

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By **CHAIRMAN SHIELL ANDERSON**, on March 20, 1995,  
at 3:35 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. Robert C. Clark (R)  
Rep. Charles R. Devaney (R)  
Rep. Marian W. Hanson (R)  
Rep. Don Larson (D)  
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:** Rep. Matt Brainard  
Rep. Dore Schwinden

**Members Absent:** None

**Staff Present:** Connie Erickson, Legislative Council  
Kim Greenough, Committee Secretary

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

##### **Committee Business Summary:**

Hearings: None

Guest Speaker: **Bob Luce, Multi-State Highway  
Transportation Agreement**

Executive Action: SB 378 Be Concurred In As Amended  
SB 129 Tabled  
SB 282 Tabled  
SB 295 Be Concurred In  
SB 361 Be Concurred In As Amended  
SB 251 Be Concurred In  
SB 321 Be Concurred In As Amended

GUEST SPEAKER

Robert Luce, Consultant, Multi-State Highway Transportation Agreement, described the reason for the Multi-State Highway Transportation Agreement. SEE EXHIBITS 1, 2, and 3.

EXECUTIVE ACTION ON SB 378

Motion: REP. CHARLES DEVANEY MOVED SB 378 BE CONCURRED IN.

Motion: REP. CHARLES DEVANEY MOVED TO AMEND SB 378.

Discussion:

REP. CHARLES DEVANEY explained his amendments. SEE EXHIBIT 4.

CHAIRMAN SHIELL ANDERSON asked if the State should take waste tires and not waste water. Connie Erickson stated that the definition of garbage would not include waste water and waste tires.

REP. CHARLES DEVANEY stated that waste water would be the bi-product of well production within the oil industry. The water has a high salt percentage.

REP. MARIAN HANSON stated that REP. SCOTT ORR had told her that if the committee leaves these waste tires in the bill that the State would be restricting itself.

Motion/Vote: The question was called on REP. CHARLES DEVANEY'S amendments. A voice vote was taken. Motion CARRIED 17-1 with REP. DON LARSON voting no, REP. MATT BRAINARD and REP. DORE SCHWINDEN LEAVING PROXY VOTES.

Discussion:

REP. DON LARSON asked where the waste tires are currently going. He also asked if they are being properly disposed of.

REP. CHARLES DEVANEY stated that there is a place in Sheridan County. The landfill in Sheridan County segregates the tires from the other garbage and they do not charge for the service so that people will not dump tires elsewhere.

REP. DON LARSON stated that by passing that amendment, this would deregulate tires. CHAIRMAN SHIELL ANDERSON replied that a person must have authority for their region. REP. LARSON responded that the committee just took it out of the bill with the amendment. He also asked if the tires are garbage or a commodity. CHAIRMAN ANDERSON replied that currently they are a commodity. Connie Erickson replied that she agreed with CHAIRMAN ANDERSON that the waste tires are currently a commodity.

**REP. DON LARSON** asked if he could hear from **Sue Weingardner**.

**Sue Weingardner, Executive Director, Montana Solid Waste Contractors**, stated that they had requested that the committee not remove waste tires from the definition of garbage. She stated that waste tires are garbage. She also said that waste tires that are going to be recycled are not garbage. She said that these tires do need special handling if they go to the landfills.

**REP. CHARLES DEVANEY** stated that he had experience handling tires. He stated that the Department of Health and Environmental Sciences will require a person to hire an exterminator to treat tires that are left hanging around a person's property because of the mosquito infestation. He also said that these tires do have to be consolidated in one special part of a landfill because they don't deteriorate.

**REP. DON LARSON** stated he would like to keep tires under the definition of garbage because more urban states recycle their tires, but Montana does not have enough tires to do that at this time. He said by keeping these tires as garbage they can be properly stored and mined at a later date. The State of Montana cannot justify a tire shredder at this time, but possibly at a future date the State will need one.

**CHAIRMAN SHIELL ANDERSON** stated that the amendment changes that if a person hauls their tires to a landfill or if a person hires someone to haul the tires for them.

**Motion:** **REP. DON LARSON MOVED TO AMEND SB 378.**

**Discussion:**

**REP. DON LARSON** explained his amendment. He would like to agree with Browning-Ferris Industries and remove waste tire exclusionary language.

**CHAIRMAN SHIELL ANDERSON** stated that he will vote against the Larson amendment because the purpose of **SEN. CHARLES SWYSGOOD's** bill was to deregulate several items. He also stated that he does not see a problem with the disposal of tires in his area.

**REP. PAT GALVIN** stated that there are restrictions in many city ordinances with the reference of tires and how they are controlled.

**Motion/Vote:** The question was called on **REP. DON LARSON's** amendment. A voice vote was taken. Motion **FAILED** 13 to 5 with **REP. RYAN, REP. SOMERVILLE, REP. LARSON, REP. TROPILA** and **REP. McCULLOCH** voting yes and **REP. DORE SCHWINDEN** AND **REP. MATT BRAINARD** leaving proxy.

Motion: REP. CHARLES DEVANEY MOVED SB 378 BE CONCURRED IN AS AMENDED.

Discussion:

REP. LINDA McCULLOCH asked what exactly the committee deregulated. Connie Erickson replied that the committee only deregulated the property carriers. It did not deregulate the passenger carriers, the hauling of household goods, goods to retail outfits, etc.

REP. CHARLES DEVANEY noted that this will comply with federal regulations.

Vote: The question was called. A voice vote was taken. Motion CARRIED 16 to 2 with REP. LARSON and REP. McCULLOCH voting no and REP. MATT BRAINARD and REP. DORE SCHWINDEN left proxy votes voting yes.

EXECUTIVE ACTION ON SB 129

Motion/Vote: REP. DAN McGEE MOVED TO RECONSIDER SB 129. The question was called. A roll call vote was taken. Motion CARRIED 10 to 8 with REP. DORE SCHWINDEN and REP. MATT BRAINARD leaving proxy votes. SEE EXHIBIT 8.

Motion: REP. DAN McGEE MOVED SB 129 BE CONCURRED IN.

Motion: REP. DAN McGEE MOVED TO AMEND SB 129.

Discussion:

REP. DAN McGEE explained his amendments. SEE EXHIBIT 5.

REP. DON LARSON asked if the fine schedule would change with REP. McGEE's amendments. REP. DAN McGEE answered no.

REP. DON LARSON asked if speeding would go on a person's driving record. REP. DAN McGEE replied no.

REP. DON LARSON asked what REP. McGEE's amendments would do. REP. DAN McGEE stated that it would change the issue to a safety issue rather than a fuel conservation issue.

REP. BILL RYAN asked if by making this a moving violation would it affect a person's insurance. REP. DAN McGEE stated no, that it would not go on a person's record so, it would not affect a person's insurance rates.

REP. DON LARSON stated that he would like to speak in favor of the reconsideration on SB 129.

REP. JOE BARNETT stated that REP. McGEE's amendments would change the "big argument" on SB 129.

REP. BILL RYAN agreed with REP. BARNETT.

Beth Jacobson, Montana Department of Justice, stated that federal funding required that the State establish a speed limit. The bill would still be in compliance with federal law with these proposed amendments.

REP. DAN McGEE stated that there was a movement in Washington, D.C. to change the 55 mile per hour speed limit in rural areas.

REP. LINDA McCULLOCH stated that she is concerned with the bill as written. She asked how the committee justifies speeding tickets that cost the State more to write than the \$5 fine covers. REP. DAN McGEE replied that SB 129, as originally written, had a \$20 fine for persons traveling 20 miles per hour over the speed limit. Then the fine would go up from that.

REP. LINDA McCULLOCH asked about the "safety factor" issue. REP. JACK WELLS replied that from the testimony during the hearing he had recalled some statistics. He stated that 67% of all accidents occur during the daytime from 7:00 a.m. to 7:00 p.m. So, speed is a factor in accidents because people drinking during the day is low.

REP. DON LARSON stated that the majority of people travelling are during the daytime hours.

REP. JOE BARNETT agreed with REP. DON LARSON.

REP. ROD MARSHALL stated that a high percentage of accidents are attributed to alcohol. He asked what the rules were in the flying industry. REP. CHARLES DEVANEY replied "eight hours between bottle and throttle."

REP. ROGER SOMERVILLE stated that the Highway Patrol is hired for the enforcement of traffic laws. There are no ramifications to how high the fine is. He also stated that they do have the option of issuing a "basic rule" fine.

REP. BOB CLARK stated that speed is a direct cause of several of accidents and is a contributing factor in a high number of accidents. He has seen these types of accidents more than once.

*{Tape: 2; Side: A; Approx. Counter: 001; Comments: New tape.}*

CHAIRMAN SHIELL ANDERSON stated that the statistics were given after the hearing. He also stated that there are other ways to arrest people without issuing a speeding ticket, such as basic rule tickets.

REP. DAN MCGEE stated that the focus of his amendment was to change this to a safety issue rather than a fuel conservation issue. He stated that his concern is for families and people traveling on the highways.

Motion/Vote: The question was called on REP. DAN MCGEE's amendments. A roll call vote was taken. Motion FAILED 10 to 8 with REP. MATT BRAINARD and REP. DORE SCHWINDEN voting by proxy. SEE EXHIBIT 9.

Motion: REP. BOB CLARK MOVED TO AMEND SB 129.

Discussion:

REP. BOB CLARK explained his amendment. He would like to change the fine structure. He would change the fees from \$35 to \$30.00, \$60 to \$50, and \$80 to \$65.

REP. DON LARSON stated that the current \$5 fine is not a deterrent for speeders.

REP. DAN MCGEE asked if someone was going 96 miles per hour on the interstate, would they be fined \$65 if they were stopped for speeding. He asked REP. CLARK if he stopped someone for going that fast would he issue a basic rule or the \$65 fine.

REP. BOB CLARK stated he would issue the \$65 fine.

REP. JACK WELLS asked his motivation for changing the fine structure. REP. BOB CLARK stated his reasons for changing the fine structure was to make it more palatable for committee members and members of the House of Representatives if it makes it to the House floor.

Motion/Vote: REP. ROD MARSHALL MADE A SUBSTITUTE MOTION TO TABLE SB 129. The question was called. A roll call vote was taken. Motion CARRIED 10 to 8 with REP. DORE SCHWINDEN and REP. MATT BRAINARD voting by proxy. SEE EXHIBIT 10.

Informational Discussion:

REP. JEANETTE MCKEE asked if the table motion was appropriate. CHAIRMAN SHIELL ANDERSON said yes. REP. JEANETTE MCKEE stated that when she heard testimony during the hearing she was offended by the opponents' testimony. She also stated that she had heard from a lot of people in her area and they were against this and it was important to them. She said that this is not a joke towards the Highway Patrol, it is a statement towards the federal government.

CHAIRMAN SHIELL ANDERSON said that he agreed with REP. JEANETTE MCKEE.

REP. DAN MCGEE also agreed with REP. JEANETTE MCKEE that he holds the Highway Patrol in the highest esteem.

REP. ROGER SOMERVILLE submitted some amendments that he was going to propose if SB 129 passed the committee. SEE EXHIBIT 11, 12, and 13.

{Tape: 2; Side: A; Approx. Counter: 425; Comments: None.}

EXECUTIVE ACTION ON SB 282

Motion: REP. CHARLES DEVANEY MOVED SB 282 BE CONCURRED IN.

Discussion:

Connie Erickson explained that SB 282 deals with establishing property boundaries with the Department of Transportation. She said that a lobbyist from the City of Billings and questioned why a city would be opposed to this bill. She also said she made some phone calls regarding this matter. The people she called did not know why the City of Billings would be opposed to SB 282. