

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on January 28, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. Francis Koehnke (D)
Sen. Doc Rea (D)
Sen. Spook Stang (D)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: Sen. John Harp and Sen. Chuck Swysgood

Members Absent: None

Staff Present: Dave Bohyer, Legislative Council
Beth Satre, Committee Secretary

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

Committee Business Summary:

Hearing: HB 101, HB 96
Executive Action: SB 198

HEARING ON HOUSE BILL 101

Opening Statement by Sponsor:

Rep. Kadas stated HB 101 would allow people who had purchased centennial license plates to continue to purchase those plates after the current deadline passes. He based his request on the fact it would cost the state no additional funds and would allow the Department of Justice to use up material they have on hand. He stated the Department of Justice, Motor-Vehicles Division stands neutral on HB 101.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony:

Bud Schoen, Motor-Vehicles Division, Department of Justice

confirmed that his department stands neutral on HB 101.

Questions From Committee Members and Responses:

SEN. STANG asked **Bud Schoen** if his department still had a supply of the centennial plates. **Bud Schoen** replied his department had enough material for approximately 7,000 sets. Based on the 50 sets issued last year, he told the Committee that was enough material to last "way beyond our life time" as far as demand was concerned. The material, however, becomes brittle after storage for three or four years. **Bud Schoen** stated HB 101 takes this problem into account by allowing the purchase and use of centennial plates only as long as they are actually usable.

SEN. KOEHNKE asked if the material could not be used to manufacture regular license plates. **Bud Schoen** replied the material is designed solely for the manufacture of the centennial plates.

CHAIRMAN WEEDING asked if centennial plates could still be purchased or if HB 101 was intended for replacement plates only. **Bud Schoen** replied under current law, new centennial plates could be purchased until July 1, 1996. HB 101 would keep the current deadline for the purchase of new plates in place. He said only the replacement of existing plates would be allowed after June 30, 1996.

CHAIRMAN WEEDING asked for clarification as to the current practice of license plate replacement. **Bud Schoen** stated the replacement of license plates was not discretionary. The last general issue of new plates was 1991. The general issue before that was 1976, so those plates had a life of about 15 years.

CHAIRMAN WEEDING noted centennial plates would be exempt from this mandatory replacement if HB 101 were to become law.

Closing by Sponsor:

Rep. Kadas stated he had no more to say about HB 101. He stated he did not have a Senate sponsor for HB 101, but was willing to find one if the Committee gave it a "be concurred in" recommendation.

EXECUTIVE SESSION ON SENATE BILL 198

Rep. Ream was participating in the House session. **Rep. Kadas** volunteered to notify him that the Committee was now ready to hear HB 96. The Committee suspended their usual rules and discussed SB 198 in the interim.

Discussion:

CHAIRMAN WEEDING called the members' attention to copies of a letter from **Vernon Peterson, Montana Association of Counties (MACo)**, which **CHAIRMAN WEEDING** had entered in the record of the Committee's January 26, 1993 meeting. The letter indicated **Mr. Peterson's** and **MACo's** support of SB 198.

CHAIRMAN WEEDING noted the Committee had instructed **Jim Beck**, Chief Counsel, Department of Transportation (DOT), and **Dave Bohyer** to review SB 198 in order to determine whether the current version would place maintenance in the Reconstruction Trust Program. **CHAIRMAN WEEDING** stated **Dave Bohyer** had advised him that SB 198 contained a few more places that needed to be touched up.

Dave Bohyer stated he and **Jim Beck** had been unable to meet to discuss SB 198. **Jim Beck** had carefully reviewed SB 198 and he and **Dave Bohyer** had intended to meet that afternoon to discuss the amendments **Jim Beck** had identified as being necessary.

CHAIRMAN WEEDING stated he had informed **Jim Beck** that the Committee might be working on SB 198 and invited him to today's committee meeting. **CHAIRMAN WEEDING** had hoped the Committee would take executive action on SB 198, but stated if the necessary changes to SB 198 were too involved and complicated, the Committee could wait until its next meeting.

Jim Beck stated he did not believe the necessary changes were too complicated. He expressed his willingness to present his explanation of the repealers in SB 198. He stated he had four amendments to SB 198 he would like to offer the Committee. One of the amendments would replace part of the provisions of a section SB 198 would repeal. The remaining three amendments would simply make stylistic changes.

Rep. Ream arrived and the Committee returned to its normal order of business to hear HB 96.

HEARING ON HOUSE BILL 96

Opening Statement by Sponsor:

Rep. Ream, House District 54, stated HB 96 would allow veterans who purchase license plates to receive more than one set of special plates if they have more than one vehicle. He quickly outlined the active sections of HB 96 and told the Committee he was sponsoring HB 96 at the request of **Dave Majors**, **Stevensville**.

Proponents' Testimony:

Dave Majors, **Stevensville**, stated he was a member of the Army Reserve, but was representing himself. He explained HB 96 would allow members of the Guard or Reserve an opportunity to show the pride they feel in their organization. He said HB 96 would not cost the State anything, and then read a letter from **Thaddeus Mayer**, President, Western Montana Military Officers Association, (Exhibit #1).

Opponents' Testimony: None.

Informational Testimony:

Bud Schoen informed the Committee of the Motor-Vehicle Division, Department of Justice's neutrality on HB 96.

Questions From Committee Members and Responses:

SEN. MCCLERNAN mentioned he had one car with collegiate license plates and a pickup without any special plates. In light of HB 96, he was not certain if he could buy another set of collegiate plates for his truck. **Bud Schoen** replied HB 96 addresses military plates. He stated no limit is placed on the number of collegiate plates that one person can buy.

SEN. STANG asked if there was any particular reason why military plates were initially limited. **Bud Schoen** replied he could not imagine any reason.

SEN. STANG asked if HB 96 could be worded in the same manner as the section of law dealing with collegiate plates. That language would eliminate the phrase "numbered in sets of two with a different number on each one". **SEN. STANG** found that phrase could be interpreted to mean if a person purchased two different sets of military plates, the two sets would need to be numbered sequentially. **Bud Schoen** stated he would interpret the passage to mean that the Department of Justice should issue numbers sequentially and not issue a set of plates with the same numbers as a previously issued plate.

SEN. STANG asked **Rep. Ream** if a particular reason existed why the plates should be numbered sequentially. **Rep. Ream** replied he did not understand **SEN. STANG's** question. He stated he understood HB 96 to mean each set of plates would be bought for a specific vehicle and would have a unique number. A person might buy a set of plates for one vehicle in January and another set for another vehicle in July. These two plates would have entirely different numbers. **SEN. STANG** responded that was why he was unsure of the language "numbered in sets of two, with a different number on each set". According to **SEN. STANG**, this phrase could be interpreted to mean if people want to put these plates on two cars, they would have to buy the two sets with one number following the other.

Bud Schoen stated the language in HB 96 might be redundant, since where it reads "sets of two", it probably should read "sets". He stated he believed the intent of the sentence was to indicate that each set would consist of two plates.

SEN. TVEIT agreed the language was confusing. He stated since it is understood that two license plates belong to a set, HB 96 could be interpreted to mean each veteran would receive four actual license plates. **Bud Schoen** stated he believed this passage in HB 96 could be worded differently to clarify the intent. He understood the intent of HB 96 was to issue more than one set of plates for each qualified person.

Rep. Ream expressed his belief that HB 96 was written with the intent to have each applicant receive one set of plates per application. He stated he understood how the language could be interpreted to mean that two sets would be issued to each applicant.

CHAIRMAN WEEDING asked **Dave Majors** if his intent was to have two sets issued to each applicant. **Mr. Majors** replied it was not. **Rep. Ream** stated that the language in HB 96 came from the Legislative Council and he assumed that it meant two plates per set. **Dave Boyher** commented that the language does mean precisely that.

SEN. STANG stated the Committee could look at the language in executive session and **CHAIRMAN WEEDING** assured **Rep. Ream** that the Committee understood the intent of HB 96.

SEN. BRUSKI-MAUS asked if the intent of HB 96 was to place a limit at a maximum of two sets. **Rep. Ream** replied there had been no intention to limit the number of sets individuals could purchase if they were qualified.

SEN. TVEIT asked if HB 96 would allow an applicant to get one or two sets of plates for \$10. **Rep. Ream** replied an applicant would pay \$10 per each set of plates. **Bud Schoen** stated the \$10 additional fee applies only to veteran plates; this includes purple heart plates. The other military-related plates have no additional charge. He concluded the section referring to these \$10 fees applied only to veteran plates and that he would interpret this section to mean the charge would be \$10 for each set.

SEN. TVEIT stated the language in HB 96 was inconsistent in this regard. One of the major problems with the language was the intended meaning of the phrase "numbered in sets of two". **SEN. STANG** stated the Committee could address that language in executive session.

Closing by Sponsor:

Rep. Ream mentioned the various sections of HB 96 which list the categories of military plates currently in the existing statute. These sections make HB 96 apply to all available military plates and would allow qualified applicants to get more than one set of two plates. He mentioned one exception, the disabled veteran plate. According to **Rep. Ream** the disabled veteran plate was not included in HB 96 for two reasons. He said their inclusion would have had a fiscal impact because they only cost \$5 per set. He added because disabled veterans have the right to use handicap parking places, the people involved in HB 96 did not feel it was right to allow more than one vehicle per family to use parking slots reserved for the disabled.

In response to a comment by **SEN. BRUSKI-MAUS** that a disabled veteran might not have a family, but have two vehicles, **Rep. Ream** stated the Department of Transportation (DOT) had voiced the concern that they might run into enforcement problems. He closed by saying disabled veterans could still get another kind of veteran's license plate for their other cars.

EXECUTIVE SESSION ON SENATE BILL 198

Discussion:

SEN. STANG asked if it would be possible to get a copy of the sections SB 198 would repeal. He felt it would be helpful to look at them while **Jim Beck** explained the amendments he was proposing.

Dave Bohyer stated he had drafted a response to **SEN. HARP's** request at the previous meeting listing all of the sections repealed in SB 198 as well as explanations of the content of those sections. **Dave Boyher** stated he did not bring that response because it was still in draft form, but offered to go get it.

CHAIRMAN WEEDING told the Committee he did not intend to call for a vote on SB 198, because two members, who were interested in SB 198 were missing. He stated his desire to continue working on SB 198. He asked the committee members if they wanted to excuse **Dave Bohyer** to get his draft, or continue by having **Jim Beck** explain the amendments he was proposing (Exhibit #2).

The Committee asked **Dave Bohyer** to get his draft. **CHAIRMAN WEEDING** excused **Dave Bohyer** and called a brief recess.

Dave Bohyer passed out a draft of his memorandum (Exhibit #3) and stated it identified and explained what each of the sections SB 198 would repeal had done. He stated he had intended to distribute the memo in advance so the committee members could have looked at it before the committee meeting. He offered to read through it, but stated it was seven pages of summary.

CHAIRMAN WEEDING stated he thought the committee members could read it themselves before the Committee considers actually taking executive action on SB 198.

Jim Beck requested he have the chance to explain his rationale behind repealing the sections after the Committee had read **Dave Bohyer's** memo. As an example, **Jim Beck** referred to the five sections in SB 198 that deal specifically with the Lady Bird Johnson Act. These sections refer to money which is apportioned under U.S. 23-3-19, which no longer apportions money. He stated he had decided to "do some housekeeping" while working on SB 198. He emphasized he was willing to take any of those repealing sections out of SB 198 if they made anybody uncomfortable.

CHAIRMAN WEEDING told **Jim Beck** that the Committee would take his comments under advisement and would invite him back when it took executive action beyond the amendments that he would next be presenting to the Committee.

SEN. TOEWS asked **Jim Beck** if he was going to address the maintenance question raised by **SEN. HARP**, to which **Jim Beck** replied he would. He stated he had intended to have two proposals. He told the Committee he did not read the language in SB 198 the same manner as **SEN. HARP**. **Jim Beck** stated if **SEN. HARP** saw a problem, he would amend the pertinent sections.

Jim Beck described the intent of the section. Under the old law, DOT could use reconstruction trust money on roads it was required to maintain. DOT does not maintain anything in the urban system, so reconstruction trust funds cannot be used on roads in the urban system.

CHAIRMAN WEEDING stated **SEN. HARP'S** concern was whether reconstruction funds were going to be used for maintenance.

Jim Beck stated he would speak with **SEN. HARP** and discuss his concerns regarding this section of SB 198.

CHAIRMAN WEEDING expressed his approval. He stated he had not felt uncomfortable until **SEN. HARP** had raised the question.

Jim Beck stated he would be willing to answer the Committee's questions on any of the repealers in SB 198.

CHAIRMAN WEEDING suggested the Committee turn to the amendments that **Jim Beck** had previously mentioned (Exhibit #2).

Jim Beck clarified the four amendments. He explained that state construction funds were allocated to match federal aid funds, and prior to Intermodal Surface Transportation Efficiency Act (ISTEA) those federal funds came to the State in discreet pots. According to **Jim Beck**, the State will now allocate federal aid funds, and SB 198 will provide for the state construction funds to follow them. **Jim Beck** explained the first three amendments clarify the language pertaining to this in SB 198. He stated these changes have been made throughout SB 198, but the three places addressed by these amendments were overlooked.

According to **Jim Beck**, the fourth amendment was necessary because of the repeal of 60-3-210. He stated he had overlooked the need for an overrun provision which would put the provisions of MCA 60-3-210 back into SB 198.

CHAIRMAN WEEDING asked **Jim Beck** if he intended to eliminate the 300% from the law. **Jim Beck** replied the 300% was to fund the interstate system. Since the State no longer funds the interstate system as a system, he was of the opinion the percentage could be repealed.

Dave Bohyer called the Committee's attention to a change SB 198 would make. In 60-3-210 the amount of obligations made in excess of 25% were to be deducted in the "subsequent year". In SB 198 it reads "in any future apportionment".

Jim Beck expressed his willingness to replace the "subsequent year". He stated he had attempted to make the language identical to the rest of SB 198, and the language is used in an existing section of the MCA. He believed that replacing the initial language would not make a difference.

CHAIRMAN WEEDING stated the language proposed in SB 198 is more flexible than the language in existing law. He expressed his belief that the flexibility it affords might enable the system to be more responsive to local needs and thus be preferable.

SEN. TVEIT asked if the Committee should consider the amendments immediately or wait until the next meeting when all the members are present.

CHAIRMAN WEEDING thought it preferable for the Committee to consider the amendments after Dave Bohyer had time to check them.

ADJOURNMENT

Adjournment: 1:50 p.m.



SENATOR CECIL WEEDING, Chair



BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE JAN. 28, 1993

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Attach to each day's minutes



WESTERN MONTANA MILITARY OFFICERS ASSOCIATION

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

P.O. BOX 3762

MISSOULA, MONTANA 59806



January 11, 1993

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE 1/28/93

BILL NO. HB 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 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



DATE January 28, 1993BILL NO. SB 198

SB 198

1. Page 12, line 18
Following: "of"
Strike: "construction"
Insert: "federal-aid highway"
2. Page 13, line 6
Following: "available"
Strike: "state construction"
Insert: "federal-aid highway"
3. Page 13, line 9
Following: "available"
Strike: "state construction"
Insert: "federal-aid highway"
4. Page 13
Following line 20
Insert: "(5) To the extent necessary to permit orderly programming and construction of projects, obligations in any financial district may exceed the amount apportioned to that district by up to 25%. The amount of excess obligations must be deducted from future apportionments to that district."

