

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, on February 20, 1993,
at 7:00 a.m.

ROLL CALL

Members Present:

Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. John Harp (R)
Sen. Francis Koehnke (D)
Sen. Doc Rea (D)
Sen. Spook Stang (D)
Sen. Chuck Swysgood (R)
Sen. Daryl Toews (R)

Members Excused: Sen. Tveit

Members Absent: Sen. McClernan

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: SJR 25
Executive Action: SJR 25, SB 365, SB 395, SB 416, SB 373

HEARING ON SENATE JOINT RESOLUTION 25

Opening Statement by Sponsor:

SEN. BRUSKI-MAUS introduced SJR 25 as a joint resolution of the Senate and House expressing the Montana Legislature's opposition to Section 333 of the Federal Department of Transportation and Related Agencies Appropriation Act. She said the Act mandates the withholding of certain federal aid highway funds from states that, by October 31, 1993, fail to enact legislation requiring suspension of an individual's driver's license upon conviction of any violation of the Federal Controlled Substances Act or any drug offense. She said this Act allows states to circumvent this mandatory revocation of drivers licenses by certifying that the Governor and Legislature are opposed to the enactment of such a law.

SEN. BRUSKI-MAUS stated the Committee had requested the drafting

of SJR 25 because current Montana statute provide for the suspension or revocation of a driver's license for driving under the influence of drugs, and driving related acts are the traditional basis upon which a driver's license may be suspended. She said the Montana Legislature believes the federal government should not attempt to coerce states into passing legislation, and SJR 25 is intended to clarify Montana's opposition to the enactment of the Driver's License Suspension Act.

Proponents' Testimony:

Dean Roberts, Department of Justice, Motor-Vehicle Division expressed his department's support of SJR 25.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. TOEWS asked if the word "certify" on Line 6, Page 3 should possibly be "clarify". **Dave Bohyer** stated it was his understanding that the federal law expressly required a certification from the Legislature and the Governor that they oppose Federal coercion in this matter.

CHAIRMAN WEEDING asked **Dean Roberts** if the Governor had indicated his approval of SJR 25 and would indeed sign it. **Dean Roberts** said he could not speak for the Governor, but it was his belief the Governor would support the Legislature's action in this matter. **CHAIRMAN WEEDING** stated he wanted to be sure the record reflected the Committee had not taken the Governor's approval totally for granted.

Closing by Sponsor:

SEN. BRUSKI-MAUS closed.

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 25

Motion: **SEN. REA** moved SJR 25 DO PASS UPON APPROVAL OF THE GOVERNOR.

Discussion:

A suggestion was made that **Marv Dye, Director of the Department of Transportation (DOT)** might be able to respond as to the Governor's position on SJR 25. **CHAIRMAN WEEDING** explained the content of SJR 25 which suggests the Governor is also opposed to such federal action, and asked **Marv Dye** if he could respond for the Governor. **Marv Dye** stated he was not certain. After a short discussion it was decided the motion "do pass upon approval of the Governor" indicated the Committee was not acting without any sort of input from the Governor on this matter which also involved him.

Vote: The motion CARRIED UNANIMOUSLY

EXECUTIVE ACTION ON SENATE BILL 365**Discussion:**

CHAIRMAN WEEDING stated the Committee had a few options regarding SB 365. He said the Committee could pass it, kill it, table it or modify it.

SEN. STANG stated **Hank Honeywell** from the Federal Department of Transportation (FDOT) had informed him that federal funds could be used for a variety of safety programs including construction which would mitigate road hazards if SB 365 were defeated. He said, for example, new lights or guard rails could be installed in dangerous intersections or accident prone roads. **SEN. STANG** said if, on the other hand, SB 365 were to pass, Montana would need to apply for a grant. He stated it would be better to kill SB 365 and use the federal money for some of these safety programs, which might include the Highway patrol's safety program or even the Highway Patrol itself. He announced his intention to try to table SB 365 unless further discussion were to persuade him otherwise.

CHAIRMAN WEEDING asked **Marv Dye** how DOT interpreted ISTEA and the possible uses for federal funds made available only for safety programs. **Marv Dye** responded he had not understood the federal program to be so lenient, but stated **Hank Honeywell** would know exactly what those funds can be used for. **Marv Dye** said he interpreted federal legislation to mean if SB 365 was not passed, those monies could be used only for educational, not construction purposes. He stated if that money can actually be used for construction of safety-related items, killing SB 365 would have no adverse effect because much of DOT's current program is related to construction of safety related items. He stated he had understood if SB 365 were defeated those federal funds in question would not be appropriated to DOT but to highway traffic safety or some other place.

Doug Abelin, Montana Trail Vehicle Riders Association, presented a proposal for a state-wide safety program for off-road vehicles to the Committee as a potential recipient of the safety funds if SB 365 were defeated. He stated his group had tried to draft a safety bill for off-road motorbikes for the House Highways and Transportation Committee, but had run out of time. He said there are safety programs for highway but not off-road vehicles. He told the Committee his group had not met with DOT representatives, but had discussed this program with Fish, Wildlife and Parks. He stated this would be an opportunity to implement a safety program which would affect a lot of vehicles. He said his association is currently the only entity in the state that does have an off-road program and is looking for funding to set up a safety program.

CHAIRMAN WEEDING asked if **Doug Abelin** was talking of only a safety program or if he would like to see the establishment of an

off-road trail system. Doug Abelin replied a trail system is already in place. He stated his Association would like to establish a safety program which had vehicles available to teach off-road safety. He stated it would be justifiable to set up such a program because a lot of off-road vehicles are being used and they need a safety setup.

Motion/Vote: SEN. STANG moved to TABLE SB 365. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 395

Motion: SEN. HARP moved to AMEND SB 395 (Exhibit #1).

Discussion:

SEN. HARP explained this amendment would totally eliminate Section 5(a) which would delete the 65 foot overall length. He said the only thing left in SB 395 would be the 15 foot overhang.

CHAIRMAN WEEDING commented everyone had agreed upon the 15 foot overhang at the hearing. SEN. REA asked if the amendment would allow trucks to be of any length as long as there was only a 15 foot overhang. SEN. SWYSGOOD said the length could be whatever the law provided for now, but a truck would not be allowed to be "miles" long. Dave Galt stated with a permit a truck can be 90 feet long. He reminded the Committee SB 395 would only apply to 5-axle logging trucks, which are only 50 feet.

SEN. HARP stated the primary purpose of the remaining section of SB 395 is safety. This section would eliminate the extensive overhang, which was primarily responsible for the traffic accidents initially motivating this legislation.

Vote: The motion to amend SB 395 CARRIED with SEN. STANG and SEN. TVEIT voting NO. SEN. TVEIT voted by proxy.

Motion/Vote: SEN. HARP moved SB 395 DO PASS AS AMENDED. The motion CARRIED with SEN. KOEHNKE and SEN. STANG voting NO.

EXECUTIVE ACTION ON SENATE BILL 416

Motion/Vote: SEN. STANG moved SB 416 DO PASS, and the motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 373

Discussion:

SEN. STANG stated according to the fiscal note the Department of Justice has been violating the law. It states the fee is supposed to be \$4 and they have been charging us \$5. He stated

his intent to amend SB 373 so that the Department of Justice would have to refund the extra \$1 people have paid in the past year.

Motion: SEN. HARP moved SB 373 DO NOT PASS.

Discussion:

CHAIRMAN WEEDING asked Dean Roberts, Department of Justice, if he would like to comment. Before Dean Roberts said anything, SEN. HARP asked CHAIRMAN WEEDING if the rules of the Committee were such that one member's objection to opening up the hearing would suffice to keep it closed. CHAIRMAN WEEDING replied according to Senate rules that would be adequate and SEN. HARP announced his objection stating he "did not want to reopen the hearing unless somebody else is compelled to listen to the Department of Justice this morning".

Vote: The motion CARRIED with CHAIRMAN WEEDING voting NO.

Further Discussion

Dave Bohyer informed the Committee the possibility existed that Tom Gomez, another Legislative Council staff member who has been out ill, would be staffing the Committee after transmittal. Dave Bohyer stated Tom Gomez has staffed the House Transportation Committee a couple sessions in the past and has quite a bit more experience in this area than he. Upon being asked by SEN. SWYSGOOD, Dave Bohyer stated he would most likely be in the House helping Rep. Hibbard with the Select Committee on Workers Compensation.

ADJOURNMENT

Adjournment: 7:25 a.m.



SENATOR CECIL WEEDING, Chair



BETH E. SATRE, Secretary

CW/bes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Joint Resolution No. 25 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 25 do pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

APW
W Amd. Coord.
Sec. of Senate

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 395 (first reading copy -- white), respectfully report that Senate Bill No. 395 be amended as follows and as so amended do pass.

Signed: 
Senator Cecil Weeding, Chair

That such amendments read:

1. Title, line 5.

Following: "THE"

Insert: "MAXIMUM OVERHANG"

Following: "OF"

Strike: "TRUCKS HAULING RAW"

2. Page 3, lines 1 through 8.

Following: "(5)" on line 1

Strike: the remainder of line 1 through "(b)" on line 8

-END-


SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 416 (first reading copy -- white), respectfully report that Senate Bill No. 416 do pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

 Amd. Coord.
Sec. of Senate

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ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 373 (first reading copy -- white), respectfully report that Senate Bill No. 373 do not pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

AW
AW Amd. Coord.
Sec. of Senate

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ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE FEB 20, 1973

NAME	PRESENT	ABSENT	EXCUSED
SEN. CECIL WEEBING, CHAIR	X		
SEN. BETTY BEUSKI-MAUS, VICE-CHAIR	X		
SEN. JOHN HARP	X		
SEN. FRANCIS KOEHNKE	X		
SEN. HENRY McCLEARNAN		X	
SEN. JACK "DOC" REA	X		
SEN. BARRY "SPOOK" STANG	X		
SEN. CHARLES "CHUCK" SWYSGOOD	X		
SEN. DARYL TOEWS	X		
SEN. LARRY TVEIT			X

FC8

Attach to each day's minutes

Amendments to Senate Bill No. 395
First Reading Copy

For the Committee on Highways and Transportation

Prepared by Dave Bohyer
February 16, 1993

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE 20 February, 1993

BILL NO. SB 395

1. Title, line 5.
Following: "THE"
Insert: "MAXIMUM OVERHANG"
Following: "OF"
Strike: "TRUCKS HAULING RAW"

2. Page 3, lines 1 through 8.
Following: "(5)" on line 1
Strike: the remainder of line 1 through "(b)" on line 8

DATE February, 20, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: STR 25 / EXEC. ACTION SB 365, SB 373, SB 395, SB 416 & STR 25

Name	Representing	Bill No.	Check One	
			Support	Oppose
DOGG A BELIN	'ETURA	365		X
Linda Ellison	MTURA	365		X
Don Oll	Md Ind Products	395		cancel
MARV DYE	DOT	365	✓	
Dave Galt	MDI	395	X	
DEAN ROBERTS	ABPT. OF JUSTICE	STR 25	X	
		SB 373	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY