

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, on February 4, 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. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: Sen. Harp

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: SB 272, HB 41
Executive Action: SB 255, SB 272, HB 170, HB 101, HB 41,
HB 96

HEARING ON HOUSE BILL 41

Opening Statement by Sponsor:

Rep. Davis said HB 41 was a essentially the same as a bill introduced a few sessions ago. He stated, however, the people involved had managed to forge a compromise which was reflected in HB 41's statement of intent. He said the Department of Transportation (DOT) had organized this cooperative effort which removed the sunset provision but retained the rules permits. He stated all the concerned parties "can live with this for the next six or eight years". He assured the Committee that both he and DOT would monitor the situation from their respective ends to ensure that no one reneges on the particular intent or agreement contained in HB 41. He expressed his hope that the Legislature

would approve this measure and that the issue would be resolved. He concluded, saying he had no intentions of "bringing this issue back before the Legislature".

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. TOEWS asked why HB 41 only addressed seed potato growers and not the entire industry. **Rep. Davis** replied seed potatoes are a perishable agricultural commodity which needs to be transported to Idaho and Washington during a "small window" in February, March or April. He said growing seed potatoes is \$17 million industry in Montana and added that every effort should be made to preserve Montana industries. He explained HB 41 would allow seed potato trucks to travel on selected secondary highways to reach Interstate 90 (I-90) without having to abide by the weight restrictions which apply on those stretches during that season.

SEN. MCCLERNAN asked how the seed potato trucks were configured, since HB 41 contained no restrictions on weight and size. **Rep. Davis** replied the trucks which haul seed potatoes are special potato trucks which come in from Washington or Idaho and have a conveyer underneath. He stated seed potato trucks have an 80,000 pound gross vehicle weight (GVW) and also abide by the speed limits. He said HB 41 would allow the continuation of the permit system and noted DOT would enforce the rules and regulations connected to those permits.

CHAIRMAN WEEDING asked if HB 41 contained a speed limit for these trucks. **Dave Galt** replied HB 41 would only exempt seed potato trucks from the lower weight limits, and the speed restrictions would still apply to those container trucks.

CHAIRMAN WEEDING said he thought the law adopted when the Legislature first addressed this issue included a 35 miles per hour (mph) speed limit. He added he was not sure if that speed limit was determined by rule or statute. **Dave Galt** said he did not recall any specific rule or law establishing a 35 mph speed limit. He added that a 35 mph speed limit is often put in place on a stressed section of road. He said that when that speed limit is posted it would also apply to seed potato haulers. **Rep. Davis** commented that citations have been issued to potato trucks exceeding a marked 35 mph speed zone.

SEN. STANG asked if HB 41 would retain the permit which stipulated that if a seed potato truck is caught with an overload, carriers would lose their exemption. **Dave Galt** replied that DOT has the option of revoking the permits of carriers who violate the conditions of their permits. He said once a

carrier's permit is revoked, that truck is like any other on the road.

SEN. STANG asked if DOT was required to revoke the permits of carriers who have violated the conditions of their permit. **Dave Galt** replied DOT has always had the ability to revoke permits. He added, however, there was no mandate that those permits be automatically revoked.

SEN. STANG asked if DOT was required to revoke the permit on a triple trailer when the driver is caught exceeding the speed limit. **Dave Galt** replied yes, and said the triple trailer statute was the only instance requiring the revocation of that permit. He explained that the statute establishes a special fine structure for triple trailers, but added he was not certain DOT was actually mandated to revoke triple trailer permits upon a violation. He said, however, DOT does revoke those permits when a violation occurs.

SEN. STANG asked if the permit for seed potato haulers was under the same section as the permit for triple trailers requiring a mandatory revocation if the driver was caught with an overweight load. He added that was the Committee's intent the last time this issue had been addressed. **Dave Galt** asked if he could refer to a statute book to have a minute to answer that question.

SEN. REA asked if the state has had any additional maintenance costs for those roads used by seed potato haulers. **Rep. Davis** replied he did not know. He said the reason for the current sunset provision was to have studies conducted. He stated, however, such information is almost impossible to obtain and no definite impacts have been determined. He said the statement of intent in HB 41 would remove the sunset provision because the need for these special permits should be eliminated within the next eight to ten years.

CHAIRMAN WEEDING said the first time the seed potato haulers were granted this exemption, DOT representatives had testified that only certain sections of Highway 93 were involved. He said DOT had assured the Committee that in four years maximum those sections would be redone and weight limits would be no longer necessary. He asked if any headway was being made. **Rep. Davis** replied Highway 93 no longer has the weight restrictions; HB 41 would authorize a permit for travel on those secondary roads which access Highway 93 like Highways 200 and 212. He stated these secondary roads would serve as a corridor to Highway 93 and I-90 so that the seed potatoes could be transported from the seed potato farms without the use of airplanes to get the seed potatoes to the planter within the necessary time constraints.

CHAIRMAN WEEDING asked if "suggested six year time period" in the statement of intent meant that the roads will be upgraded and the exemption would no longer be necessary after that period of time. **Rep. Davis** replied yes. He added DOT had brought that language

to the meeting on this issue and indicated the Department would support HB 41 if that language were included.

SEN. REA asked if DOT was had the finances to repair or upgrade the necessary stretches of road within the six year time frame HB 41 would establish. **Gary Gillmore, DOT**, replied DOT is currently working on plans to rebuild Highway 93 in the pertinent area. He said DOT is currently "in the process of environmental impact statements (EIS) and mitigation" studies.

SEN. REA said he understood that the secondary roads used to access Highway 93 are the problem, not Highway 93 itself. He asked if that were true. **Gary Gillmore** replied Highway 200 is the major concern. He said major reconstruction and various upgrading projects are also planned along that route in the next three or four years.

CHAIRMAN WEEDING asked if Highway 93 had been upgraded and was no longer involved in the seed potato waiver. **Gary Gillmore** replied the waiver on Highway 93 was granted largely because DOT was going to upgrade that route so that any damages would be corrected with the upgrade. He added trucks transporting other commodities also use Highway 93 to get to Kalispell from I-90 which was another reason DOT agreed not to post reduced weight limits on that road. He stated portions, not all, of Highway 93 have been improved.

Dave Galt responded to **SEN. STANG's** previous question about permits. He said the DOT is authorized to issue permits under paragraph six of MCA 61-10-124. He stated that paragraph lists most of the restrictions with which triple trailers have to comply. He said the penalty section includes a special paragraph which specifically alludes to triple trailer permits and states "a violation of a condition of the triple trailer permit results in a specific fine of \$500 to \$1,000 and confiscation of the permit". He explained, however, the permit seed potato transporters require is a "restricted route permit", which is issued under MCA 61-10-107. He said he believed DOT has discretionary authority in the event of violation. He stated DOT sometimes confiscates permits depending on the circumstances.

SEN. STANG stated his intent was that the permits be automatically revoked if seed potato haulers were caught with loads that were either overweight or overtolerance. He said he thought most of the container trucks complied with the restrictions of their permits.

SEN. TVEIT cited page five, lines five, ten and twelve which seem to be contradictory. He asked why this section stipulates that the vehicle has to be operated within its legal licensed GVW but later provides that seed potato trucks can operate on these roads regardless their GVW. **Dave Galt** replied the phrase "regardless of the vehicles GVW" is necessary because the "restricted route permit" does not generally apply to vehicles unless they exceed

80,000 pounds. He explained that permit needs to be applicable to the seed potato haulers, which weigh 80,000 pounds. He said the language is not meant to allow seed potato trucks to haul any weight, but to allow DOT to issue a restricted route permit on an 80,000 pound potato truck.

SEN. STANG asked if it was possible to place logs in the same classification as seed potatoes. **Dave Galt** replied he did not know how logs could be reclassified. **CHAIRMAN WEEDING** assured **SEN. STANG** that coal haulers, log haulers, wheat haulers, and beet haulers have also asked to be included in that section and testified to that effect.

SEN. REA asked if the costs of construction would be higher on this stretch of road to accommodate the overweight load. **Gary Gillmore** replied yes. He said the use of overweight potato trucks should have no impact on future construction costs.

CHAIRMAN WEEDING commented that when this issue was first presented to the Legislature, Highway 93 was the center of the discussion. He said it was argued that if the seed potato trucks were not allowed on Highway 93, they would use the back roads and do even more damage. He noted that Highway 200 seemed to be the current center of discussion and asked if another road was going to be mentioned next session. **SEN. STANG** replied Highways 200 and 135 are the "back roads" between Highway 93 and I-90.

SEN. TVEIT asked why new language was included in the bill, if HB 41 would remove just the sunset provision. **Dave Galt** replied the underlined language was placed in the codes last session and allowed DOT to permit and route the potato trucks to the nearest non-posted road. He added that language also placed a violation penalty revocation clause in the statute. He stated the only new language in HB 41 is the statement of intent on the title page.

SEN. TVEIT asked if the underlined text was present law. **Dave Bohyer** said all the underlined language is new language to this section and the language in small letters reinstates the language which would terminate because of the sunset provision. He stated the language that is underlined and in capital letters is what **Rep. Davis** negotiated in the House. **Dave Bohyer** said the completely new language is capitalized and underlined.

SEN. REA asked how many miles of road in the state would have to be reconstructed in order to accommodate the use of seed potato transporters. **Dave Galt** replied he did not think any highways were being specifically reconstructed or upgraded in order to accommodate these vehicles.

SEN. STANG said the reason Highway 93 has been opened as a corridor for these trucks is because it was built to specifications which can handle this kind of load regardless of the weather conditions. He said the other highways which are used by seed potato transporters will be rebuilt by the year

2000. He added the new roads will be built up to the new specifications with which the change in weather will not affect the roads, and the weight restrictions will no longer be necessary.

SEN. REA asked if these roads needed to be rebuilt or reconstructed because of damage caused by seed potato trucks. He asked what other areas in the state were impacted by this industry.

CHAIRMAN WEEDING said it would be helpful if the need for HB 41 was quickly outlined.

Rep. Davis said seed potatoes growers do not all live on Highway 93 or on interstates and need to be able to get their crops into Idaho and Washington quickly. He explained that prior to eight years ago, seed potatoes were hauled without a special permit. He said that because of the 35 mph speed limit and the weight restrictions on some of the secondary roads the seed potatoes could not be transported in time. He said the seed potato people asked for a waiver to run maximum weight on selected roads so that they could get their seed potatoes out of state as quickly and over the shortest routes from their farms. He stated the Legislature established the permit with the stipulation that they could haul at maximum capacity if the trucks had a 80,000 pound GVW. He added he had brought a bill on this issue to the Legislature three times. He added that with the compromise contained in HB 41, the issue should now be resolved.

SEN. SWYSGOOD stated HB 41 addresses one commodity which has to be moved during a time of year that coincides with the period in which frost laws are in place on secondary highways. He explained that the frost laws reduce the weight limits that can be hauled on those highways. As an example, **SEN. SWYSGOOD** stated the weight limit on Highway 41 is reduced from 80,000 pounds GVW to about 74,000 pounds GVW. He said seed potatoes move to their destination during that period of time only. He said without a waiver allowing them to run at the regular 80,000 pound GVW limit, trucks cannot transport those seed potatoes in an economically feasible way. He said the frost laws usually apply for about two months until the frost is gone from the highways and are necessary only because the construction of older roads is not up to standard.

CHAIRMAN WEEDING said he also recalled that most often the seed potato buyer actually owns the trucks because they are concerned about disease. He stated the container trucks are usually sterilized vans and are built to haul 80,000 pounds. He concluded it would be economically unfeasible if they had to fill those trucks only two-thirds full.

SEN. REA said if potatoes were not allowed to be transferred on that route, those routes would not need to be upgraded. He noted state funds would be used to rebuild the road up to

specifications. **SEN. STANG** responded that most of the roads used by seed potato haulers are scheduled to be rebuilt anyway. He explained the secondary roads are forty or fifty years old and were not built to the specifications now required by the federal government. He stated when those roads are rebuilt, it will be to those specifications which can withstand the changes in weather. He noted no additional money would be spent on these roads than previously planned. He stated he had attempted to kill the bills on this issue for five sessions, but added HB 41 represented a compromise which would not really damage these roads.

SEN. SWYSGOOD said the highways that are reconstructed under the normal plan of highway reconstruction will be able to carry those loads without there being any weight restrictions for that new section of road. He stated those highways used by seed potato transports will come up for reconstruction within the next 10 to 15 years and the issue in HB 41 will become moot. He emphasized that no additional money will be invested in the reconstruction of those roads than into any other because when they are reconstructed, that work is done to comply with certain specifications.

SEN. KOEHNKE asked if **Dave Galt** had something to add. **Dave Galt** noted that the compromise between DOT and the potato growers embodied in HB 41's statement of intent is two sided. He explained DOT has agreed that as time progresses those roads will be upgraded. He added that the agricultural people will also add more axles to their vehicles, which would also eliminate this problem.

SEN. REA asked if HB 41 would set a dangerous precedent which would lead to other industries asking for the same waiver as the seed potato growers. **Dave Galt** replied other industries have already made that request. He said DOT has explained that the nature of the seed potatoes and their market justify the waiver. He added, however, that the possible precedent is a departmental concern.

Closing by Sponsor:

Rep. Davis stated he thought the Committee had done a good job of discussing the issue contained in HB 41. He expressed his hope that the seed potato transport would be resolved for the next six years. He reiterated he had no intent to bring this issue back to the Legislature.

HEARING ON SENATE BILL 272

Opening Statement by Sponsor:

SEN. KOEHNKE, Senate District 16, summarized the prepared testimony which he handed out (Exhibit #1).

Proponents' Testimony:

Robert Brooks, Jr., Owner and Vice-President, Montana Motorist and Information Sign Group, said his company is responsible for placing the blue logo signs on the interstate system in Montana. He noted **SEN. KOEHNKE's** testimony had covered the major points related to SB 272. He explained since the state had established the legislation which had created the logo-sign program, the U.S. Department of Transportation (USDOT) had changed the local sign rules, enabling states to expand the number of logos available on a single sign for food, lodging and camping facilities. He stated there is a definite trend toward adopting the new federal standard in those states which have the logo program. He informed the Committee that adopting the new federal standard would be helpful to motorists and businesses because it would provide more information to the traveler and would allow businesses which cannot presently participate in the program because of space restrictions to obtain a logo. He added uniformity is important to the program in terms of standards for business participation, sign appearance and the capability for conveying information that these signs have.

Nick Roterling, Staff Attorney, DOT, expressed the DOT's support of SB 272. He added his department also supported the amendment establishing an immediate effective date, since that would enable DOT to most effectively change its administrative rules.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. STANG asked how much the average logo sign cost to rent. **Robert Brooks, Jr.** replied it costs \$89 per month.

SEN. STANG asked how much of that money does the state receive per month. **Robert Brooks, Jr.** replied the state receives \$3.52 per month from each rental which covers all of the expenses the state has in conjunction with these signs. He stressed that the logo program is a no-cost program for Montana.

SEN. SWYSGOOD asked if the billboards currently in place could take the additional advertisements without any other costs. **Robert Brooks, Jr.** replied the adoption of SB 272 would not amount to any additional signs. He stated the structures were already in place, only the panel would have to be enlarged to allow space for the one or two additional logos.

SEN. STANG stated the Department of State Lands (DSL) leases billboard sign areas to people in the state, but not for \$3.52 per month. He said he felt the state should be making more money than just expenses from these billboards which are in prime locations. **Gary Gillmore** said he did not know about the billboards rented by the DSL, but said DOT could not lease billboard space on federal highways which was purchased with federal monies. He stated DOT was happy to recoup any

administrative costs from the program. He added if the program was not in place DOT would have signs out on the interstates and they would have costs to erect and maintain those signs. He stated those possible costs also needed to be considered along with the money DOT actually receives from the logo program.

SEN. STANG asked if the state maintained the logo program's signs. **Robert Brooks, Jr.** replied yes.

SEN. REA asked what kinds of businesses SB 272 would enable to obtain advertising space that could not rent a logo before. **Robert Brooks, Jr.** answered that two separate information sign programs were created by the same legislation, one was the interstate logo program which is limited to gas, food, lodging and camping vendors. He stated some federal and state criteria for business participation were established for the interstate logo program. He stated the other program on the primary highway system is called the "tourist oriented directional sign program" (TODS). He explained the TODS program would be specifically addressed by one of the suggested changes in SB 272. He said the TODS program is intended for gas, food, lodging, camping and recreational service businesses. He added that in marketing the program it was discovered it would be helpful to determine some criteria for businesses participation on the primary highway system. He explained SB 272 would grant priority to those businesses which operate year round.

SEN. STANG asked when the state's contract with Logo Signs of America expired. **Nick Rotering** said the state and the company entered into a five year contract with two options to renew. He added the total contract term amounted to fifteen years.

SEN. STANG asked if it would be possible to renegotiate the terms of the contract, including the amount of money the state receives from the sign rentals. **Nick Rotering** said portions of the contract could be renegotiated every five years.

SEN. STANG said in some areas the blue signs with generic references to available services were removed when one logo sign was erected, even if a different service was available. He stated that the blue signs had not been replaced and so businesses which do not have a logo sign no longer had any sort of sign to alert motorists of their existence. **Nick Rotering** replied once a logo area on an interchange starts to develop, DOT, in a manner consistent with both state and federal legislation, removed the blue general service signs. He stated he is aware of only a couple of instances where the agency has worked with local people to keep some of the general service signs.

Closing by Sponsor:

SEN. KOEHNKE closed.

EXECUTIVE ACTION ON SENATE BILL 255**Motion:**

SEN. SWYSGOOD moved SB 255 DO PASS.

Discussion:

CHAIRMAN WEEDING said he was concerned about how SB 255 would affect local people who haul cattle in from remote areas. He stated these people take those jobs which commercial carriers do not like. He added, although they often charge a little more than for fuel, they do not make any profit. He said without such people, ranchers would have to go back to the trail drives. **SEN. SWYSGOOD** said SB 255 would give those people two options; they could either obtain an authority, or provide that service for the remuneration of fuel costs or labor. He stated he understood that these people provided a service, but added it is impossible "not to step on some toes somewhere when you work with a regulated industry". He assured the Committee SB 255 would close a loophole in the law, but was "as fair and tight" as possible. He emphasized he supported carriers competing with one other as long as they were competing on a "level playing field".

CHAIRMAN WEEDING agreed that the playing field is not currently level.

SEN. REA asked what additional costs SB 255 would mean for an individual who is currently hauling cattle with 16 percent GVW plates. **SEN. SWYSGOOD** said that difference could amount to as much as an additional \$700 per year in license plates, taxes and insurance costs. He added that if carriers haul not only their own cattle but their neighbors' as well on a 16 percent GVW, they actually are commercial carriers and should be paying the greater GVW fee anyway. He concluded that SB 255 would not change much if the current law was being enforced.

CHAIRMAN WEEDING agreed with **SEN. SWYSGOOD**.

SEN. REA asked if people who hauled cattle under the agricultural license would be violating the law if they were paid commodities other than money. **SEN. SWYSGOOD** replied the only legal remuneration is fuel costs and labor. He said many people are currently "getting away with" hauling other people's cattle for pay because the loophole in the law which stipulates 51 percent of a person's income must come from the ranch or farm. He noted that any rancher can show that they make more gross income from the ranch than from their trucking business. He said SB 255 would tighten up that loophole by stipulating that people can haul, but would only get paid fuel costs. He added that provision makes it economically unfeasible to haul without an authority because trucks cannot be operated with just fuel costs.

CHAIRMAN WEEDING said he presumed those cattle haulers would still be slipped a \$100 bill when the haul is over. **SEN. SWYSGOOD** agreed no law could completely stop such informal arrangement.

SEN. BRUSKI-MAUS asked if SB 255 would allow different kinds of labor to be swapped. **SEN. SWYSGOOD** replied yes; any kind of labor for any kind of labor.

Vote:

The MOTION SB 255 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 272

Motion:

SEN. KOEHNKE moved SB 272 DO PASS.