Senate Members
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VICE CHAIRMAN
DELWYN GAGE
MIKE HALLIGAN
J.D. LYNCH

Executive Director
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Division Director
DAVID D. BOHYER

Library
BETH FURBUSH
NANCY ZALUTSKY
RITA GIBSON

SENATE HIGHWAYS

EXHIBIT NO. 3
DATE January 1/28/93
BILL NO. SB 198



FAX SENT		MDOT LEGAL DIVISION	# PGS 7
TO JIM BECK		DATE 1/28/93	
FAX# 444-6363		TIME 8:04	
SENT BY DAVE BOHYER		AVERY FX-105	

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January 26, 1993

*Jim -
Please give me a call when
you've had a chance to review this.
Thanks, Dave Bohyer*

TO: Sen. Cecil Weeding, Chairman, Sen. Highways & Transportation Committee
Members, Sen. Highways & Transportation Committee

FROM: Dave Bohyer

RE: Summary of sections proposed for repeal in SB 198: Sen. Weeding

In response to the Committee's request, I have summarized below the sections proposed for repeal in Senate Bill No. 198. The format for this memorandum is a complete citation of each section proposed for repeal, followed by my summary of what the section currently requires, allows, or otherwise states.

Repealed Section

60-2-103. Rules. The commission may adopt rules necessary for its government.

Section 60-2-103, MCA, authorized the Highway Commission (Commission) to adopt rules under which the Commission operated. Within [section 7] of the bill, 2-15-2505, MCA, is amended to include the following language:

...(8) The commission may adopt rules necessary to perform its duties.

The language proposed in the new subsection (8) is different than the language repealed. If the Committee determines that the proposed language is sufficiently different than the repealed language, the members may wish to have the Department clarify the statutory language or to provide a "Statement of Intent", or both.

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Repealed Section

60-2-104. Designation of federal-aid highways. (1) The commission shall designate such public highways in the state as shall be classed as the federal-aid primary system.

(2) The commission shall, in cooperation with the board of county commissioners, select such public highways in the state as shall be classed as the federal-aid secondary system, taking into consideration the traffic count on those highways, the continuity of the highways in relation to the state highway systems as they may connect or tie into a unified system of federal-aid highways, and the taxable valuations which are affected by those public highways.

(3) The commission shall, in cooperation with adjoining states, select the routes of the federal-aid interstate system.

(4) The commission shall designate such public highways in the state as shall be classed as state highways.

Section 60-2-104, MCA, required the Commission to:

1. designate highways as "federal-aid primary" highways, working with adjoining states;
2. work with county commissioners in selecting highways to be classified as "federal-aid secondary", using traffic count, continuity as part of a system, and taxable valuations; and
3. designate public highways as "state highways".

[Section 1] of the bill establishes parallel definitions for federal-aid primary ("national highway system" and "primary highway system"), federal-aid secondary ("secondary highway system") and state highways (state highways). [Section 1] also defines "urban highway system", a definition or requirement not previously included in 60-2-104, MCA.

Repealed Section

60-2-105. Designation of highways in state maintenance system. The commission shall designate the following public highways in the state to be included in the state maintenance system:

(1) the federal-aid interstate system as defined by 60-1-103(14);

(2) the federal-aid primary system as defined by 60-1-103(15) and urban extensions thereto;

(3) those portions of the federal-aid secondary system defined by 60-1-103(16) and urban extensions thereto as are designated by the commission;

(4) other public highways or portions thereof not included within the systems above named which are designated by the commission.

Section 60-2-105, MCA, required the Commission to designate federal-aid interstate and federal-aid primary and urban extensions as highways to be included in the state maintenance system. The section also authorized the Commission to designate federal-aid

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secondary and urban extensions, and other highways or portions of highways to be included in the state maintenance system.

[Section 4] of the bill authorizes the Commission to designate any public highway to be included within the state maintenance system, except that all public highways maintained by the Department on July 1, 1976, must remain on the state maintenance system.

Repealed Section

60-3-102. Purposes. The purposes of 60-3-102 through 60-3-105 are to:

- (1) promote the safety, convenience, and enjoyment of travel on and protection of the public investment in the highways of this state;
- (2) restore, preserve, and enhance scenic beauty within the right-of-way of and adjacent to the highways;
- (3) entitle the state to receive and expend the 3% nonmatching funds from the United States under Title 23, United States Code.

Section 60-3-102, MCA, was a purpose section, describing the legislative purpose of sections 60-3-102 through 60-3-105. As sections 60-3-102 through 60-3-105 are repealed in the bill, there is no need to maintain the purpose section.

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-103. Purposes for which federal funds to be expended. The department may expend funds apportioned to the state under 23 U.S.C. 319 for the following purposes:

- (1) landscape and roadside development within the rights-of-way of federal-aid highways of this state;
- (2) acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to the highways; and
- (3) acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to federal-aid highway rights-of-way reasonably necessary to accommodate the traveling public.

The language to be repealed in 60-3-103, MCA, is self-explanatory. There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-104. Extent of interest acquired. The department may acquire the fee simple or any lesser estate or interest as determined by it to be reasonably necessary to accomplish the purposes of 60-3-102 through 60-3-105 [Repealed]. Acquisition may be made by gift, purchase, or exchange.

The language to be repealed in 60-3-104, MCA, is self-explanatory. There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-105. Expenditure of funds. The department shall expend only nonmatching funds authorized under 23 U.S.C. 319(b) in carrying out the authority granted by 60-3-102 through 60-3-104 [Repealed].

The language in 60-3-105, MCA, restricted the Department to expending federal funds (23 U.S.C. 319) to acquire lands to:

- ... (1) promote the safety, convenience, and enjoyment of travel on and protection of the public investment in the highways of this state;
- (2) restore, preserve, and enhance scenic beauty within the right-of-way of and adjacent to the highways.... (see 60-3-103, MCA)

The language in 60-3-105, MCA, also restricted the Department to expending federal funds (23 U.S.C. 319(b)) to acquire lands for the following purposes:

- ... (1) landscape and roadside development within the rights-of-way of federal-aid highways of this state;
- (2) acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to the highways; and
- (3) acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to federal-aid highway rights-of-way reasonably necessary to accommodate the traveling public. (see 60-3-104, MCA)

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-203. Districts for apportionment of department funds. All money available to the department for highway construction purposes shall be apportioned among five financial districts, corresponding to and congruent with the highway commission districts established in 2-15-2502.

The language to be repealed in 60-3-203, MCA, is self-explanatory. The language in [section 5] of the bill essentially replaces the repealed language.

Repealed Section

60-3-204. Apportionment of state construction funds. Each fiscal year the department shall apportion available state construction funds to the various federal-aid highway systems which are required to match the amounts of federal aid available for obligation on each respective system. The state's share of the cost of final judgments in court awards made to construction contractors on state highway construction projects during the previous fiscal year may be deducted from funds available prior to the apportionments provided in this section, and this cost shall be credited to the accounts of the highway system, financial district, county, or urban city involved as an offset to the charges made to the accounts as a result of the final judgment. The deductions may be made only when the amount of these judgments would prohibit or seriously impair the highway construction program in a financial district, county, or urban city.

Section 60-3-204, MCA, required the Commission to apportion available construction funds to the federal-aid highway systems required to match federal aid available for obligation. Section 60-3-204, MCA, also allowed for, with limitations, the deduction of "final judgments" (court orders) prior to the apportionment of available funds.

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-209. Apportionment of state funds to federal-aid interstate highway system. (1) Each fiscal year the department shall apportion available state construction funds for the federal-aid interstate highway system among the financial districts.

(2) The apportionment shall be based upon the ratio between the estimated cost of constructing or reconstructing the system in each district and the estimated cost of constructing or reconstructing the entire system within the state.

(3) The cost estimates to be used shall be those developed by the department in accordance with Title 23, U.S.C.

Section 60-3-209, MCA, required apportionment of available state construction funds for the federal-aid interstate highway system among the financial districts, and provided a formula for the apportionment.

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-210. Increases in obligations. (1) The department may increase the obligations made in a financial district to the extent of:

(a) 25% more than the amount of money allocated to the district in the latest year for the federal-aid primary system or the federal-aid secondary system;

(b) 300% more than the amount of money allocated to the district in the latest year for the federal-aid interstate highway system.

(2) The allocation of available state construction funds to a district for the next succeeding fiscal year shall be decreased by an amount equal to any increased obligations.

Section 60-3-210, MCA, allowed the Department to increase obligations made in a financial district, provided the increase was off-set in the succeeding year.

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-213. Allocation for safety construction programs. (1) Each fiscal year the department of transportation shall allocate available state construction funds to match federal-aid highway funds made available by the Federal-Aid Highway Act of 1973 for the following safety construction programs:

(a) rail-highway crossings;

(b) high-hazard locations;

(c) elimination of roadside obstacles;

(d) safer roads demonstration; and

(e) pavement marking demonstration.

(2) Such allocation shall be made from available state construction moneys before the apportionments provided for in 60-3-205, 60-3-206, and 60-3-211.

Section 60-3-213, MCA, required the Department to use state construction funds to match available federal-aid highway funds for safety construction programs. The allocation of state construction funds used as matching funds for safety was to be made prior to apportionments for federal-aid primary, federal-aid secondary, and federal-aid urban systems.

There is no explicit language in the bill replacing the repealed language.

Repealed Section

60-3-214. Construction or reconstruction of bridges. (1) The department may allocate from state construction moneys available for the federal-aid highway system up to \$1 million in any fiscal year for the construction or reconstruction of any major bridge or system of bridges on the primary or secondary highway systems. This may be done only when the use of

regularly apportioned funds would prohibit or seriously delay the orderly and necessary highway construction program in the financial districts.

(2) When the department, as a part of its finding of public necessity, declares that a particular bridge should be constructed or reconstructed on a designated portion of the primary or secondary highway, the allocation may be made. The allocation may be obligated to:

(a) primary bridges when the department's estimate of the cost of construction or reconstruction is in excess of \$500,000;

(b) secondary bridges when the department's estimate of the state's share of the cost of construction or reconstruction is in excess of the total estimated future regular apportionment of state construction moneys to the federal-aid secondary system of the county or counties for a period of 3 years.

(3) The allocation shall be made from available state construction moneys for the primary system before the apportionment in 60-3-205 and for the secondary system before the apportionment in 60-3-206.

(4) The department may allocate from state construction money available for the federal-aid highway system money to construct a bridge located outside the boundaries of Montana if it determines, after an economic analysis of the cost of construction and maintenance of the bridge and the roads that adjoin it, that it is more economical to construct the bridge at such location than at a location within the boundaries of Montana and if another state participates in the funding of the project.

Section 60-3-214, MCA, explicitly allowed the Department to use up to \$1 million per fiscal year of the federal-aid highways system funds to construct or reconstruct bridges.

Although there is no explicit language in the bill replacing the repealed language, language in [section 6] could be interpreted to allow the construction or reconstruction of bridges.

Repealed Section

60-3-215. Replacement of bridges. (1) Whenever funds are made available under Title 23, U.S.C., for the replacement of bridges, the department may allocate from state construction money such money as is necessary to match the available federal funds. Such allocation shall be made from available state construction money before the apportionments provided for in 60-3-205, 60-3-206, and 60-3-211.

(2) Whenever such state construction money is so allocated, the amount allocated may not be deducted from future apportionments to the financial district or city.

Section 60-3-215, MCA, also authorized the expenditure of state construction funds to match specific federal funds for the replacement of bridges. The section also protected future apportionments within the financial district or city wherein the bridge(s) is located.

Although there is no explicit language in the bill replacing the repealed language, language in [section 6] could be interpreted to allow for the replacement of bridges.

HARP.DDB
1/26/93

DRAFT

DATE 28 January, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: HB 96 HB 101

Name	Representing	Bill No.	Check One	
			Support	Oppose
Bud Schoen	Motor Vehicle Div.	HB 101	Neutral	
Bud Schoen	" " "	HB 96	Neutral	
Dan Majors	Sold	HB 96	X	
Steve Souther	MT Po Treas Assoc	HB 101	✓	

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