

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN LARRY TVEIT**, on February 28, 1995, at 3:00 p.m. in Room 410.

ROLL CALL

Members Present:

Sen. Larry J. Tveit, Chairman (R)
Sen. Charles "Chuck" Swysgood, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Arnie A. Mohl (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Council
Carla Turk, Committee Secretary

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

Committee Business Summary:

Hearing: HB 97, HB 146, HB 180
Executive Action: HB 97, HB 146, HB 180

CHAIRMAN TVEIT remarked that **Rex Gulick** from North of Joplin had contacted his office regarding the condition of a specific road in that area and as a result he had asked the Montana Highway Department (MDT) and the Legislators from that area to be present today. **CHAIRMAN TVEIT** circulated a large sheet of photographs of the secondary road which **Mr. Gulick** had brought to his attention. He asked the MDT to briefly explain the funding process and reported having been told of 125 petitions having been sent to the Governor's Office and forwarded to the MDT. He commented that his only intent was to obtain a little history regarding the circumstances which led to these people being so upset and determine if their concerns for a solution had been addressed. **CHAIRMAN TVEIT** expressed a desire for the Committee to look at the information which had been set forth. He asked for a brief

explanation of what had occurred and if there had been a delay in MDT's receipt of the petitions?

Pat Saindon, Administrator of the Transportation Planning Division, for the Montana Department of Transportation, said the Governor had received a copy of a letter from Mr. Gulick which requested that they look at the road and ask questions as to why it was not being taken care of. She stated that MDT had prepared a letter of response for the Governor's Office which explained that within the Secondary Road Program, each county received a portion of federal aid funds which the State matches. She attested that the individual counties actually set the priorities for use of those Secondary Funds.

Ms. Saindon accounted that Liberty County received about \$175,000 in State and Federal Funds each year and their current priority was from Marias River North with the project having been let to contract in September of 1994. She reported that project as leaving Liberty County's Secondary Program balance at a negative \$470,000. She stated that once the County paid back those funds and began accumulating a positive balance, then the project before the Committee could be nominated as a next priority.

Ms. Saindon reiterated that every county in the State received a portion of \$15,000,000 in Federal Funds. She identified the formula for determining distribution of Federal Funds for county receipts as one fourth of the ratio of land area per county, one fourth of the rural road mileage per county, one fourth the ratio of the value of rural land per county, and one fourth the ratio of the rural population per county. She explained that as being compared to the total of all of those categories in the State.

CHAIRMAN TVEIT asked if a letter had been sent to the people of the area in question, as an earlier statement had been made that there had been no correspondence from the Governor or the MDT?

Ms. Saindon replied that the letter had been written to the Governor, not the MDT, and a response had been prepared for the Governor and somehow that response had been lost.

CHAIRMAN TVEIT queried as to whether contact could be made at this time? **Ms. Saindon** replied that there had been a response made.

CHAIRMAN TVEIT asked if the Committee had any questions and expressed concern that this Secondary Highway appeared very bad, as were a number of other roads around the State. He recognized the fact that those funds did go through a secondary formula to counties and County Commissioners designated priorities for roads to be fixed. He asked if anyone wished to comment on the subject?

SENATOR LOREN JENKINS, Senate District 45, Big Sandy, said that during the 1960's an agreement had been made within state government and the counties, that the counties would spend their

money to develop secondary roads of the State and accounted that these roads were to be designed as necessary high travel roads. He identified the counties of Chouteau and Liberty as having finished a road between Fort Benton and Chester and extending to Stanford and said the State had agreed to take over maintenance of the Stanford to Fort Benton portion. He continued that the agreement had been that the counties would finish oiling these roads and the State would take over the maintenance and upkeep of them, but the Fort Benton to Chester road had never been taken over by the State. He contended that this caused those counties to have to spend their monies for upkeep of roads which were actually contractually agreed to be maintained by the State.

SENATOR JENKINS identified the road north of Joplin, which they were looking at, as another secondary road in Liberty County which the County could not afford to maintain. He portrayed the County's expense of maintaining the Fort Benton to Chester road, which the State should have been maintaining for the past fifteen years, as a primary reason the County could not afford caring for the road north of Joplin.

SENATOR GARY AKLESTAD, Senate District 44, Galata, asked the opportunity to inquire as to whether any of the special monies allocated to the Save Our Secondary Program could be utilized in a different manner to help this situation? **Pat Saindon** stated that within the SOS Program the use of those monies was to be for pavement preservation and usually was designed for sealant overlays or sealant covers, not for construction. She termed reconstruction as extremely expensive and SOS money was expressly designated to help the counties preserve the pavements which currently exist. She verbalized that it could be seen that the north Joplin road condition could not be preserved by a thin overlay.

SENATOR AKLESTAD stated his desire to go on the record with the Committee that this road was currently in terrible shape and declared it a life threatening situation for those who had to drive it. He maintained that there were people who used other dirt and gravel roads to circumvent using this road, because of the condition it was in. He termed that the road as a very bad situation, and while it was not in his Senate District, it was in his general area and he had traversed it. He attested that the road was in such terrible shape and determined that the condition could be conducive to an accident occurring at any time. **SENATOR AKLESTAD** remarked that he was not sure what the Committee could do, but hoped they wouldn't just drop this at this point in time and see if there was any way these people could get some reconstruction funds. He explained that the MDT specs needed to be working with because there was a desire to widen the road and that made construction more expensive. He said that if the specs could be handled in a different manner, the road could be improved and still provide service for that community. He urged the Committee to make further inquiries to determine any possible funds which could be used.

REPRESENTATIVE ROGER DEBRUYCKER, House District 89, said the road was in his District and recounted that he had carried the bill which requested the MDT to take over maintenance of the Chester to Fort Benton Highway. He remembered the bill as having passed Legislature stating that \$150,000 would be allocated annually, \$75,000 from each Chouteau and Liberty County, for the maintenance of that road. He contended that those monies were not supposed to have been deducted from the other road funds, but were to have been additional. He attested that during the Babcock Administration, when the Fort Benton to Chester Highway had been constructed, the concept was that the county would build the road to state specs and the state would then take over maintenance. He reenforced **Senator Jenkins'** statement that the Fort Benton to Stanford maintenance had been assumed by the state, then for some reason the state had decided not to take responsibility for the maintenance of those roads any more. He professed that the state had reneged on its agreement in regard to this road, as they had done on three others in the state.

REPRESENTATIVE DEBRUYCKER urged the Committee to ascertain if anything could be done to help the condition of this road. He reiterated that **SENATOR AKLESTAD** was correct in stating that a wider road wasn't really necessary.

SENATOR SWYSGOOD stated that he understood the prerequisite to receiving federal monies was highway construction according to certain specs and expressed that he wasn't sure the Department had the leeway to change those specs and still utilize federal monies or programs. He said there may be some flexibility when only state money was used, but he wasn't sure. He questioned whether there was documentation on the agreement between the counties and the state as it related to the state's assumption of maintenance of these roads? **REPRESENTATIVE DEBRUYCKER** said he did not have anything regarding this road, but there was documentation on the Chester to Fort Benton road.

SENATOR SWYSGOOD referred the question to the MDT. **Tom Barnard, Chief Engineer with the Montana Department of Transportation,** responded that in the case of Fort Benton to Chester there was no question that at one time, during the '50's and '60's, the Department had stated that once those roads were paved the state would take them over. He continued that when the time came to assume that responsibility, the money was not available. He recounted that there had been bills presented to the Legislature which stated that the Department would assume those responsibilities if their maintenance budget was increased, and that increase had not been granted. He contended that they did contribute \$150,000 a year, above and beyond Liberty and Chouteau County's secondary portion of money, to the maintenance of the Fort Benton to Chester road.

Mr. Barnard stated that up until the new federal aid bill, ISTEA (Intermodal Surface Transportation Efficiency Act), the Department did have to design all secondary roads to a very high

standard. He contended that had made those roads very costly. but as a result of ISTEA the Department was then allowed to reduce the standards and somewhat reduce the cost of secondaries. He explained that liability reasons still required them to have a standard considerably higher than what a county road would have. He reported that the Department had, in the past two or three years with ISTEA, reduced the standards to the lowest level they thought they dare to with regard to a safety standpoint.

SENATOR HOLDEN commented on testimony always referring to various safety features, and liabilities and reported county commissioners having made the same type of comments regarding potential lawsuits. He asked if there were actually stats on lawsuits regarding things such as the width of shoulder on a road? He reported often hearing these references but never having been shown documentation. **Tom Barnard** related that he did not know the current stats, but stated that a couple of years ago the average, annual number of court liability suits filed against the Department was about 60 and all of them were in relationship to design standards.

SENATOR HOLDEN asked what was ever achieved in these types of lawsuits. He clarified by asking if the suits were frivolous and actually thrown out the courtroom door, or did the state actually pay out the millions of dollars frequently alluded to? **Tom Barnard** stated that a lot of money was paid out. He remarked that some of the cases were frivolous and usually could be thrown out of court, but there were still a lot of claims being paid. He attributed those payments to the fact that there was not enough money to upgrade everything to standards, but the courts interpreted that lack of funding was not an excuse, so the bill ended up being paid. He contended that the second part of the liability issue was that there were numerous national standards concerning roadway widths, sharpness of curves, closeness of obstacles to the road and any time you did not comply with those design manuals it wouldn't be long until an attorney would wave that manual before you in a courtroom. He identified the manual as "The Roadside Design Guide" and stated that there was no choice other than to comply.