Discussion:

SEN. STANG noted that the company is making 40 to 50 percent profit off of the logo signs. He said it is not a crime to make money, but added the state is not receiving a reasonable share of the profits. He explained that current practice in the billboard industry was to give the land owners a percentage from the sign rentals, and added the state should also receive a percentage. He said he did not think the issue could be immediately resolved, but the possibility should be explored. He concluded "companies are paying a lot for advertising in this program and the state of Montana is not getting anything".

SEN. KOEHNKE said he agreed with **SEN. STANG**, but added he thought it was too late to change the terms of the state's contract with the logo sign company. **SEN. STANG** said when the contract comes up for renewal, maybe the Committee could direct the state to renegotiate that contract.

SEN. REA asked if the Committee could place a sunset provision on that contract. He asked if this contract was the one which had caused "so much fuss a couple of years ago". **SEN. KOEHNKE** replied yes. He explained that the contract for the state's logo program was initially given to this out-of-state company which caused some local advertisers to sue the state. He said the state re-awarded the contract to an in-state company, but Logo Signs of America sued the state for breach of contract and regained the contract. He said the company had originally agreed that the logo rentals would be \$83 a sign, but raised the price to \$89 because of the \$100,000 the lawsuit had cost them. He added quite a few states no longer want the bother or expense of maintaining the old highway signs and have joined the logo program. He added "there are a lot of instances where it costs the state double to what it does a private company".

SEN. STANG said the businesses in his town have agreed not to buy a logo sign, not because of the cost but because they do not want the blue general service signs dismantled. He said if those signs were removed, businesses would be forced to rent a logo sign or have their existence be unknown to passing motorists. He pointed out that DOT was supposed to remove only those blue general service signs which were directly replaced by a logo sign. He explained if the logo sign advertised lodging, DOT could remove the lodging sign, but not the gas, camping, and food signs. He stated DOT has been taking down all of them in some locations.

CHAIRMAN WEEDING stated **SEN. STANG** had a good point. He suggested the Committee include a review of the logo sign contract in the resolution to revise Title 60 after the federal Intermodal Surface Transportation Efficiency Act (ISTEA) is finalized. **CHAIRMAN WEEDING** asked **Dave Bohyer** if a resolution to that effect was in process.

Dave Bohyer said he did not know if a resolution around, but added that was one of the options he had identified for **SEN. HARP**.

CHAIRMAN WEEDING suggested the Committee sponsor a committee resolution. **SEN. SWYSGOOD** stated he would support a committee resolution.

SEN. STANG stated the deadline for those requesting committee resolutions was a only week away.

Vote:

The MOTION SB 272 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON COMMITTEE RESOLUTION

Motion:

SEN. REA moved THAT THE COMMITTEE DRAFT A RESOLUTION TO ADDRESS TITLE 60 AND THE LOGO SIGNING.

Discussion:

Dave Bohyer asked if the resolution should direct DOT to redraft Title 60 and present their suggestions to the next legislature. He verified that the resolution should deal with renegotiating the state's share of the logo sign fees and with making the language in Title 60 comport with the language in ISTEA. He added the Committee could also request that an interim or select committee be established to study the two issues.

SEN. SWYSGOOD suggested the DOT should be responsible for the study. **CHAIRMAN WEEDING** agreed. He said interim committees cost a lot of money and often make the same recommendations as the state agency, because the agency has all the expertise.

Dave Bohyer verified that the committee resolution should be a senate joint resolution.

Vote:

The MOTION TO DRAFT A COMMITTEE RESOLUTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 272

Motion/Vote:

SEN. KOEHNKE moved TO RECONSIDER THE COMMITTEE'S ACTION ON SB 272. The MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

SEN. KOEHNKE moved TO AMEND SB 272 TO PROVIDE FOR AN IMMEDIATE EFFECTIVE DATE. The MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

SEN. KOEHNKE moved SB 272 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HOUSE BILL 170

Motion/Vote:

SEN. MCCLERNAN moved HB 170 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. CHAIRMAN WEEDING will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 101

Motion/Vote:

SEN. BRUSKI-MAUS moved HB 101 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. SEN. BRUSKI-MAUS will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 41

Motion/Vote:

SEN. KOEHNKE moved HB 41 BE CONCURRED IN. The MOTION CARRIED WITH SENATORS TVEIT and TOEWS voting NO. SEN. STANG asked that the record show he voted in favor of HB 41. SEN. KOEHNKE will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 96


Discussion:

SEN. STANG said he had asked **Dean Roberts, Motor-Vehicle Division, Department of Justice** to research the confusing language in HB 96. He asked that the Committee delay action on HB 96 until that language was clarified.

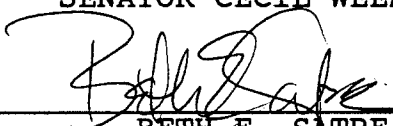
CHAIRMAN WEEDING agreed to hold HB 96 until **Dean Roberts** could discuss that language with the Committee.

ADJOURNMENT

Adjournment: 2:20 p.m.



SENATOR CECIL WEEDING, Chair



BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE February 9, 1993

[illegible]

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 4, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 255 (first reading copy -- white), respectfully report that Senate Bill No. 255 do pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 5, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 272 (first reading copy -- white), respectfully report that Senate Bill No. 272 be amended as follows and as so amended do pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

That such amendments read:

1. Title, line 8.

Following: "SIGN;"

Strike: "AND"

2. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 4.

Following: line 18

Insert: " NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 4, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 170 (first reading copy -- blue), respectfully report that House Bill No. 170 be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 4, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 101 (first reading copy -- blue), respectfully report that House Bill No. 101 be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding / Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 4, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 41 (first reading copy -- blue), respectfully report that House Bill No. 41 be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

m - Amd. Coord.
av Sec. of Senate

Sen. Koehnke
Senator Carrying Bill

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Remarks of Senator Koehnke
SB 272 Motorist Sign Bill

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE February 4, 1993

NO. SB 272

In 1989 the legislature authorized the creation of two new highway information sign programs, commonly referred to as the "Logo Signs Programs" -- which is found along the interstate highway interchanges -- and the Tourist-Oriented Directional Sign Program, the TODS Program, which is found along the primary highways of the state. Both programs have proven to be successful to date, serving both the Montana tourist industry and Montana's visitors.

When the legislature adopted the LOGO signs and TODS Program, it incorporated some fairly strict rules for determining eligibility for advertisers. The legislature also, in the case of the LOGO signs program, limited the number of sign panels on which advertisers could display to six sign panels on a sign structure for gasoline, and no more than four sign panels on a sign structure advertising food, lodging or camping. This was done so that the Montana statute would be consistent with the Federal Highway Administration regulations governing LOGO signs, as they then existed. At the time we were enacting the LOGO signs legislation, the Federal Highway Administration was revising the Federal Manual of Uniform Traffic Control Devices to allow states to increase the number of business logo signs from four to whatever number the state chose. Since 1989 a new limit of six business logos have

been approved by the American Motorist Association of State Highway and Traffic Officials Sub-Committee on Traffic Engineering for recommendation to the National Committee on Uniform Traffic Control Devices for inclusion in the Manual of Uniform Traffic Control Devices. The trend since 1989 has been to adopt the six sign limit.

This legislation, by amending § 60-5-512, MCA will bring Montana into conformity with the recommended six sign limit for food, lodging and camping signs.

The second thing this bill does is address the TODS program which has eligibility criteria for businesses to advertise in this program. SB 272 proposes to amend § 60-5-522 to include in the advertiser eligibility criteria a preference for businesses which are open year-round. With a limited number of signs, it is more beneficial to the motoring public to know of businesses which are open 12 months a year.

Finally, I would ask that this bill be amended to add an immediate effective date upon passage and approval. This legislation is designed to aid the tourist industry, and by putting an immediate effective date on this bill we will have this legislation in place for the upcoming summer tourist season.

I recommend a "Do Pass" for SB 272.

Thank you.

DATE February 4, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: HB 41, SB 272

Name

Representing

Bill
No.

Check One

Support Oppose

[illegible]

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY