MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN SHIELL ANDERSON, on January 13, 1995, at 3:05 P.M.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Matt Brainard (R)
Rep. Robert C. Clark (R)
Rep. Charles R. Devaney (R)
Rep. Marian W. Hanson (R)
Rep. Rod Marshall (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Jeanette S. McKee (R)
Rep. William M. "Bill" Ryan (D)
Rep. Roger Somerville (R)
Rep. Joe Tropila (D)
Rep. Jack Wells (R)

Members Excused: None

Members Absent: Rep. Don Larson
Rep. Dore Schwinden

Staff Present: Dave Bohyer, Legislative Council
Kim Greenough, Committee Secretary

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

Committee Business Summary:

Hearing: **HB 73**
HB 86
Executive Action: **HB 73 Do Pass**

HEARING ON HB 73

{Tape: 1; Side: 1; Approx. Counter: 001; Comments: None.}

Opening Statement by Sponsor:

REP. BOB PAVLOVICH, House District 37, Butte, said that HB 73 will designate Highway 78 from Columbus to Absarokee and Roscoe to Red Lodge as the Donald J. Ruhl Medal of Honor Highway. **SEE EXHIBIT 1.**

Proponents' Testimony:

Hal Manson, American Legion, stated that the American Legion feels strongly about HB 73. He said that there are not too many real heros. Donald J. Ruhl sacrificed his life to save others. He was a man from Montana who had shown the Marines he was one of the best that they could have.

Jim Jacobson, Administrator, Montana Veterans Affairs Division, stated that Donald J. Ruhl gave the ultimate sacrifice and this would be a great honor to the area communities of Highway 78.

REP. ROGER SOMERVILLE, House District 78, Kalispell, stated that he is a retired Army officer and had served 20 years with the United States Army. He also said that he knows the situation in which Mr. Ruhl had sacrificed himself for others. He said that anybody who receives the Medal of Honor has gone through a lot of review into the incident in which the person shall receive the medal.

{Tape: 1; Side: A; Approx. Counter: 138; Comments: None.}

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. JACK WELLS asked if there was any fiscal impact. **REP. BOB PAVLOVICH** replied that there was a small fiscal impact for the cost of the sign for $1,200.

CHAIRMAN SHIELL ANDERSON asked if there was any discussion on raising money for the signs. **REP. BOB PAVLOVICH** replied there was no discussion on raising money for the signs. **CHAIRMAN ANDERSON** asked if there would be a problem if there was a contingency placed on this bill providing the money be raised to put up the signs. **REP. PAVLOVICH** stated it would be an honor for the State of Montana to pay for the signs.

Closing by Sponsor:

REP. BOB PAVLOVICH stated that HB 73 will go to appropriations for the $1,200. He also stated this will be an honor for the State of Montana.

HEARING ON HB 86

{Tape: 1; Side: A; Approx. Counter: 233; Comments: None.}

Opening Statement by Sponsor:

REP. DICK SIMPKINS, House District 49, Great Falls, stated that his reasons for bringing HB 86 to the legislature is he has a farmer in his district that has cattle that he hauls from summer pasture to winter pasture and has to go through a weigh station with each trip. The purpose of this bill would allow for an over-weight permit to these people hauling cattle back and forth from summer pasture to winter pasture.

Proponents' Testimony:

Maureen Cleary-Schwinden, Women Involved in Farm Economics, stated that HB 86 would be a great bill for the farming and ranching businesses. She also asked if the committee could change the 50 mile radius to a longer distance for the Eastern Montana farmers.

Jennifer Hill, Montana Stock Growers and Montana Wool Growers Association, stated that HB 86 will simplify matters for the members of the Stock and Wool Growers Associations.

Bob Stephens, Montana Grain Growers Association, stated that he is in favor of HB 86.

Opponents' Testimony:

David Galt, Administrator, Motor Carriers Service Division, Department of Transportation, SEE EXHIBIT 2.

Informational Testimony: None

{Tape: 1; Side A; Approx. Counter: 583; Comments: None.}

Questions From Committee Members and Responses:

REP. DANIEL McGEE asked how many farmers and ranchers would be affected by this bill. **David Galt** replied he does not know. **REP. McGEE** asked how many farmers and ranchers are affected by the 50-mile radius requirement. **Mr. Galt** replied he does not know. He also stated that currently the grain growers use this 50-mile radius and he has never had a compliant. He also stated that they do give a tolerance to all of the agricultural people during harvest season.

REP. DANIEL McGEE asked how many farmers and ranchers would this bill affect. **Maureen Cleary-Schwinden** replied that she lives in an are where it would be a 97-mile haul for the farmers and ranchers. She also stated that in eastern Montana the hauls could be well over 50 miles. **REP. DANIEL McGEE** asked how many farmers and ranchers would be affected by this bill. **Mrs. Cleary-Schwinden** replied she does not know the numbers of farmers and ranchers that HB 86 would affect.

REP. DANIEL McGEE asked if anyone in the room knew the number of farmers and ranchers who would be affected by this bill and why the 50 mile radius would or would not be applicable. **REP. MARIAN HANSON** replied that this all started with the sugar beet and the seed potato farmers.

REP. BOB CLARK asked if Mr. Galt had any copies of the citations that were issued to the gentleman REP. DICK SIMPKINS spoke of. **Mr. Galt** replied that no he did not have any copies of the citations. **REP. DICK SIMPKINS** replied that he did not have copies of the citations.

REP. MARIAN HANSON asked if summer is the worst time of year for an overweight vehicle. **Mr. Galt** replied that the worst time for any overweight vehicle is in the spring. He also stated that the best time to move an overweight load would be in the dead of winter.

REP. ROGER SOMERVILLE asked if Mr. Galt could outline the restrictions for an overweight vehicle permit. **Mr. Galt** replied that when the Department of Transportation issues an overweight permit it is usually a non-reducible load type vehicle and there is a manual that outlines these vehicles.

REP. PAT GALVIN asked if HB 86 would affect large cattle haulers. **Maureen Cleary-Schwinden** replied that in her experience usually the large haulers are hauling to market and not to pasture.

CHAIRMAN SHIELL ANDERSON asked if this bill would apply to pick-ups pulling a trailer. **Mr. Galt** replied that usually pick-ups with trailers will not exceed the weight limit. He also stated that this bill would not apply to large cattle haulers.

Closing by Sponsor:

REP. DICK SIMPKINS stated that his only concern would be for hauling from summer pasture back to the homestead or to winter pasture. He also stated he recommends a do pass vote.

{Tape: 1; Side: A; Approx. Counter: 024; Comments: None.}

EXECUTIVE ACTION ON HB 73

Motion: REP. JOE BARNETT MOVED HB 73 DO PASS.

Discussion:

CHAIRMAN SHIELL ANDERSON stated that he did not want to be cast as an anti-veteran because he asked if they could find funding somewhere other than the state level.

REP. ROGER SOMERVILLE stated that the sign shop is at the Department of Transportation and this should not cost $1,200.

REP. MARIAN HANSON replied that the State had to hire someone to dig the post hole.

REP. JEANETTE McKEE asked how does decisions on are made this type of incident. The reason she asked is that in her are they would like a park named after the fire fighters who lost their lives last summer. **CHAIRMAN SHIELL ANDERSON** replied that it is a case-by-case deal.

REP. ROGER SOMERVILLE stated that in his area there are organizations that make those decisions.

Motion/Vote: REP. BOB CLARK MOVED HB 73 DO PASS. The question was called. Motion **CARRIED** unanimously.

{Tape: 1; Side: 1; Approx. Counter: 355; Comments: None.}

ADJOURNMENT

Adjournment: 3:53 P.M.