SENATOR STANG asked if the state or county had done a traffic study on the Joplin road, to whether the traffic warranted repair or whether it would be to their advantage to turn the road into a gravel road? **Tom Barnard** answered that there had been no specific study done, however he was sure the Department would have some traffic statistics available through a routine generation basis. He said he agreed that a road in that poor shape would probably be better off turned back to gravel.

CHAIRMAN TVEIT asked if he was correct in summarizing the basic comments to state that this was strictly a secondary road, controlled by the county commissioners and their funding status, as they prioritized their road building and the problem rested in their hands? **Tom Barnard** replied that he was correct.

CHAIRMAN TVEIT thanked the Department for taking the time to explain and respond to the matter which had been brought before them all.

HEARING ON HOUSE BILL 97

Opening Statement by Sponsor:

REPRESENTATIVE WILLIAM "RED" MENAHAN, HD 57, Anaconda, stated that veteran's license plates currently contained only numbers following their military insignia and the veterans had approached him with a request for the ability to acquire personalized plates. He contended that the plates would be the same, except the veterans could have the same personalization as on other types of plates, following their military insignia. He maintained that as basically all the Bill did and remarked that the fiscal note indicated more people with personalized plates would purchase these personalized military plates. He reported that the funds from these plate sales would go to the county and to the military cemetery at Fort Harrison.

Proponents' Testimony:

Jim Jacobsen, Administrator of the Montana Veteran Affairs Division, stated he was present on behalf of 100,000 veterans and 167,000 family members who were eligible to purchase these veterans license plates. He contended that the Committee was aware that the \$10.00 veterans license plate fee went toward the operation and administration of the state veteran cemetery. He reported that the cemetery received no general fund money and that this was their primary source of funding. **Mr. Jacobsen** said he had several veterans indicated their desire to have veterans plates if they could get them personalized. He said passage of the Bill would mean an extra \$10.00 a year for each plate sold, to their cemetery, so they were endorsing it.

Joe Brand, State Legislative Chairman for the Veterans of Foreign Wars, said they supported this Legislation as it would bring in more money for the Veterans Cemetery at Helena. He expressed the hope that they would someday get another Veterans Cemetery in eastern Montana. He remarked that they thought this was the right way to go because it would help sell more plates and offer the possibility for more cemetery improvement.

C. Hal Manson, representing the American Legion of Montana, stated that the advantages of having these specialized plates had been well explained. Summarily, he said that the American Legion strongly supported the Bill.

Dean Roberts, Administrator of the Motor Vehicle Division, Department of Justice, expressed that they had no problem with

the Bill, as it did not create another plate type. He said that the existing veterans plate would be able to be personalized.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR REINY JABS asked if there had already been a Senate Bill dealing with veterans on the plate. Dean Roberts answered that there was a Bill which would allow a ham radio operator who was a veteran to have a veteran symbol on the side of the plate. He stated that would not be another plate type either.

Closing by Sponsor:

REPRESENTATIVE MENAHAN stated that he closed.

HEARING ON HB 146

Opening Statement by Sponsor:

REPRESENTATIVE DAN MCGEE, House District 21, Laurel, termed HB 146 as a simple, straight forward Bill which had been requested by the Montana Department of Transportation (MDT). He stated that the only thing the Bill did was to allow the MDT to enter into financial arrangements with local governments for construction costs of roads and other like entities. He reported being personally familiar with at least three projects where this was ongoing. He maintained that the policy was in place, but not in statute and identified that as the purpose of this Bill.

Proponents' Testimony:

Tom Barnard, Chief Engineer with the Montana Department of Transportation, said the Bill was being brought forth at the request of the Department and characterized it as allowing for cooperative ventures between the MDT and cities or counties. He stated that those agreements could only be accomplished if the various entities were in favor. He described the Bill as allowing the MDT to accelerate projects by explaining that whenever the Department did not have sufficient funds for a project and the city or county was willing to find a revenue source to supplement their funds, then the project could be acted on. He cited several projects throughout the state where the policy had been implemented and emphasized those examples as to what the Bill was all about.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR REINY JABS asked if Crawford Avenue in Hardin was another example of the cooperative agreements discussed? **Tom Barnard** replied that Crawford Avenue was a little different situation as Hardin had requested the MDT to put some money into the project. He explained that during the interstate development days the MDT and the town of Hardin had made a trade in routes. He clarified that Hardin had wanted the portion which was on federal aide system to be changed to a different route. He continued that when the MDT built the Interstate system they had improved the other route. He reported that Crawford Avenue had deteriorated over the years to where Hardin could not maintain it and they have asked for funding. He stated that the request might be an example of this, but it was a little different than the intent of this Bill.

