON STEPLER	✓	
REP. HOWARD TOOLE		
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓	
<b>TOTAL</b>	<b>10</b>	<b>5</b>

EXHIBIT 4  
DATE 2-16-91  
HB 37

DEPARTMENT OF HIGHWAYS



STAN STEPHENS, GOVERNOR

2701 PROSPECT AVE.

STATE OF MONTANA

HELENA, MONTANA 59620

April 19, 1989

Honorable Irvin Davis  
Montana House of Representatives  
Capitol Building  
Helena, MT 59620

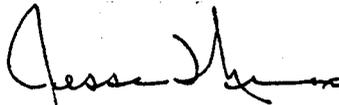
OVERWEIGHT POTATOE HAULING VEHICLES - POLSON/RONAN AREA

The Gross Vehicle Weight Division monitors commercial and farm vehicle operations throughout the state, with special emphasis on roads that are restricted due to climatic conditions. Each year most of the roadways in northwestern Montana are restricted for both weight and speed. Since March 6 of this year, we have had four officers monitoring all restricted roads in northwestern Montana. Our officers have weighed 63 potatoe hauling vehicles with portable scales. Four vehicles were found to be overweight and were returned to the point of loading to adjust. In each case the overweight did not exceed 3,000 pounds.

The new weigh station at Haugan processes the bulk of the potatoe hauling vehicles. To date we have had only one overweight potatoe hauling vehicle at Haugan. The unit was 2,600 pounds heavy and was adjusted at the weigh station.

~~The "potatoe haulers" appear to be in compliance with Montana weight laws.~~ We have had only five overweights from the "potatoe haulers" in the Polson-Ronan area and they were not severe. However, there have been several vehicles cited for failure to purchase trip permits.

If we can be of more assistance, please contact me at 444-6130.

  
JESSE MUNRO, ADMINISTRATOR  
GROSS VEHICLE WEIGHT DIVISION

JM:lrk:1x

EXHIBIT 5  
DATE 2-16-91  
HB 37

HOUSE OF REPRESENTATIVES  
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-16-91 BILL NO. HB 37 NUMBER \_\_\_\_\_

MOTION: Rep. Gervais made a substitute motion that HB 37 Do Not Pass.  
Motion Carried 10-6

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. MIKE FOSTER		✓
REP. PATRICK GALVIN	✓	
REP. DICK KNOX	✓	
REP. DON LARSON		✓
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON		✓
REP. LINDA NELSON		✓
REP. DON STEPPLER		✓
REP. HOWARD TOOLE		
REP. ROLPH TUNBY		✓
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓	
TOTAL	10	6

EXHIBIT 6  
 DATE 2-16-91  
 HB 37

HOUSE OF REPRESENTATIVES  
 HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-16-91 BILL NO. HB 37 NUMBER \_\_\_\_\_

MOTION: Rep. Clark Made a Substitute  
Motion that HB 37 Be TABLED.  
Motion Carried 8-7

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. JANE DEBRUYCKER		✓
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. MIKE FOSTER		✓
REP. PATRICK GALVIN	✓	
REP. DICK KNOX		
REP. DON LARSON		✓
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON		✓
REP. LINDA NELSON		✓
REP. DON STEPPLER		✓
REP. HOWARD TOOLE		
REP. ROLPH TUNBY		✓
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓	
TOTAL	8	7

EXHIBIT 7  
DATE 2-16-91  
HB 733

HOUSE BILL 733

PROPOSED AMENDMENTS

AMENDMENT #1

Page 1, Section 1, Part 2, Line 17 - strike the words "a written application and" so that Line 17 reads "upon submission of proof....."

AMENDMENT #2

Page 2, Section 1, Part 3, Lines 10 and 11 - following "deposit in" remove "the Motor Vehicles Account in the State Special Revenue Fund." Insert "the State General Fund Account."

EXHIBIT 8  
DATE 2-16-91  
HB 723

H.B. 723

PROPOSED AMENDMENTS

AMENDMENT #1

Page 1, Section (1) Part (2) Line 17, strike "a written application". Line 17 then reads "Upon submission of proof....."

AMENDMENT #1

Page 2, Section (1) Part (3) Line 12 and 13. Should read "Remit \$1.00 for deposit in the State General Fund". Strike "Remit \$1.00 for deposit in the Motor Vehicle Account in the State special revenue fund".

Amendments to House Bill No. 723  
First Reading Copy (White)

For the Committee on Highways and Transportation

Prepared by Valencia Lane  
February 17, 1991

1. Title, line 5.  
Following: "SERVICE"  
Insert: "AND FOR HOLDERS OF THE PURPLE HEART MEDAL"
  
2. Page 1, line 14.  
Following: "States"  
Strike: "and who"  
Insert: "may be issued license plates inscribed as provided in subsection (2) if he:  
    (a)"
  
3. Page 1, lines 15 and 16.  
Following: "circumstances" on line 15  
Strike: remainder of line 15 through "subsection (2)" on line 16  
Insert: "; or  
    (b) was awarded the purple heart medal"
  
4. Page 1, line 17.  
Following: "(2)"  
Insert: "(a)"  
Following: "of"  
Strike: "a written application and"
  
5. Page 1, line 22.  
Following: "set"  
Strike: "following"  
Insert: ". The plates must display:  
    (i)"
  
6. Page 2, line 1.  
Following: "application"  
Strike: "."  
Insert: "; or  
    (ii) a symbol representing the purple heart medal.  
    (b)"
  
7. Page 2, line 3.

EXHIBIT 8  
DATE 2-16-91  
HB 723

Following: "to"  
Insert: "qualified"

8. Page 2, line 10.  
Following: "veterans"  
Insert: "or purple heart medal"  
Following: "fee"  
Strike: ", which may not exceed"  
Insert: "of"

9. Page 2, line 13.  
Strike: "motor vehicle account in the state special revenue"  
Insert: "state general"



STAN STEPHENS, GOVERNOR

STATE OF MONTANA

TESTIMONY ON HOUSE BILL 723

SATURDAY, FEBRUARY 16, 1991

GOOD AFTERNOON.

I AM RICH BROWN, ADMINISTRATOR OF THE STATE'S VETERANS AFFAIRS DIVISION. I AM HERE TODAY TO EXPRESS SUPPORT FOR HB 723 ON BEHALF OF THE MONTANA BOARD OF VETERANS AFFAIRS AND TO GIVE YOU A SHORT REVIEW OF THE STATE VETERANS CEMETERY.

IN 1985 REPRESENTATIVE ORVAL ELLISON AND OTHERS SPONSORED HB 513 WHICH CREATED THE CEMETERY AND APPROPRIATED \$25,000.00 FOR CONSTRUCTION AT THE SITE. ALTHOUGH THE ORIGINAL REQUESTED AMOUNT OF THE BILL WAS \$250,000 AND WAS LATER REDUCED TO \$25,000, IN THE FULL HOUSE APPROPRIATIONS COMMITTEE, WE WERE ABLE TO GENERATE A TWO-FOR-ONE MATCH WITH THE FEDERAL DEPARTMENT OF VETERANS AFFAIRS AND OPEN THE FACILITY. WE HAD RECEIVED 65 ACRES OF LAND, NEAR THE FORT HARRISON D.V.A. FACILITY, FROM THE U.S. ARMY CORPS OF ENGINEERS AT NO COST TO THE STATE OF MONTANA.

DURING THE 1987 LEGISLATURE, REPRESENTATIVE BOB PAVLOVICH AND OTHERS SPONSORED A REVENUE CHECK-OFF ON THE STATE INCOME TAX FORM WHICH GENERATED JUST OVER \$7,000.00 FOR CONSTRUCTION AT THE SITE.

THE \$25,000.00 APPROPRIATED BY THE 1985 LEGISLATURE IS THE ONLY FUNDING PROVIDED BY THE STATE OF MONTANA IN THE SIX YEARS THE STATE HAS OWNED AND OPERATED THE SITE. ALL LAND, TREES, CONSTRUCTION AND OPERATIONS AT THE SITE HAVE, TO DATE, COME FROM FEDERAL OR DONATED FUNDS.

RECENTLY OUR DIVISION HAS RECEIVED NUMEROUS COMPLAINTS FROM FAMILIES OF INDIVIDUALS BURIED AT THE SITE, VETERANS AND OTHERS WHO BELIEVE IMMEDIATE RENOVATIONS AND IMPROVEMENTS MUST BE COMPLETED.

THE SALE OF SPECIAL VETERAN LICENSE PLATES WILL ALLOW THE VETERANS THE OPPORTUNITY TO BUILD AS MUCH OR AS LITTLE AS THEY DEEM NECESSARY AT THE SITE.

EXHIBIT 9  
DATE 2-16-91  
HB 723

THE BILL SUGGESTS ONE DOLLAR BE GIVEN TO THE STATE TO COVER COST OF PRINTING THE LICENSE PLATES, THREE DOLLARS GO TO THE COUNTY FOR COSTS ASSOCIATED WITH THE SALE AND SIX DOLLARS BE HELD FOR CONSTRUCTION AT THE SITE. THESE FIGURES ARE ESTIMATES OF COSTS AND MAY BE ALTERED IF THE COMMITTEE DEEMS THAT NECESSARY.

SEPARATED LEGISLATION WILL BE CONSIDERED DURING THIS SESSION FOR THE OPERATIONS AND MAINTENANCE OF THE CEMETERY.

AS OF FRIDAY, FEBRUARY 19, 1991 149 BURIALS HAS TAKEN PLACE AT THIS SITE.

STATE VETERANS CEMETERY

PROPOSED PHASING OF FUNDING (IN THOUSANDS)

EXHIBIT 9  
 DATE 2-16-91  
 HB 723

ITEM	PHASE ONE COST	PHASE TWO COST	PHASE THREE COST	PHASE FOUR COST
BUILDING, TOTAL	0.0	26.9	0.0	0.0
ROADS	18.9	37.8	56.7	37.8
FENCING 50%	9.6	22.4	0.0	0.0
WATER SYSTEM PUMP/WELL	4.4	0.0	0.0	0.0
2 IN PIPE 50%	12.8	12.8	0.0	0.0
1 1/2 IN PIPE 50%	0.0	0.0	25.4	25.4
TRENCHING	7.8	7.8	15.7	0.0
ELECTRICAL	2.9	0.0	0.0	0.0
WALKWAYS 25%	0.0	17.3	17.3	34.5
LANDSCAPING 25%	3.0	3.0	3.0	5.1
CONTINGENCY	3.0	6.4	5.9	5.1
DESIGN FEES	11.9	11.9	3.0	3.0
TOTAL	74.0	146.1	126.8	110.8
PHASE 1	74,000			
PHASE 2	146,100			
PHASE 3	126,800			
PHASE 4	<u>110,800</u>			
TOTAL	457,700			

