

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By CHAIRMAN BOB CLARK, on January 11, 1993, at  
3:00 p.m.

#### **ROLL CALL**

##### **Members Present:**

Rep. Bob Clark, Chairman (R)  
Rep. Karyl Winslow, Vice Chairman (R)  
Rep. Shiell Anderson (R)  
Rep. Joe Barnett (R)  
Rep. Bill Endy (D)  
Rep. Pat Galvin (D)  
Rep. Marian Hanson (R)  
Rep. Vern Keller (R)  
Rep. Don Larson (D)  
Rep. Gary Mason (R)  
Rep. Bill Ryan (D)  
Rep. Wayne Stanford (D)  
Rep. Bill Tash (R)  
Rep. Randy Vogel (R)  
Rep. Tim Whalen (D)

**Members Excused:** David Ewer (D)

**Members Absent:** None.

**Staff Present:** Valencia Lane, Legislative Council  
Kimberlee Greenough, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 33, HB 96  
Executive Action: HB 17, HB 33

#### **HEARING ON HB 33**

##### **Opening Statement by Sponsor:**

REP. ERVIN DAVIS, HD 53, Charlo, stated HB 33 requires the state of Montana to take back the maintenance of the federal-aid secondary highway system. The counties are limited by I-105, it seems in some cases the funding gets passed on to the counties by

the state is still inadequate to maintain these secondary highways. EXHIBIT 1

Proponents' Testimony:

William Strizich, Highways Maintenance Engineer, Montana Department of Transportation, stated he is not truly a proponent of HB 33. In the first year HB 33 will cost roughly \$70 million. Continuing costs to maintain the secondary system will cost the state \$28 million. Adoption of HB 33 will create inefficiencies and will tend to diminish priority of secondary routes.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. MASON stated during their meeting at the Department of Transportation last Friday, the Department said they were looking at a cooperative venture between the state and counties to not duplicate snow plow service. How would this bill affect that?  
REP. DAVIS stated he is not certain.

REP. VOGEL asked if this program would cost the state \$70 million? Mr.Strizich answered yes.

REP. VOGEL asked if the \$70 million would be an annual amount? Mr.Strizich answered the 70 million dollars would be the start-up cost and continued maintenance would cost approximately \$28 million.

REP. TASH asked if there was a potential to incorporate some sort of cooperative agreement between the counties and the state? Mr.Strizich answered yes.

REP. BARNETT asked if the financial burden came to the counties before or after the I-105 freeze. Mr. Strizich replied the burden has always been on the counties.

REP. RYAN asked if the state prioritized school bus routes? Mr.Strizich answered all of the state maintained routes are school bus and emergency routes. REP. RYAN asked if any of the roads would be eligible for federal assistance? Mr.Strizich responded, no.

CHAIRMAN CLARK asked if all of the county roads under this bill are classified under the federal-aid secondary system? Mr.Strizich replied yes, but not all of the county roads are. CHAIRMAN CLARK indicated 4,500 miles in the state of Montana are under the federal-aid secondary system. Mr.Strizich affirmed there are more than 4,500 miles on the federal system and 4,500 plus miles are maintained by counties, with the state maintaining 200 plus miles.

CHAIRMAN CLARK asked if the intent of the bill is to take away

the majority of maintenance from the counties? REP. DAVIS indicated he would like to meet with the counties to resolve the financial problems created since I-105.

Closing by Sponsor:

REP. DAVIS stated the counties could not pick up the tab on these federal-aid secondary highways. But, he also agrees they need to be maintained and the routes need to be kept open. He hopes that I-105 will be removed from the counties responsibilities.

HEARING ON HB 96

Opening Statement by Sponsor:

REP. BOB REAM, House District 54, Missoula, stated, at present, members of the National Guard or Army Reserve can receive a set of license plates for one vehicle. HB 96 will allow them to buy additional sets of plates for other vehicles.

Proponents' Testimony:

Mr. Dave Majors, Member of the Army Reserve, Stevensville, stated the specialized plates do not cost the state more money than the regular sets of plates. They will pay the full fee and there will be no loss of revenue to the counties or the state. EXHIBIT 2

Mr. Dean Roberts, Administrator, Motor Vehicles Division, stated there were no problems with HB 96 because the state would not need to create new plate types.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. LARSON asked if, for other special plates, such as the student, Pearl Harbor veteran, or World War veteran plates, that the individuals can receive additional sets? Mr. Roberts said yes, in some cases they can have more than one set. REP. LARSON asked if there is any reason why a second set of plates shouldn't be issued? Mr. Roberts replied there are a few cases, such as the disabled veteran plate, where a second set could not be issued because taxes are not paid. He stated he would have to do some research to properly answer that question.

REP. VOGEL indicated, on page 15 section 8, the last sentence states that registration or a license fee may not be discussed on the transfer of the plates. Would this take away the ability of the county to assess certain fees? Valencia Lane stated the change in the bill is simply house cleaning and would not change the scope of the bill.

CHAIRMAN CLARK asked if REP. REAM would object to amending the bill to cover the fees being paid. REP. REAM replied no, he would suggest it be amended. CHAIRMAN CLARK then asked if we used this amendment on the plates that do not have a fee, could we make it so they could receive one without fees and pay fees on the additional sets? REP. REAM stated he does not see a problem with that. Mr. Roberts added the disabled veteran plate is also used as a handicap plate for parking spaces. He feels he needs more time to research some points and would like to get back to the committee with further information.

Closing by Sponsor:

REP. REAM thanked the committee for their time and stated we need to make other categories of plates consistent with the language in HB 96.

EXECUTIVE ACTION ON HB 17

Motion: REP. LARSON MOVED HB 17 DO PASS.

Discussion:

REP. WINSLOW stated the department is asking to levy a tax and she doesn't agree with that. Valencia Lane, Legal Counsel, stated it is a delegation of authority by legislative action. The legislature can delegate authority to executive branch agencies as long as they do it with sufficient guidelines.

REP. VOGEL stated he doesn't agree with an agency levying a tax against the citizenry without some sort of due process. He asked if there was a way that they couldn't raise taxes without coming back to the legislature? Ms. Lane answered every agency that would like to change rules or adopt new ones must submit those rules to the Administrative Code Committee for review.

CHAIRMAN CLARK asked how many state agencies have this authority? Ms. Lane answered she does not know without some research and there are some agencies that set fees by statute.

REP. LARSON stated several boards do set fees, however, the rules are very strict governing how and when fees are set. He likes this bill because it saves the general fund approximately \$160,000.00 in a biennium.

CHAIRMAN CLARK asked if anyone was aware of what was contained in HB 70? REP. LARSON stated HB 70 came to the business committee and is a companion to this bill, however didn't remember exactly what it did.

CHAIRMAN CLARK asked if Ms. Alexander knew what HB 70 addressed and how it ties in with HB 17? Ms. Alexander stated HB 70 allows the department to set fees on weighing devices.

REP. WHALEN asked if the committee could, under the title of this bill, legislatively raise the fees that are set forth for this coming biennium instead of turning the authority over to the Department of Commerce. Ms. Lane answered yes, but there is no guarantee if the bill is challenged the court would find that the legislature fully addressed the scope of the bill.

REP. BARNETT stated he sees the bill as a means for the department to bypass the whole process in order to increase fees.

CHAIRMAN CLARK asked REP. LARSON if he knew the status of HB 70. REP. LARSON stated executive action will be taken on Wednesday, January 13th.

Vote: REP. LARSON called for the question on his DO PASS motion on HB 17. Motion carried 9 to 5 with CHAIRMAN CLARK, REPS. KELLER, WINSLOW, BARNETT and VOGEL voting no.

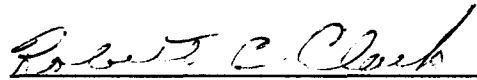
EXECUTIVE ACTION ON HB 33

Motion: REP. WHALEN MOVED HB 33 DO NOT PASS.

Motion/Vote: REP. MARIAN HANSON MADE A SUBSTITUTE MOTION THAT HB 33 TABLED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 4:00 p.m.



Robert C. Clark, Chair



Kimberlee Greenough, Secretary

RC/kg

**HOUSE OF REPRESENTATIVES**  
**HIGHWAYS AND TRANSPORTATION** **COMMITTEE**

**ROLL CALL**

**DATE**

*January 11, 1993*

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

HOUSE STANDING COMMITTEE REPORT

January 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation  
report that House Bill 17 (first reading copy -- white) do  
pass .

Signed: Bob Clark  
Bob Clark, Chair





*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

**REPRESENTATIVE ERVIN DAVIS**

**HOUSE DISTRICT 53**

HELENA ADDRESS:  
CAPITOL STATION  
HELENA, MONTANA 59620

HOME ADDRESS:  
P.O. BOX 63  
CHARLO, MONTANA 59824

1-11-93  
33

COMMITTEES:  
EDUCATION, VICE-CHAIRMAN  
STATE ADMINISTRATION

TESTIMONY  
January 5, 1993

MR. CHAIRMAN AND MEMBERS OF THE HIGHWAYS COMMITTEE: For the record, my name is Ervin Davis, Representative HD 53.

House Bill 33 is an act requiring the State of Montana to take back the maintenance of the Federal-Aid Secondary highway system.

Since the counties are limited to funding by I-105, it seems that, in some cases, the funding passed on to the counties from the state is still inadequate to maintain these secondary highways. There is still some misunderstanding as to whether or not the highways still carry the PRIMARY or SECONDARY designations.

There probably will be some opposition to HB 33, so I'd like to reserve the right to close. Thank you.

EXHIBIT 1  
DATE 1/11/93  
HB 33



# WESTERN MONTANA MILITARY OFFICERS ASSOCIATION

(W. M. M. O. A.)

P.O. BOX 3762

MISSOULA, MONTANA 59806



January 11, 1993

EXHIBIT 2  
DATE 1-11-93  
#B 96

To whom it may concern:

It has come to my attention that in the state of Montana that military personnel in the reserve and national guard components are allowed to to have license plates for their personal automobiles that indicate that they are members of the armed forces.

The only problem with this situation as I see it is that they are limited to one set of plates. I understand that house bill 96 addresses this problem and provides for the service member to have more than one set of plates.

As president of the Western Montana Military Officers Association, with over 120 members I would support House Bill #96.

Western Montana Military Officers Association is an organization that includes Commissioned Officers of all branches, active duty, reserve, national guard, retired and former officers. We also hold charters from the National Reserve Officers Association and the Retired Officers Association.

Thank you in advance for your consideration.

Thaddeus (TOT) Mayer  
LTC USA Retired  
President



HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Dave Major BILL NO. H R 96

ADDRESS 3289 Wood Duck by Stein DATE 1/11/93

WHOM DO YOU REPRESENT? Self

SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: \_\_\_\_\_

- Support allowing members of NG & Reserve to have more than one set of special NG or Reserve plates

**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

Highway & Trans.  
DATE 1-11-93 SPONSOR(S)

**COMMITTEE**

BILL NO. 33496

DATE 1-11-93 SPONSOR(S)

**PLEASE PRINT**

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[illegible]

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