SENATOR BARRY "SPOOK" STANG asked if it would be possible for a town with some extra money, who wanted to put in items such as curbs and gutters, to make application to the MDT for movement onto the schedule and seek help in funding? **Tom Barnard** affirmed that scenario as correct and said it would be possible. He stated that generally this would allow the MDT to accomplish the acceleration of projects they knew were needed, but did not have sufficient money to accomplish alone.

Closing by Sponsor:

REPRESENTATIVE MCGEE reiterated that HB 146 was a very straight forward bill and attested that he was currently working on projects in Eureka Urban and Highwood which were both joint funding projects with the MDT and the local jurisdictions. He maintained that the Bill made good sense and was a good way to get the "most bang for the buck". He encouraged the Committee to Concur In the Bill. **REPRESENTATIVE MCGEE** said he thought **SENATOR SWYSGOOD** had volunteered to carry the Bill on the Senate Floor.

HEARING ON HB 180Opening Statement by Sponsor:

REPRESENTATIVE BOB CLARK, House District 8, Ryegate, reported that in 1991 the Legislature had dealt with the window tinting issue and the bill had gone to a sub-committee where he thought everyone felt they had arrived at a good, workable piece of legislation. He explained that since then a loophole had been

discovered and as a result he was before the Committee with HB 180 which attempted to close that loophole. He stated that representatives from the Montana Highway Patrol were present to show the Committee what was meant by light transmission and other contents of the Bill. He reserved the right to close.

Proponents' Testimony:

Colonel Craig Reap of the Montana Highway Patrol, reported having a handout for everyone. (EXHIBIT # 1) He reiterated the Sponsor's statement that a bill had been passed in 1991 to limit the amount of tint which could be put on a motor vehicle. He contended that the bill had been done from a safety standpoint for both law enforcement officials and motorists. He explained motorist safety necessitated eye contact with the driver of the vehicle and involved situations like motorist to motorist, motorist to pedestrian, motorist to bicyclist and so forth. He remarked that many times when you approached an intersection, particularly when it was an uncontrolled intersection or four way stop, eye contact with the driver of the vehicle was desirable for determination of the drivers intent. He attested that pedestrians and bicyclists also needed eye contact to discern what the driver intended to do. **Colonel Reap** summarized that if the windows were tinted too darkly, there was not enough light entering the vehicle to see the driver and make the needed eye contact.

Colonel Reap reported that the 1991 legislation limited the side front windows from being tinted any darker than 35% and the rear side and rear window from being any darker than 20%. He described the legislation as also providing for no tinting below the four inch line on the top of the windshield. He explained that the problem arose when manufacturers began changing their standards and tinting windows up to the 70% national standard. He stated that because the percentages in the original law were based on the material which was available to the tint applicators at that time, when the tinters put the 35% and 20% tint material over a 70% factory window, the result was a darker window than what current law allowed.

Colonel Reap contended that they had discovered the problem when they purchased some tinting devises, which would be used as demonstration to the Committee. He interpreted the discovery as a dilemma because people who asked to have the tint applied felt they were within the legal limits and did not realize the windows were already tinted to 70%. He related that when you utilized current law for tinting your windows and combined that with the new manufacturers standards, the darkest combined tint factor could be 24% and 14%. He reported when they made their discovery it was decided that rather than take a lot of enforcement action or try to get people to remove the tint material, they would research whether law enforcement agencies could work with the resulting levels. He said it had been decided they should

propose to lower the percentages of tint contained in the law, rather than grandfather in or seek tint removal in all of the existing vehicles. He stipulated the reason for needing a number to work with as the fact that they currently had no enforcement level. He attested that another tint material was now available at 5% and they were seeing more and more of it put on vehicles. He explained the 5% as the degree of tint when you could not tell if anyone was in the vehicle, let alone make the needed eye contact.

Colonel Reap said they felt the intent of the original law was to prevent the 5% tint and because of the question regarding the manufacturer's tint in addition to the after market tint they had not good enforcement level. He identified HB 180 as giving them the needed enforcement level and combined with the devices they now had to work with, they could determine exactly what the level was. He contended that the people who were legally, or thought they were legally, getting the darkest window they could, would be allowed to continue to have them. He reiterated that with this proposal there would be no grandfathering or tint removal and it would only affect those who put the darker tint in violation of the law to begin with.