REP. SHIELL ANDERSON, Chairman

KIMBERLEE GREENOUGH, Secretary

SA/ksg

HOUSE OF REPRESENTATIVES

Highways

ROLL CALL DATE 1-13-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman	✓		
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Matt Brainard	✓		
Rep. Bob Clark	✓		
Rep. Charles Devaney	✓		
Rep. Marian Hanson	✓		
Rep. Don Larson		✓	
Rep. Rod Marshall	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden		✓	
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	✓		

HOUSE STANDING COMMITTEE REPORT

January 13, 1995

Mr. Speaker: We, the committee on **Highways and Transportation** report that **House Bill 73** (first reading copy -- white) **do pass**.

Signed: Shiell W. Anderson
Shiell Anderson, Chair

Committee Vote:
Yes ___, No ___.

111606SC.Hdh

EXHIBIT 1
DATE 01-13-95
HB 73

FOR BOB P.

Box 22
Roscoe , Mt.59071
16 Sept.1993

549-9429
Jim Marbyll
1106 Dickson
59802

Vernon Keller Rep HD 83
HC 55 Box 355
Fishtail , Mt. 59028

Dear Reresentative Keller,

I submit to you the following proposal: To designate State Road #78 From Columbus , Mt. to Red Lodge, Mt. , a distance of 48 miles as the DONALD J. Ruhl medal of honor highway(see enclosed map) .

It is a great honor and privilege for me to recommend this designation to the Montana State Legislature.

The enclosed information explains the justification for such a designation. The enclosed letter from the Montana Dept. of Transporation explains the guidelines and emphasizes that public safety is the number one priority. There are numerous areas that can be used for signs and plaques, that will not conflict with the normal operational roadway traffic.

The Stillwater Historical Society is supporting a long overdue tribute to Donald J. Ruhl in the form of a display in the Museum of the Beartoohs, Columbus, Mt. The dedication is planned for July of 1995.

Your support and cooperation in what ever is necessary to bring this designation to a reality will be greatly appreciated.

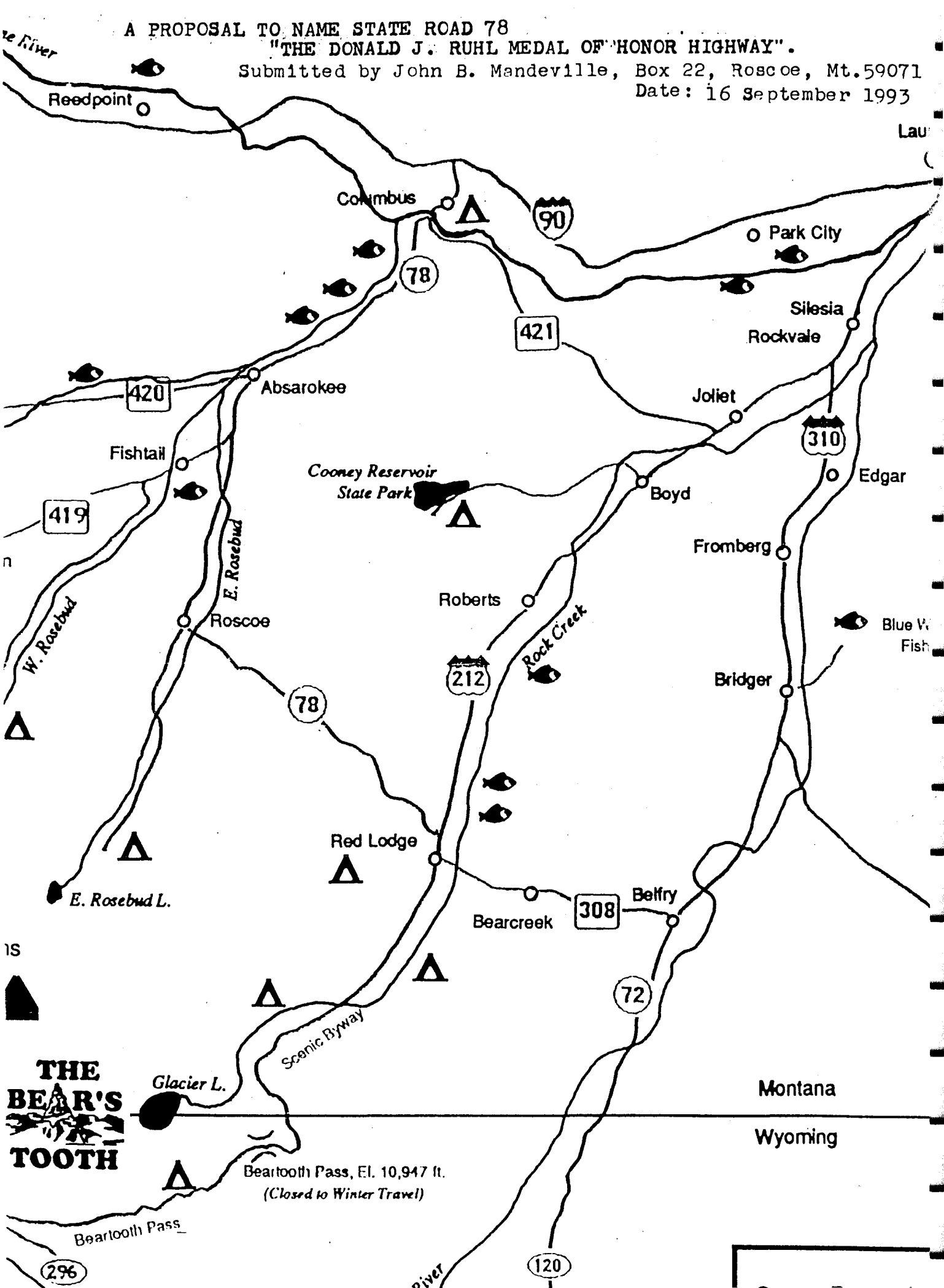
Sincerely

John B. Mandeville

A PROPOSAL TO NAME STATE ROAD 78
"THE DONALD J. RUHL MEDAL OF HONOR HIGHWAY".

Submitted by John B. Mandeville, Box 22, Roscoe, Mt.59071

Date: 16 September 1993



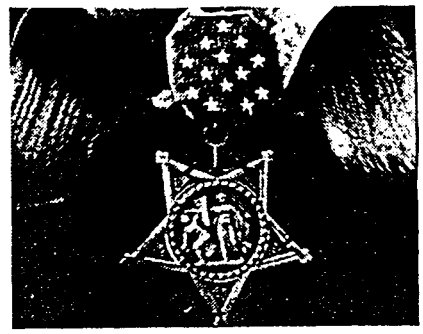


EXHIBIT 1
DATE 1-13-95
HB 73

5TH MARINE DIVISION, 28TH MARINES
2ND BATTALION, COMPANY E, 3RD PLATOON
(WORLD WAR II)
PRIVATE FIRST CLASS DONALD JACK RUHL, USMCR 423506

Private First Class Donald J. Ruhl's company commander said of him, "Don was a fine, courageous young man and a good Marine." A higher tribute is seldom paid a Marine, but the United States Government, through the President, has added to the Marine captain's heartfelt praise by presenting its highest military decoration, the Medal of Honor, to the late Donald J. Ruhl.

Donald Jack Ruhl was born in Columbus, MT, on July 2, 1923. His parents were Indiana born John A. Ruhl and Edith Ruhl a native Missourian. Educated in the Columbus grammar schools, Ruhl graduated from high school in Joliet, MT, in 1942.

From 1937 to May, 1942, the blue-eyed, brown-haired youth worked as a general farm hand on Lowel Gibson's 400 acre farm near Joliet. His wages were $15 a week with room and board. Since the farm had no mechanical labor, he worked hard for his pay. In the spring of 1942, shortly before his graduation, Ruhl went to work for the Independent Refining Company of Laurel as a laboratory assistant for $32 a week. His only relaxation was found in hunting small game with his 12-gauge shotgun.

Ruhl enlisted in the Marine Corps Reserve on September 12, 1942 in Butte, MT, and went on active duty the same day. He was transferred to the recruit depot at San Diego, CA. During his training, he fired a score of 224 with the service rifle to qualify as a sharpshooter. Private Ruhl also made the grade as a "combat swimmer". For sports activities the five foot, eleven inch, 147 pound farmer boxed in the recruit matches and also participated in baseball, basketball and swimming.

After completing "boot camp" in November, Private Ruhl was transferred to Company "B", Parachute Training School in San Diego. Promoted to private first class on December 19, 1942, at the conclusion of the five-week course, the qualified parachutist joined Company "C", Third Parachute Battalion of the Third Marine Division at Camp Elliott, San Diego.

Private First Class Ruhl went overseas on board the USS MOUNT VERNON on March 12, 1943, as a 60-millimeter mortar crewman in the "Paramarines". Enroute to New Caledonia, which was to be a training base for the Parachute Marines, the Montanan crossed the equator on March 17, and was duly initiated into the realm of King Neptune.

After six months of training at New Caledonia, the Paramarines sailed for Guadalcanal on board the USS AMERICAN LEGION in September, 1943. In October the unit, now Company "L", Third Parachute Battalion, First Marine Parachute Regiment, First Marine Amphibious Corps, boarded ship and moved on to the newly won Vella LaVella Island in the Southern Solomons. About 2 1/2 months later Donald Ruhl was again aboard ship. This time it was a Landing Craft, Infantry (LCI), and the destination was Bougainville Island.

EXHIBIT 1
DATE 1-13-95
HB 73

Lest we forget a Marine's sacrifice for his country

To the News,

The American people recently had days of remembrance—Memorial Day, D-Day Europe, Flag Day.

Approaching soon are the 4th of July and the 2nd of July.

It's a privilege and honor for me to tell our citizens that the 2nd of July is the birthdate anniversary of PFC Donald J. Ruhl, USMC, who gave his life on Iwo Jima Island on February 21, 1945. Don was posthumously awarded the Congressional Medal of Honor on January 12, 1947, in Greybull, Wyoming. Don was born in Columbus and educated in the Columbus and Joliet schools.

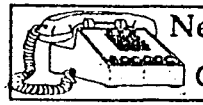
Let us remember what Don's sacrifice meant to us...Life, Liberty and the Pursuit of Happiness, guaranteed by the Constitution. So, let us stand tall and proud and support a long overdue tribute to one of Montana's seven Medal of Honor recipients and Montana's only Marine to be awarded this nation's highest military decoration.

I appeal to your patriotism and generosity to support a tangible tribute to Donald J. Ruhl sponsored by the Stillwater Historical Society.

Send your tax-deductible contribution to: The Donald J. Ruhl Memorial Fund, Box 69, Columbus, Montana, 59019.

Visit the Museum of the Beartooths located at 5th Street and 5th Avenue in Columbus and learn more about this great Marine who gave his life for his comrades and country.

Sincerely,
John B. Mandeville
Roscoe


Need Printing?
Call 322-5212

We will be *CLOSED*, Monday, July 5

UNITED BANK of ABSAROKEE, N.A.
Absarokee, Montana, Member FDIC
328-1712

Hilands

Best Ball — Al Wagner-Bill Wilkins 54, Jack Streeter-Bill Wilkins 58, Cliff Topham-Sonny Lockrem 58, Neal Hammond-Jim Koessler 58, Ted Fink-Bob Hooper 58, Neal Hammond-Tom Chakos 59.

Flags — No. 2 Rick McCormick, No. 3 Fred Tilzey, No. 5 Bob Shinn, No. 6 Felix Webb, No. 9 John Dennis.

Laurel Golf Club

Combined net — Glen Spanton-M. B. Johnson 133, Neil Mark-Pete Pederson 135, Zane Dawson-Dick Young 137, Mike Burgess-Jay Edwards 140, M. B. Johnson-Bob Masterson 141, Zane Dawson-Barv Kimberly 141, Bill Ryan-Don Bosch 141.

Yellowstone

Two man bestball - Division I - John Hedge-Randy Bodley 62, John Hedge-Fred Gunville 63, (6-way tie) Doug Sipes-Jim Gollup 64, Rob Smith-Bob Pulley 64, Tony Typanski-Bob Pulley 64, George Angelos-Bud Kastrop 64, Randy Jacobs-Bill Coakley 64.

Division II — Jim Thelen-Bud Kastrop 59, Ben Lewis-Fred Warnecke 60, Tony Schmidt-Fred Warnecke 62, Jim Thelen-Wayne Hanson 562.

Circle Inn

Low gross — Jean Gowdy 58.

Low net — Jean Gowdy 55.

Birdie pot — Betsy Steffanich, Donna Espy, Nancy Waldron.

Flags — No. 1 Audre Brown, No. 2 Jan Purcell, No. 3 Afton Steffanich, No. 4 Glenna Stoebler, No. 5 Pat Rech, No. 6 Lori Alvestad, No. 7 Nancy Waldron, No. 8 Jan Purcell, No. 9 Jan Purcell, No. 10 Joyce Kristensen, No. 11 Michelle Engle Zimdt, No. 12 Jean Gowdy, No. 13 Pam Lindsey, No. 14 Jean Gowdy, No. 15 Pam Lindsey, No. 16 Pam Lindsey, No. 17 Audre Brown, No. 18 Barb Downs.

Red Lodge

Two man aggregate — John Mandeville-Dave Malin 64, Kurt Samuelson-Greg Zieler 67, Chad Waples- Cory Elkin 68, Gary Becker-Steve Oliver 68, John Gilligan-Peder Ness 69, Bill Bensch-Leon Baranko 69, Rich Bruner-Gary Kane 70, Tony Zupan-Rod Smith 70.

LEST WE FORGET

A TRIBUTE TO

DONALD JACK RUHL

PFC, USMCR 423506

BORN	2 July 1923	Columbus, Montana
DIED	21 February 1945	Iwo Jima

Elementary School Columbus, Montana
Graduated High School Joliet, Montana

POSTHUMOUSLY AWARDED
THE CONGRESSIONAL MEDAL OF HONOR
January 12, 1947 Greybull, Wyoming
MONTANA'S ONLY MARINE TO BE AWARDED
THE MEDAL OF HONOR

The Stillwater Historical Society is supporting this tribute in the form of a display to be located in the Museum of the Beartooths, Columbus, MT. Your financial support is needed and will be greatly appreciated. Please send your contribution to:

The Donald J. Ruhl Memorial Fund
Box 69
Columbus, MT 59019

Contributions also accepted in memory of loved ones.

"Uncommon Valor was a Common Virtue"
Adm Nimitz

Pass on to a friend

ONCE A MARINE, ALWAYS A MARINE

DONALD J. RUHL, PFC, USMCR 423506

was qualified in the following:

- Parachutist
- Rifleman
- Mortarman
- Sharpshooter
- Combat Swimmer
- Boxer
- Baseball
- Basketball

ORGANIZATIONS ON D-DAY 19 FEBRUARY 1945
V AMPHIBIOUS CORPS

FIFTH MARINE DIVISION

SPEARHEAD DIVISION

28TH MARINES
COMPANY E 3RD PLATOON 2ND SQUAD
PLATOON RUNNER

IWO JIMA

WINGS OF A PARAMARINE

Visit the Museum of the Beartooths
located at 5th & 5th, Columbus, Montana
and learn more about this great marine
who gave his life for his comrades and country.

CONTRIBUTIONS ARE TAX DEDUCTIBLE

EXHIBIT 2
DATE 01-13-95
HB 86

BILL NUMBER: HB 86
SPONSOR: REP. DICK SIMPKINS
TESTIMONY GIVEN BY: DAVID A. GALT, ADMINISTRATOR
MCS DIVISION, DEPT. OF TRANSPORTATION

DATE: 1/11/95

CHAIRMAN ANDERSON, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS DAVID GALT AND I AM THE ADMINISTRATOR OF THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF TRANSPORTATION. MDT OPPOSES THE 20% TOLERANCE FOR LIVESTOCK TRANSPORTERS, BUT SUPPORTS MAKING ALL VEHICLES SUBJECT TO A 7% TOLERANCE.

FIRST OF ALL WE ARE TALKING ABOUT TWO ENTIRELY DIFFERENT KINDS OF WEIGHT EXEMPTIONS. THE 20% TOLERANCE IS AN EXCEPTION TO THE WEIGHT FORMULA. VEHICLES ARE ALLOWED TO MOVE UP TO 20% OVER THE WEIGHT LIMITS ~~IN~~ within AN FIFTY MILE RADIUS OF THEIR RANCH AS LONG AS THEY DO NOT GET ON INTERSTATE HIGHWAYS. AT 20% OVER LIMITS - A CARRIER MAY WEIGH UP TO 40,800 POUNDS ON A TANDEM AXLE COMPARED TO THE NORMAL 34,000 POUND LIMIT. AXLE WEIGHT IS THE SINGLE LARGEST CONTRIBUTOR TO PAVEMENT DAMAGE. ALLOWING LOADS OF THIS PROPORTION WILL SHORTEN THE DESIGN LIFE OF OUR HIGHWAYS AS WELL AS INCREASE HIGHWAY MAINTENANCE COSTS. WE UNDERSTAND THAT THIS SAME TOLERANCE IS GRANTED TO FARMER'S DURING HARVEST. WE ALSO UNDERSTAND THE CONCERN THAT IF ONE GROUP IS ALLOW A PARTICULAR BENEFIT THAT ALL GROUPS SHOULD SHARE THAT BENEFIT. THE HIGHWAY DEPARTMENT OPPOSED THE 20 % TOLERANCE IDEA FOR FARMERS 10 YEARS AGO AND WE OPPOSE EXPANDING THE APPLICABILITY OF THAT TOLERANCE.

CARRIERS OF ALL COMMODITIES ARE ALLOWED A 5% TOLERANCE BEFORE WE ISSUE CITATIONS AND LIVESTOCK CARRIERS ARE ALLOWED 7%. THIS

TOLERANCE WORKS A LITTLE DIFFERENTLY THAN THE 20% BUSINESS WE JUST TALKED ABOUT. WHEN A CARRIER ENTERS A WEIGH STATION AND OVER LEGAL LIMITS BUT NOT OVER THEIR 5 OR 7%, WE ISSUE A PERMIT FOR $10.00 AND DIRECT THEM TO THE NEAREST PLACE WHERE THE LO CAN BE REDUCED TO LEGAL LIMITS. IN THIS CASE WE DO THINK THA EVERYBODY SHOULD BE TREATED THE SAME. AFTER ALL IT IS NO EASI FOR A LOG CARRIER TO GET THEIR WEIGHTS EXACT THAN IT WOULD BE F A LIVESTOCK CARRIER. ADDITIONALLY, THIS TOLERANCE SIMP DETERMINES WHEN WE ISSUE A CITATION, THE CARRIER IS STI REQUIRED TO GET LEGAL.

IN CLOSING MDT WOULD LIKE TO SEE THE CITATION TOLERANCES THE SA FOR ALL CARRIERS; AND NO EXPANSION OF THE 20% WEIGHT TOLERANC FURTHERMORE WE WOULD SUPPORT THE ELIMINATION OF THE 20% F EVERYBODY. AT THE VERY LEAST YOU NEED TO BE AWARE THAT INCREAS SUCH AS THIS 20% PROPOSAL WILL INCREASE HIGHWAY COSTS OVER T LONG RUN. THANK YOU.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Highways & Transportation COMMITTEE BILL NO. HB73 & HB86

DATE 01-13-95 SPONSOR(S) Rep. PAVLOVICH & Rep. Simpkins

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Hal Manson	American Legion	HB-73		X
MAUREEN CLEARY-SCHWINDEN	WIFE	HB86		X
Jennifer Hill	MSGA MWGA	HB86		✓
Jim Jacobson	Mt Vet Affairs Div	HB73		X
Bob Stephens	Mt Grain Growers	HB 86		X
Dave Bolt	DOT	HB86	X	

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