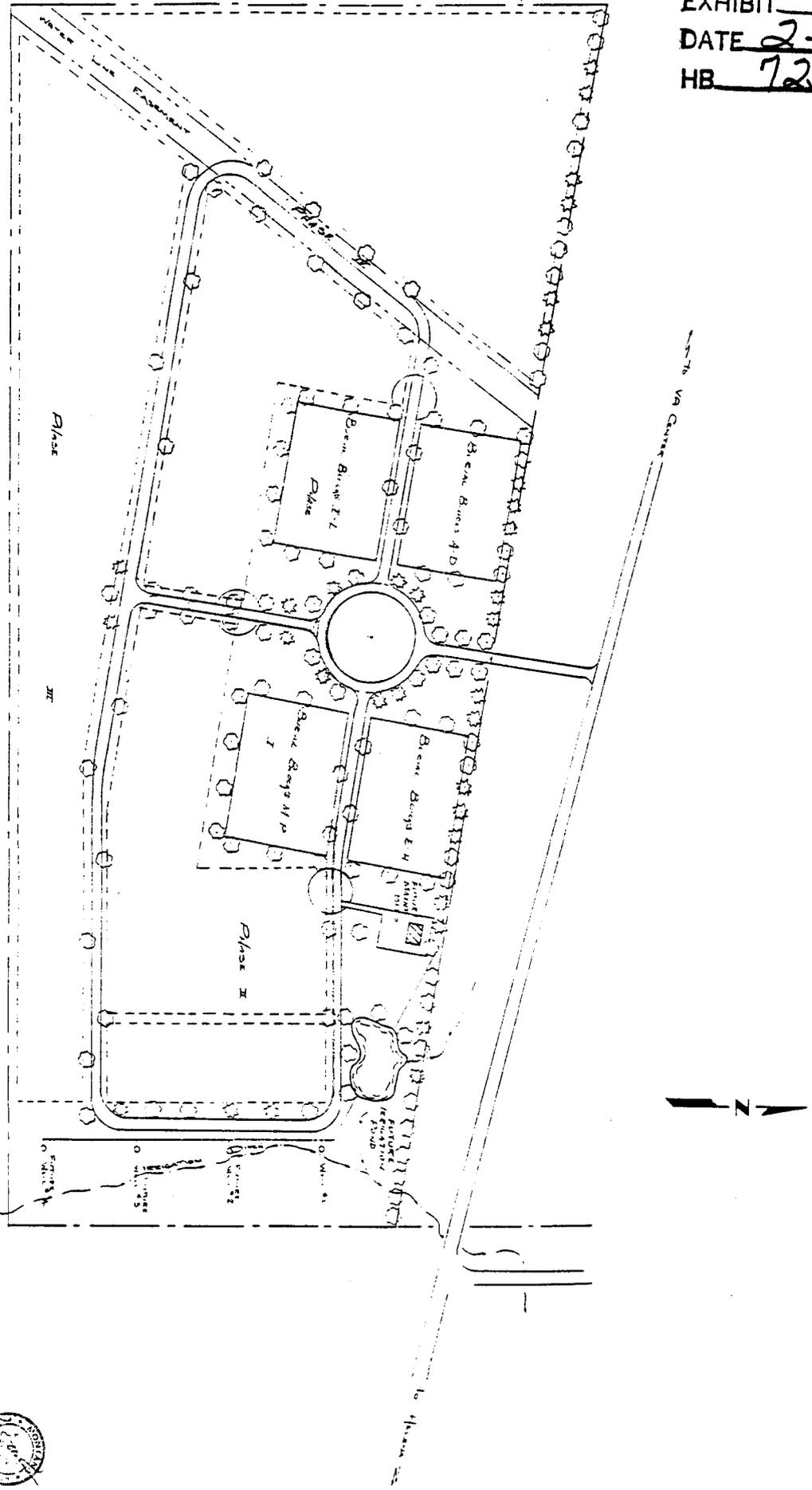
VETERANS CEMETARY

FINANCIAL RECAP

EXHIBIT 9  
 DATE 2-16-91  
 HB 723

Architect:	McKenna Associates	\$14,966.50
Contractor:	NW General Construction	\$36,424.00
	Lindsay Drilling	\$11,680.00
	Maronick Construction	\$10,888.00
Advertising:	Independent Record	\$ 84.00
Supervisory Fees:	State A & E Division	\$ 208.38
Appraisal Services:	Al J. Frezzette	\$ 300.00
Filing Fees:	Lewis & Clark County	\$ 4.00
Surveyor:	Gerald Ditto	<u>\$ 440.00</u>
		\$74,995.38

EXHIBIT 9  
 DATE 2-16-91  
 HB 723



REV. NO.	DESCRIPTION	DATE
1	PROPOSED STATE ENGINEERS	02-16-91
2	MAJOR PLAN	
STATE VETERANS CEMETERY		
SHOWING PHASE I DEVELOPMENT		
FORT HARRISON MONTANA		
MONTANA BE. 55-23-04		
MCKENNA ASSOCIATES		
ENGINEERS		
HELENA, MONTANA		
SCALE	AS SHOWN	
DATE	02-16-91	
BY	W. J. MCKENNA	
CHECKED BY	W. J. MCKENNA	

EXHIBIT 10  
DATE 2-16-91  
HB 751

JOINT STATEMENT OF  
MOTHERS AGAINST DRUNK DRIVING  
AND THE  
NATIONAL RESTAURANT ASSOCIATION

Society is experiencing a rapid escalation in the number of people under the legal age for purchasing alcoholic beverages who use or attempt to use false identification to make such purchases. This kind of fraudulent activity is all too common among both high school and college age students.

For this reason, Mothers Against Drunk Driving (MADD) and the National Restaurant Association have joined together to ask the individual states to take appropriate action.

1. MADD and the National Restaurant Association ask all states that have not done so to enact laws that will make it illegal for an individual under the legal purchasing age for alcoholic beverages to misrepresent his/her age by use of false identification for the purpose of purchasing alcoholic beverages. Further, we urge that penalties be established for the attempt to acquire such identification through the use of other fraudulent documents.
2. We further ask the individual states that have not already done so to legislate penalties for this crime that judges will be willing to hand down to minors and that will act as a deterrent to the crime. We recommend: suspension of the offender's license for up to one year, or until age 18,

whichever is longer or for one year past age of licensure if the offender is at that time below that age.

3. We ask the individual states to issue universal, tamperproof photographic licenses with color coding to identify persons under 21 years of age in conjunction with stamping "under 21" clearly across the license.
4. We call on licensed retailers of alcoholic beverages, who have not done so already, to train employees on the detection of fraudulent or altered identification, as well as to take necessary steps to "card" youth in an effort to detect such abuses of identification by those under 21.

EXHIBIT 11  
DATE 2-16-91  
HB 711

Amendments to House Bill No. 711  
First Reading Copy

Requested by Rep. Connelly  
For the House Committee on Highways

Prepared by Eddy McClure  
February 15, 1991

1. Title, line 6.  
Following: "FEES;"  
Insert: "PROVIDING A STATUTORY APPROPRIATION;"

2. Title, line 7.  
Strike: "SECTION"  
Insert: "SECTIONS 17-7-502 AND"

3. Page 1, lines 12 through 24.  
Following: "retirees."  
Strike: remainder of line 12 through "benefit." on line 24  
Insert: "(1) In addition to any retirement allowance payable under this chapter, a retired patrol officer or a beneficiary determined by the board to be eligible under subsection (2) shall receive an annual lump-sum payment beginning in September 1992 and each succeeding year as long as he remains eligible.

(2) To be eligible for the benefits under this section, a person must be:  
(a) a retired patrol officer who is 55 years of age or older and who has been receiving a service allowance for at least 5 years prior to the date of distribution;  
(b) a beneficiary of a patrol officer who would have been eligible under subsection (2)(a); or  
(c) a recipient of a disability or survivorship allowance under 19-6-601 or 19-6-603.

(3) A retired patrol officer otherwise qualified under this section who is employed in a position covered by a retirement system under Title 19, chapters 3 through 13, is ineligible to receive any lump-sum payments provided for in this section until his employment in the covered position is terminated. Upon termination of his covered employment, the officer becomes eligible in the next fiscal year succeeding his termination.

(4) (a) Twenty-five cents of each motor vehicle registration fee provided for in 61-3-321 must be deposited in the highway patrol fund at the end of each fiscal year. The fee is statutorily appropriated, as provided in 17-7-502, for payment of benefits to eligible recipients. The total funds must be distributed by the department in lump-sum payments to eligible recipients along with their normal retirement allowance payment.

(b) The lump-sum payment must be distributed proportionally to all eligible recipients based on years of service at the time of retirement, subject to the following:

(i) a recipient under subsection (2)(c) is considered to have 20 years of service for the purposes of the distributions.  
(ii) any recipient of a service retirement allowance

exceeding the maximum monthly allowance under 19-6-707(2)(a) must have his years of service reduced 25% for the purposes of the distributions.

NEW SECTION. Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

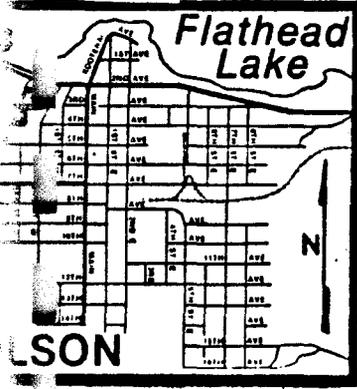
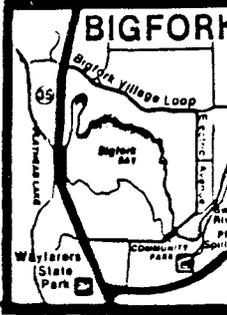
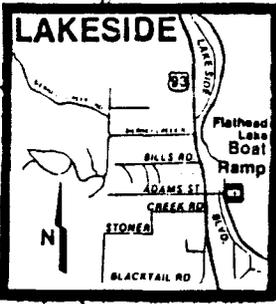
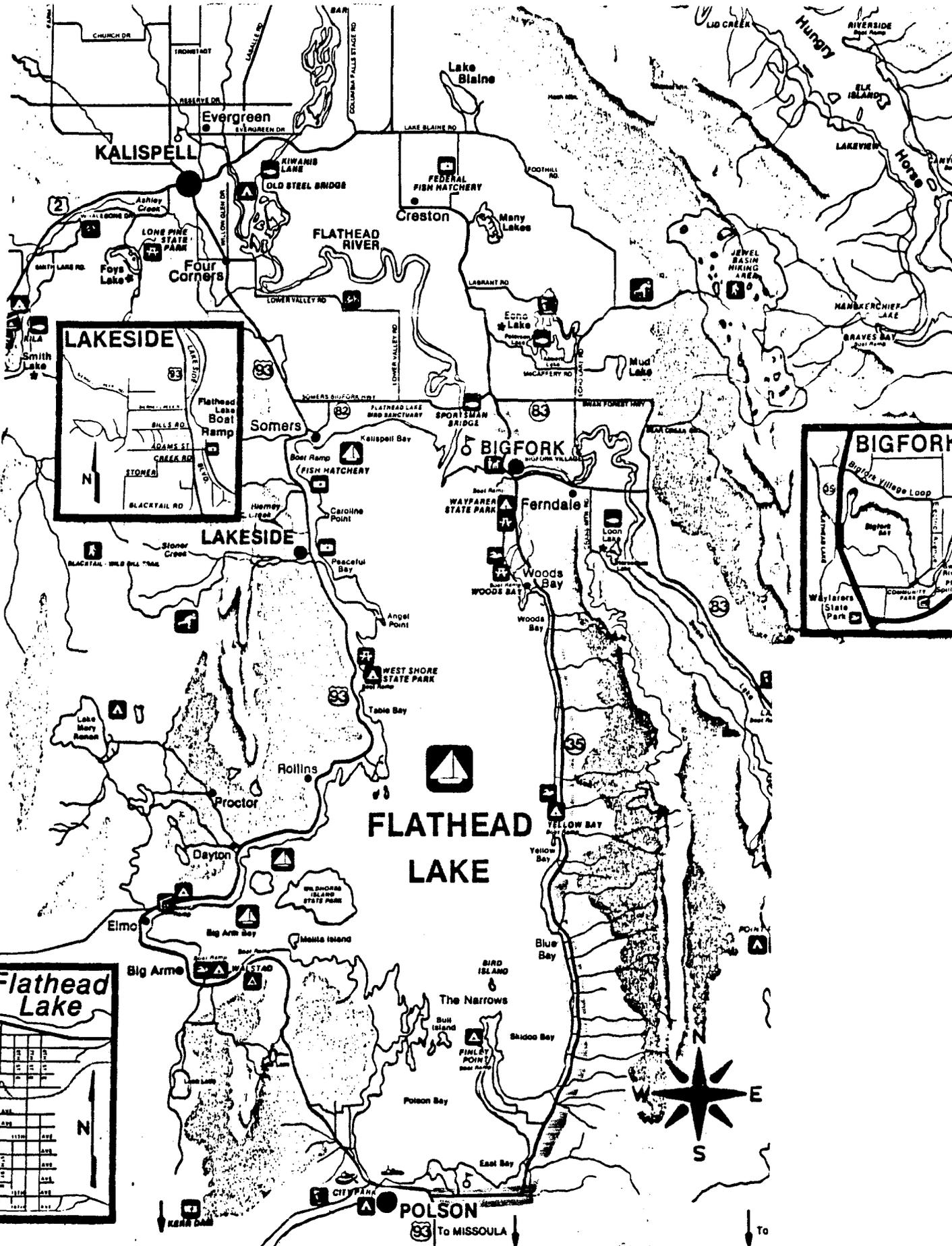
(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; [section 1]; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws of 1985.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991.)"

Renumber: subsequent sections

4. Page 4, line 18.  
Following: "is"  
Strike: "\$4.25"  
Insert: "\$5.25"

DATE 2-16-91  
HB 680



POLSON

POLSON

93 To MISSOULA

EXHIBIT 12  
DATE 2-16-91  
HB 680

# Schoolbus driver averts tragedy

A chip truck that skidded out of control on icy Montana 35 Wednesday afternoon missed slamming into a nearly full Bigfork school bus only because the bus driver alertly backed the bus out of harm's way.

Maurice Dale of Yellow Bay said his bus was stopped after unloading three students just north of the Beardance Clubhouse about nine miles south of Bigfork when he saw the oncoming chip truck skidding toward the bus.

"I looked up, and here comes the truck and trailer sideways down the road," Dale said.

The students — a high-school girl, an eighth-grade boy and a kindergarten girl — were not yet to the centerline of the highway when

they also saw the oncoming truck. They ran off the west side of the road over a bank and into the snow, Dale said.

He threw the bus into reverse and backed up about 75-100 feet, as did another motorist stopped immediately behind him.

The truck driver tried to swing onto a side road, but the trailer skidded across the highway and "came to rest crosswise in the road where I'd been stopped.

"It could have been really bad," Dale said.

Henry Jacobson, the investigating Montana Highway patrolman, agreed with Dale.

"Everybody did just exactly what they should have," he said.

"God was sitting on somebody's shoulder."

The skidding truck was also able to avoid a car that had stopped in the northbound lane while the three students got off the bus.

Dale said witnesses to the near-tragedy were upset with the truck driver, and some exchanged heated words with the driver.

Dale said it appeared to him that the truck was driving too fast for conditions. No citations were issued, however, Jacobson said.

Dale, a former Lake County deputy sheriff, said this is his first year driving school bus after 12 years driving a patrol car.

"I don't know why we didn't lose some kids last night," he said.

*Forkville*

*12/21/89*

*M*

2-16-91

**Exhibit 12 also contains 8 letters supporting HB 680. The originals are stored at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)**

EXHIBIT 13  
DATE 2-16-91  
HB 680

Date Submitted: 2/16/91  
HB 680  
Curt Laingen  
Montana Motor Carriers Association

Mr. Chairman, members of the committee... for the record, my name is Curt Laingen. I am Director of Safety for the Montana Motor Carriers Association (MMCA). I am here today to speak in strong opposition to HB 680. This bill would prohibit all truck traffic on Montana Highway 35.

The impact of a restriction of traffic on a state highway would have far reaching effects. Highway 35 now carries traffic that transports commodities that are in one way or another the mainstay of Montana life and livelihood.

Highway 35 provides a route that is shorter and more direct than alternate routes and those factors directly impact the economics of the commercial motor carrier industry. Moving truck traffic to Highway 93 means more miles and longer grades as compared to Highway 35. That Equates to increased fuel costs, increased employment costs and trip times that will adversely affect a major component of an already fragile lumber industry.

Hwy 35 provides a route that has better gradability than alternate routes which means a smoother, less restricted traffic flow. This greatly enhances traffic safety because of reduced vehicular passing.

The Association is firm in its policy of promoting safety on all highways in Montana to our member carriers including Highway 35. We are concerned, however that many of the residents and some business establishments in the area of Bigfork are urging that all truck traffic be banned and diverted to Highway 93. MMCA would oppose this approach as we believe it would compound the truck traffic on Highway 93 to transfer the matter to another area rather than attempting to reach solutions to the concerns of residents and others on Highway 35. In our view both are public roadways and must remain open to all vehicle traffic.

Traffic splits between Highway 93 & Highway 35 are currently about 50-50. Shifting truck traffic to Highway 93 would mean that all truck traffic would now go directly through downtown Kalispell and

downtown Polson. The resulting traffic congestion would not only cause a very unhappy situation in those communities, but would equate to a very dangerous driving situation as well for all drivers.

The long grade at Lakeside would require trucks to chain up often in the winter months which will further congest traffic flow. Increased truck traffic at best would mean lines of traffic backed up behind trucks as they pull the grade in summer months.

Concern has been expressed by residents and groups including, the Bigfork Area Chamber of Commerce, Lake County Land Services, the Bear Dance Women's Club and others regarding the compatibility of truck operation on Highway 35 with school buses. Mention has been made of one or two incidents involving a truck and school bus.

MMCA is also concerned about this matter and we strongly support the use of the Channel 19 radio communication program recently implemented. You may be aware of the successful effort by Bigfork Public School Superintendent Jean Hagan and her school bus drivers. In the event you have not seen the letter written by Jean Hagan to the Department, she noted the following and I quote, in part, for your information:

"Bigfork Schools, along with you and the Motor Carriers, want only safe conditions for students being transported to and from school. We have appreciated the cooperation given to date by the regular carriers along Highway 35. Currently, they and the Bigfork School's bus contractor are to be using Channel 19 on their radios during school bus pick-up and drop-off times. The highway department is putting in pull-offs along Highway 35. Signs have been posted. And, Bigfork School bus drivers have received defensive driving in service."

Anything else which can be done to promote safety will, of course, be supported by the schools. We recognize that all should be able to use the road if prudence and common sense is used. Not until last year, when a potentially tragic situation took place, has urgency been expressed. Since then, we, the chip truck carriers, and the highway department have reviewed safety measures, and positive actions have taken place."

You may also be interested in the response of one of the school bus drivers, Larry Sturm from Bigfork, to the incident referred to in his

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DATE 2-16-91  
HB 680

letter to the editor of the Bigfork Eagle. I have taken the liberty of attaching a copy of that letter, for your information, as it appeared in the Bigfork paper.

On a final note; MMCA reviewed the results of two studies by the Rural Planning Section of the Department's Program Development Division, one in 1984 and the second in February, 1990, in light of what was described as ~~two~~<sup>two</sup> "near misses" between a semi truck and a school bus on Highway 35. The report entitled "Truck Traffic on East Shore Road" studied chip trucks off-tracking characteristics and how chip trucks generally negotiate the roadway. The conclusion in 1984 was...

"that these trucks stayed within their lanes very well and no problems were observed."

The 1990 study noted that truck configurations are basically the same except that...

"they are, however, using a second trailer or "pup" trailer now with greater frequency than in 1984 ... In conclusion, any offtracking or perceived offtracking problems associated with trucks as they travel FAP-52 (Highway 35) appears to be the most critical element affecting the operational posted limits. It appears that they are capable of traversing FAP-52 without posing a safety problem. However, the opposite may be true if the speed limits are ignored.

So, members of the committee, you can see there are no conclusive reasons for closing Highway 35 to truck traffic. Weighing the pluses and minuses of moving truck traffic strictly to Highway 93 would make it obvious that closure of Highway 35 to truck traffic is unnecessary and would set a precedent that would have severe ramifications. To quote a bumper sticker many trucks carried in the 1970's; "You don't have to love me, but a little understanding would sure help!"

I strongly urge the committee to vote NO on HB 680. Thank You.

**Car traffic,  
not trucks  
threaten safety**

Dear Editor,

The current school year is only a few days old and already there has been a report of a truck/bus "incident" on East Shore Highway 35. Just as with any story which supports a controversy the alleged "incident" has become grossly disproportionate compared to what actually happened.

Please be advised that at no time during this purported "incident" were my bus passengers in jeopardy nor was their safety at risk. The driver of the approaching vehicle and I were both doing what we were supposed to do. Further, there was no violation of the law and certainly no danger.

So, the time has come to put this situation into perspective. That perspective began last spring when I acquired the Bigfork to Yellow Bay bus route.

At that time, Supt. Jean Hagan, and I along with representatives of the major freight and forest products carriers began a joint effort to effectively alleviate, even eliminate, future truck/bus problems on the East Shore.

Many hours were spent in my contacting the carriers in person and by mail. Each of those carriers was sent a copy of my route and time schedule.

Supt. Hagan and I discussed the placement of "school bus stop" signs, the installation of a C.B. radio in my bus, the relocation of certain stops and other ways of improving bus safety on

the East Shore. These improvements have all been put into effect.

However, having all the pieces in place does not ensure a smooth running operation, yet, this process is running smoothly because all three parties are making an honest effort to make it do so.

At this point there is a stumbling block that involves a fourth group, i.e., the East Shore automobile traffic. For example, during the last two months of the past school year, seven cars ran through my red lights. Six of those were local and one of those locals committed the same violation twice in four days.

Since the safety and well-being of students on my bus is my primary concern, I shall continue to report safety violations to the Highway Patrol and the school administration.

Moreover, I will not sanction compromising the well-being of my passengers by using them and my bus to promote a controversy over traffic on East Shore Highway 35.

Larry Sturm  
Bigfork

HB 680

EXHIBIT 14  
DATE 2-16-91  
HB 680

Barry Stang-Chairman  
Floyd Gervais-Vice Chairman  
Members Highways and Transportation Committee

I have read the articles and letters that have been published in the Bigfork Eagle the last few weeks concerning the grassroots movement to exclude trucks on Montana 35 between Bigfork and Polson. I am writing in response to the questions on maintenance funding and safety that have been raised on this issue.

As co-owner of a Kalispell based Trucking Company, I do know what we contribute to the State and Federal general funds. We have a small fleet of 16 trucks plus trailers, and our taxes that go to these funds amount to approximately \$247,908.00 per year. Of that amount, \$133,604.00 goes to the State and County funds, which include Montana State fuel tax, license, gross vehicle weight and route taxes and permits. The balance of \$114,304.00 is for Federal fuel tax, Highway use tax and Federal Excise tax on tires.

If we were to compare taxes and fees paid for passenger vehicles and trucks, it is very clear that trucks pay a much greater percentage. For instance, it would take approximately 3,870 passenger vehicles, with each one being driven 20,000 miles a year and making 20 miles to a gallon of gas and paying a license fee of \$300.00 a year to pay the same amount of taxes and fees for highway purposes as we pay on our small fleet of truck each year.

We too, are very concerned about safety and continually work with our drivers on this measure. All truck drivers have to abide by the stringent laws of the Department of Transportation, experience, driving record and physical fitness are only a few. We have always considered our drivers to be professional people. Also, all of our equipment is required to have an annual safety inspection and must display a decal that the safety standards are met.

Insurance companies issue awards for safe driving, and for three consecutive years, our company received a Fleet Safety Award for over one Million Accident free miles each year.

Our local children are also very important to us, and we are working with school bus drivers to insure their safety. Some of the area school bus drivers are calling out their blind stops on their CB radios so that their location is known to the truck drivers. We understand that this is working and are pleased with the results so our children have this extra safety feature.

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DATE 2-16-91  
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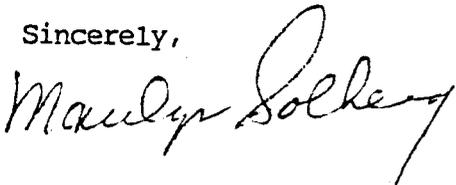
But, we also are concerned for the safety of our employees and the school children and residents on the West Shore. There are long steep hills on the West Shore which are very hazardous for trucks anytime the road conditions are snowy or icy. Of great concern to the truck drivers is the hill going south out of Lakeside, if anyone should have trouble going up the steep grade they are not visible to the northbound traffic cresting the hill, which presents a great danger for all. The feeling is, not if, but when the accidents occur on this hill that some residents of Lakeside also might be in grave danger. Also when driving Montana 35, Bigfork is the only community to drive by, while on the West Shore there is Somers, Lakeside, Elmo, Big Arm, and the city of Polson to drive through. Even with the improvements on Highway 93, it is much safer for the public in general and our employees to drive the East Shore route when loaded.

I believe that all of you will agree with us that we need to conserve our natural non-renewable resources in every way possible. Our drivers are instructed to travel Highway 93 when returning empty, but if forced to use that route entirely, we would needlessly waste approximately 33,000 gallons of fuel each year. If all local and out of state truckers were required to use Highway 93 exclusively, consider the thousands upon thousands of gallons of fuel that would unnecessarily be wasted every year. This forced irresponsible use of non-renewable resources would be inexcusable.

On a personal note, we have resided on the East Shore for the past 25 years. Also all four of our children attended Bigfork schools and rode the school buses.

Our hope is for the continued success for other Bigfork businesses also, now and years to come.

Sincerely,



Amendments to House Bill No. 705  
First Reading Copy

Requested by Rep. Galvin  
For the Committee on Highways and Transportation

Prepared by Valencia Lane  
February 15, 1991

1. Page 2, line 10.  
Following: "(e)"  
Strike: "(i)"  
Following: "is"  
Strike: ":",
2. Page 2, line 11.  
Strike: "(A)"
3. Page 2, line 15.  
Following: "highway"  
Strike: "; or"  
Insert: "."
4. Page 2, lines 16 through 20.  
Strike: subsection (B) in its entirety
5. Page 2, line 21.  
Strike: "(ii)"  
Following: "in"  
Insert: "this"
6. Page 2, line 22.  
Strike: "(1)(e)(i)(A) or (1)(e)(i)(B)"

EXHIBIT 16  
DATE 2-16-91  
HB 711

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-16-91 BILL NO. HB 711 NUMBER \_\_\_\_\_

MOTION: Rep. Nelson made the Substitute  
Motion that HB 711 Do PASS AS Amended  
Motion Carried 15-2

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK	✓	
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN	✓	
REP. DICK KNOX	✓	
REP. DON LARSON	✓	
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON	✓	
REP. LINDA NELSON	✓	
REP. DON STEPLER		✓
REP. HOWARD TOOLE	✓	
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓	
TOTAL	15	2

STATEMENT BY: BILL YAEGER OF HELIWA, REPRESENTING THE MONTANA  
ASSOCIATION OF HIGHWAY PATROLMEN  
IN SUPPORT OF: HOUSE BILL 711  
BEFORE: THE HOUSE COMMITTEE ON HIGHWAYS AND TRANSPORTATION  
FEBRUARY 16, 1991 1:30 P.M.

EXHIBIT 17  
DATE 2-16-91  
HB 711

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. THE  
ASSOCIATION OF MONTANA HIGHWAY PATROLMEN STRONGLY SUPPORTS  
PASSAGE OF HB 711.

THE BILL ADDRESSES A CRITICAL NEED FOR PATROL RETIREES  
WHO ARE INELIGIBLE FOR SOCIAL SECURITY AND TRYING TO  
GET BY ON A VERY INADEQUATE RETIREMENT INCOME.

THE AVERAGE RETIREMENT PAID TO PATROL RETIREES IS \$844 WITH  
SOME WHO RETIRED AFTER 20 YEARS OF SERVICE RECEIVING AS  
LITTLE AS \$432.

THIS MEASURE PROVIDES FOR AN ANNUAL LUMP SUM PAYMENT  
TO BE DISTRIBUTED PROPORTIONALLY TO ALL ELIGIBLE RECIPIENTS,  
BASED UPON YEARS OF SERVICE AT TIME OF RETIREMENT.

I URGE YOUR SUPPORT FOR HB 711.  
THANK YOU.

**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

Hiway COMMITTEE BILL NO. 723  
 DATE 2-16-91 SPONSOR(S) Phillips

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
George Poston	United Veterans Com. of MT	x	
Dick Baumberger	Disabled Am. Veterans	x	
Rich Brown	MH Bd of Veteran Affairs	x	
Diane Tolley	Motor Vehicle Div	x	
Hal Morrison	American Legion	x	

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**

**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

Highway COMMITTEE HB 733  
 DATE 5-16 SPONSOR(S) Paulovich

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
George Poston	United Veterans Cir. of MT.	X	
Ron Davis	Military Order Purple Heart	X	
Rick Brown	MT Board of Veteran Affairs	X	
Denne Tealey	Major Vehicle Div	X	
Hal Marston	American Legion	X	

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**



HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

1 of 2

Highways & Trns COMMITTEE BILL NO. H.B. 680  
DATE Feb. 16, 1991 SPONSOR(S) Thomas Lee

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Grant W. Buswell	Myself & wife		X
MORRIS CAMPBELL	MSIA Cartage Co.		X
JAMES W. JENSEN	SCHOOL BUS DRIVER/OWNER		X
RICHARD TURNER	MISSOULA CARTAGE DRIVER		X
LARRY STURM	LARRY STURM SCHOOL BUS		X
SHIRLEY FRAYER	SELF/TRUCK DRIVER		X
Marilyn Solberg	Solberg Trucking, Inc		X
Orville Solberg	Solberg Trucking, Inc		X
Bob ZACHARIASEN	MISSOULA CARTAGE CO		X
TIM DOWELL	Rep HDS Kalispell		X
Rose Schwennesen	East Lake Shore, Bigfork	X	
Paul Gustin	East Lake Shore, Bigfork	X	
ANDY BAXTER	EAST LAKE SHORE REPAIR	X	
Cas Still	"	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

2 of 2

Highway & Trans

COMMITTEE

BILL NO.

680

DATE

2/16/91

SPONSOR(S)

T. Lee

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
H.J. WILSON MISSOACA	STONE CONTAINER		✓
Robert Lamley	Self		X
Robert L. White	Townsend LTR. CO. INC		X
James Lee	HD 49	✓	
Quame Datt	DOH		✓
HANK BOTZLAFF	D. O. H.		✓
CURT LAINGEN	MT MOTOR CARRIERS ASSN		X
BEN HAUDAHL	MT MOTOR CARRIERS ASSN		X
J. Shady	Self	?	?
Sen. Elmer Harding	S.D. 25		✓
Don Allen	MT Wood Products Assoc		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Highways COMMITTEE BILL NO. 705  
DATE 2-16-91 SPONSOR(S) Salvin

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Matt Papp	BMW & Rail Labor	X	
DAVE DITZEL	Bro of LOCOMOTIVE ENGRS	X	
RAYMOND WEST	UTU	X	
DUANE TORLEY	DRIVERS SERVICES	X	<del>X</del>
Pat Heim	BNRR	X	
Richard Van Aken <sup>Great Falls</sup>	TCU Lodge 528	X	
Fran Marceau <sup>Kalispell</sup>	United Transportation Union	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.