Colonel Reap described page 1 as lowering the first two percentages and page 2 as adding a section which provided an explanation of exactly what was meant by layering tints. He said that no matter how dark tints came from the factory, the result of any after market application could not be any darker than what is prescribed in the new percentages of 24 and 14. He explained the portion which pertained to the multi-purpose vehicles such as suburbans and vans and stated that these vehicles were exempt from this law for everything behind the driver pillars.

Colonel Reap then reiterated his statements regarding the Bill's safety aspects. He identified Lieutenant Mike Frellick as the one who did a majority of the research and as the one who would give the Committee a demonstration. He also stated that they had the support of all other law enforcement agencies in Montana and reported having taken the proposal to the Montana Sheriff's and Peace Officers Association meeting and having spoken to the Law Enforcement Advisory Council. He informed the Committee that they would appreciate their support.

Mike Frellick, Assistant Commander for the Great Falls District of the Montana Highway Patrol, said he was basically in charge of the enforcement side of the Patrol for their area. He stated that last November he had been assigned to investigate contacting law enforcement agencies across the State, as well as their own people. He termed the purpose of that assignment was to determine what kinds of enforcement problems were being encountered regarding the bill and whether or not they would be in favor of supporting the proposed legislation before the Committee. He reported the basic results as very favorable and

reiterated the very limited enforcement of current law because of the ambiguity to its application.

Mr. Frellick said his purpose for appearing was to give the Committee a physical example of approximately what 24% and 14% equalize to the viewer. He held up a cross section of the different tinting materials which appeared in order of the percentage of tinting and visually explained the degree and percentage of tint which would be allowed for the front and rear windows. He facilitated explanation of the light filtration by utilizing one of their special light meters which he reported as having been purchased for the Patrol's use during enforcement of this law. He explained the procedure as taking a known source of light and measuring it at 100%. He stated that the officer would place the light source on one side of the tinted window and the meter on the other side and by pulling the meter trigger, the meter would reveal the percentage of tinting read. He defined the meters as their current effective means of measuring the light and reported the process as their method of enforcement of the new proposed legislation.

Jim Kembel, representing the City of Billings, said they would like to go on record in support of HB 180.

Jim Smith, appearing on behalf of the Montana Sheriffs and Peace Officers Association, stated they too, would like to be on record in support of HB 180. He reiterated **Colonel Reap's** statement that their organization had worked with the Montana Highway Patrol in the development of the proposal.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR REINY JABS asked if he was clear that the vehicles in existence would be left alone? **Colonel Reap** stated that the vehicles which were not in violation of the new proposed percentages of 24% and 14% would be left alone. He answered that the ones which were darker than that would be in violation and would have to remove the added tint. He continued that those same vehicles had been in violation since the law went into affect in 1991. He reported that there had been enforcement action already taken against some vehicles which had been in obvious violation.

SENATOR JABS asked if the change was being made because existing law was too dark? **Colonel Reap** affirmed that as correct.

SENATOR JABS asked if there weren't some existing vehicles which were already too dark? **Colonel Reap** replied that there were and

used the blackboard to explain how the percentages worked. He explained that if a vehicle came from the factory with 70% tint on it and the owner asked a vendor to darken the tint to the darkest percentage the law allowed, a 35% could be added as the law currently read and the result would 24%. He explained this as how current law was perceived. He stated that these would still be allowed because this was legal with current law. He contended that they had a problem with those vehicles which had a 20% tint added to their front window for a resulting 14% which would be in violation. He reported another problem scenario as adding 5% to the factory 70% with an end result of about 3.5% and attested that would be a violation as it always had been. He said those were the ones which would have to remove the added tint. He reported the material coming in certain darkness, with 5% being the darkest and said they had worked out the proposal by using the original numbers of the materials available.

SENATOR RIC HOLDEN asked to be shown which one of the examples would be considered illegal? **Colonel Reap** said that would depend on the location of the window in the vehicle.

SENATOR HOLDEN asked to see a side window example? **Colonel Reap** showed him a 5% which was considered illegal on any window, the 16% which would be allowed on a back side window or the back window and stated that any percentage on down the sample would be allowed on any window.

CHAIRMAN TVEIT stated that there were vehicles out there that didn't even let a person see a person through the side window. He asked if those were the vehicles which would be required to remove the added tint when they were encountered by law enforcement? **Colonel Reap** said that was correct and stated that the tint material could be cleaned off the window without a lot of work. He verified that no windows would have to be replaced, only the tint removed.

SENATOR BARRY "SPOOK" STANG asked what the darkest factory tint was? **Colonel Reap** said the 70% was set as the darkest by national standards and that would be the sporty type cars. He said most passenger cars would be 75%. He reported that his comments came as a result of research they had done through glass companies who supplied auto manufacturers.

SENATOR SWYSGOOD asked about the acceptability of the darker top portion of a windshield which appeared to be darker than 70%? **Colonel Reap** said the area of about the top four inches did not have any restrictions as to blue colors, but explained that there could be no yellow or orange above that line.

SENATOR MOHL asked why not the yellow? **Colonel Reap** replied that he thought the reason was because it would affect the ability to see whether it was a red or green traffic light.

Closing by Sponsor:

REPRESENTATIVE CLARK thanked the Committee for the Hearing and stated that he felt everyone had seen the types of windows which were illegal. He stated that in 1991 this had been a safety issue for law enforcement and for the traveling public and in 1995 he felt it was also a safety issue. He asked the Committee to pass the Bill out of Committee and onto the floor.

Informational Testimony:

CHAIRMAN TVEIT announced that **Dave Galt** from the Montana Department of Transportation had been waiting to speak to the Committee and asked them to please step forward.

Dave Galt, Administrator of the Motor Services Division of the Montana Department of Transportation said he wanted to speak briefly about the handout they were receiving (**EXHIBIT # 2**). He explained that it was a handout on the Multi-State Highway Transportation Agreement (MHTA) which had a goal of promoting regional truck uniformity in the Western United States. He said the MHTA organization was comprised of one legislator and one government truck regulator from each member state, like himself. He stated that by State Statute, Montana had been a member since about 1985 and used to support the organization through annual dues of about \$1,000 and that had grown to nearly \$5,000 annually. He stated that when he stood before Legislature asking for budget authority he wanted them to know what they were getting with the funds they authorized.

Mr. Galt stated that MHTA had a very active new director who was visiting all of the Legislative Sessions possible and had asked for the possible scheduling of a late March meeting with the Highway and Transportation Committees of Montana. **Mr. Galt** remarked that he thought it would be a good chance for Committee Members to ask some questions about what MHTA did and what their goals were.

CHAIRMAN TVEIT asked when the Director would be here? **Mr. Galt** replied that he had been working with the Senate and House Committees Secretaries and the Director was tentatively scheduled to appear March 21 for about twenty to thirty minutes.

SENATOR JABS asked who scheduled and approved the Interstate changes? **Mr. Galt** clarified that the Senator meant projects like off ramps and such and stated those were scheduled by the regional administrator, district engineer. **Mr. Galt** said the nominations for these projects were made by one of the district engineers who were located in Billings, Glendive, Great Falls, Butte and Missoula and the contracts were actually awarded by the Transportation Commission.

SENATOR JERGESON referred to the last sheet of Exhibit 2 and asked if a portion of the \$5,000 annual fee went toward the registration and golf fee listed? **Dave Galt** stated that he had only gone to one of these meetings and he had been disappointed enough as to recommend getting out or making the organization do something. He said he felt the organization had hired a person who will make it do something. He continued that the \$5,000 dollars went toward paying for the executive director and the work which was done and said that he thought there were ten or eleven state members. He attested that if they attended one of these meetings, their registration was paid by the state and any golf fees or extra curricular activity fees became a personal expense.

EXECUTIVE ACTION ON HB 180

Motion/Vote:

SENATOR STANG'S MOTION THAT HB 180 BE CONCURRED IN CARRIED UNANIMOUSLY. SENATOR STANG WAS ASSIGNED TO CARRY THE BILL ON THE SENATE FLOOR.

EXECUTIVE ACTION ON HB 146

Motion:

SENATOR SWYSGOOD MOVED HB 146 BE CONCURRED IN.

Discussion:

SENATOR HOLDEN asked if SENATOR SWYSGOOD thought that the State would pull their portion of obligation away from the cities and counties at some time, in spite of the statute on the books? SENATOR SWYSGOOD said he did not think that would be the case. He related that the state highway was the main street through his town and a funding mechanism for their curbing and storm drain system had been an eight year battle. He contended that this was a similar problem statewide and he saw the Bill as facilitating such projects at a faster pace.

CHAIRMAN TVEIT summarized that there would be negotiations regarding the funding share between the cities and state and he felt the proposal must meet with the cities approval or they would have been present to oppose the Bill.

THE QUESTION WAS CALLED FOR.

Vote:

THE MOTION THAT HB 146 BE CONCURRED IN CARRIED UNANIMOUSLY.

SENATOR SWYSGOOD WAS ASSIGNED TO CARRY THE BILL ON THE SENATE FLOOR.

EXECUTIVE ACTION ON HB 97

Motion/Vote:

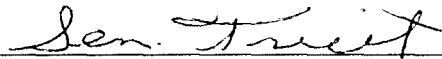
SENATOR NELSON'S MOTION THAT HB 97 BE CONCURRED IN CARRIED UNANIMOUSLY.

SENATOR NELSON WAS ASSIGNED TO CARRY THE BILL ON THE SENATE FLOOR.

ADJOURNMENT

Adjournment:

The meeting was adjourned at 4:53 p.m.



SENATOR LARRY TVEIT, Chairman



CARLA TURK, Secretary

LJT/cmt

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SENATE STANDING COMMITTEE REPORT

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March 1, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration HB 180 (third reading copy -- blue), respectfully report that HB 180 be concurred in.

Signed: *Larry Tveit*
Senator Larry Tveit, Chair

[Signature]
Sen

Amd. Coord.
Sec. of Senate

[Signature]
Senator Carrying Bill

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SENATE STANDING COMMITTEE REPORT

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March 1, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration HB 97 (third reading copy -- blue), respectfully report that HB 97 be concurred in.

Signed: *Larry Tveit*
Senator Larry Tveit, Chair

[Signature]
SP

Amd. Coord.
Sec. of Senate

[Signature]
Senator Carrying Bill

481103SC.SRF


SENATE STANDING COMMITTEE REPORT

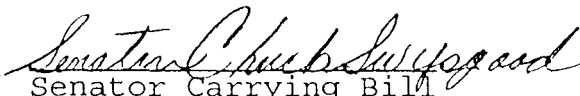
Page 1 of 1
March 1, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration HB 146 (third reading copy -- blue), respectfully report that HB 146 be concurred in.

Signed: *Larry Tveit*
Senator Larry Tveit, Chair


Amd. Coord.
Sec. of Senate


Senator Carrying Bill

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DEPARTMENT OF JUSTICE

House Bill 180: Window Tinting

Purpose: To clarify the law restricting tinting of vehicle windows.

Background

The 1991 Legislature passed Chapter 777, limiting the amount of tinting material that could be applied to the windows of a motor vehicle to reduce the effects of the sun. The measure was passed to promote traffic safety--allowing eye contact with the driver of a vehicle and ensuring that law enforcement officers could see what was going on in a vehicle they approached. MCA section 61-9-405 currently prohibits any tinting material that allows less than 35% light transmission on the front side windows or less than 20% light transmission on the rear window or side windows behind the front seat. Hearses, ambulances, government vehicles, and vehicles that were registered before October 1991 may obtain an exemption from the window tinting restrictions.

Because of ambiguities in the 1991 law, there has been confusion over the amount of tinting material that legally can be applied to vehicles whose windows were tinted by the vehicle's manufacturer. The confusion stems from the language of section 61-9-405 that allows a 35% tinting level to be applied. When a legal amount of tinting material is applied to a vehicle that had tinting installed by the manufacturer, the amount of light allowed to pass through the window could be less than that allowed by law. Chapter 777 did not clearly address this double-tinting situation.

Proposal

HB 180 clarifies that the percentages specified in the law set the minimum amount of light that must be allowed to pass through the window. For every vehicle other than those exempted by the statute, at least 24% light transmission will be required in the front side windows and 14% in the rear side and back windows. HB 180 makes it clear that the light transmission limits apply to vehicles to which tinting has been applied by the manufacturer. Vehicles exempt under current law will not be affected.

There is no need for a grandfather clause in the bill, because the percentage of permissible light transmission is reduced to account for most tinting that has been applied since the 1991 law took effect. Thus, vehicles to which the 35% limit was applied to standard manufacturer-installed tinting will comply with the new 24% limit. (Because the percentage figures represent the amount of light allowed to pass through the window, 24% is a darker tint than 35%.) The new limit will still provide adequate light transmission to address law enforcement concerns, but will not require costly removal of tinting material for most vehicles.

HB 180 clarifies the intent of the 1991 Legislature. It will make Montana's window tinting law enforceable and set a clear standard for law enforcement and for window tinting applicators.

MHTA TRANS-WEST NEWS

Multi-State Highway Transportation Agreement

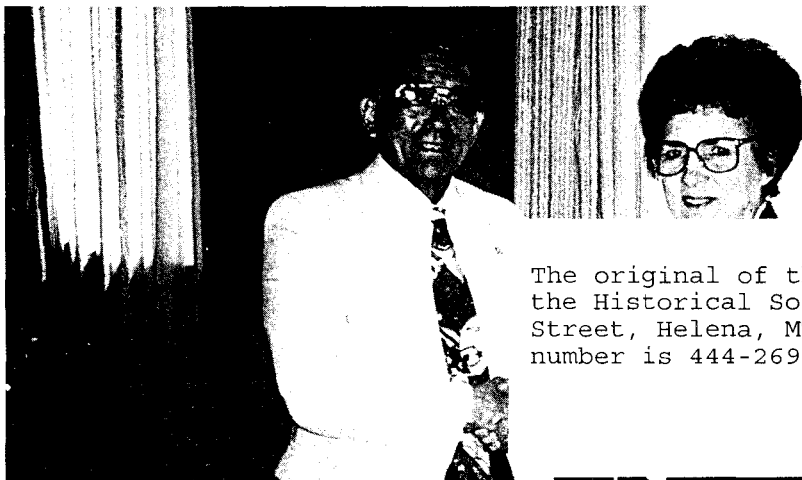
SENATE HIGHWAYS

EXHIBIT NO. 2

DATE 2/28/95

BILL NO. None

MHTA TESTIFIES ON NATIONAL HIGHWAY SYSTEM



The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

U.S. Representative Norman Mineta, Chairman of the House Public Works and Transportation Committee congratulates MHTA Chairman, Arizona State Representative Lela Steffey on MHTA Leadership and Reorganization to pass the National Highway System and solve Western Region Transportation challenges.

MHTA TESTIMONY TO THE U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Thank you Chairman Baucus and Senators for the opportunity to express the views of our Multi-State Highway Transportation Agreement (MHTA) organization on this vitally important National Highway System issue.

The Multi-State Highway Transportation Agreement (MHTA) is a state sanctioned organization of Western States composed of State Legislators, government administrators, enforcement officers, research representatives and private sector executives. MHTA is established by Statute in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming. MHTA was established in 1975 to resolve mutual transportation problems unique to the Western States, provide input to federal discussions in the West, promote a safe, productive and efficient use of our Western Highway Transportation System, promote the uniformity of Western States Laws and provide a forum for state legislators, government administrators and industry executives to identify, discuss and resolve mutual regional problems. Major accomplishments of MHTA have been: 1) Drafted and passed legislation authorizing Joint Ports of Entry; 2) Actively promoted the CVSA; 3) Established Joint Ports of Entry--Utah-Wyoming; Utah-Arizona; 4) Promoted development of weighing in motion systems; 5) Conducted two studies on the safety and use of Longer Combination Vehicles (LCV's); 6) Conducted three regional wide Hazardous Materials Seminars; 7) Conducted regional seminars on safety, education, drug testing, licensing, registration and LCV operations; 8) Developed, with WASHTO, standard definitions and descriptions of vehicles for legal operations on Western Highways; 9) Promoted the education of legislators and governmental officials on the mutual problems of highway transportation; 10) Conducted educational regional seminars on NAFTA and Air Quality Conformity; 11) Promoted uniformity of western states laws; and 12) Communicated the true transportation needs of the West to the Federal Government.

MHTA has never mandated changes in transportation or vehicle safety by any state. Instead, we seek to preserve the freedom to address concerns unique to the West and to provide joint solutions by those state legislators, government officials and industry representatives.

Each of our ten Western states in passing by statute, the mission and scope of our western multi-state organization committed with purpose, our joint efforts to provide for economic vitality, road safety conditions, and mutual benefits for the efficient movement of motorists and of freight, and to secure a bond to retain the lifeline of both urban and rural America, inclusive of the West--our National Road System.

The importance of the immediate passage of this country's National Highway System is crucial to achieve the creditability of the North American community that the United States is serious about funding both International Trade Routes and those designated corridors as recommended by the 50 State Departments of Transportation and confirmed by the Federal Highway Administration. Passage of NHS this year will provide an economic stimulus to this nation's business community, to commerce and industry in every state, and will aid greatly to alleviate unemployment. Furthermore, NHS passage will insure safer roadways to reduce medical costs, needless deaths and injuries, and unnecessary accidents. It will improve reliable access to expanded labor and supplier markets making this nation more competitive economically and will complete the intention of the Congress, given in the 1991 ISTEA legislation, to provide for a comprehensive national transportation system. The National Highway System will provide the foundation--the very cornerstone on which to build the remainder of our U.S. transportation infrastructure. The quicker NHS is approved, the sooner we can begin to build the rest of the system.

DATE 9-28-95

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: HB 97, HB 146, HB 180

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Jim Jacobsen	MT Veteran Aff Div	HB 97	X	
Debbie Higgins	—	—	—	
Toni Higgins	Page			
Craig Reap	MHP	HB 180	X	
Mike Frellick	MHP	HB 180	X	
Don Roberts	Motor Vehicle	HB 97		
Joe Brand	VFW	HB 97	X	
W James Kembel	City of Billings	HB 180	X	
G. HAL MANSON	AMERICAN LEGION	HB-97	X	
Jim Smith	MSPOA	HB 180	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY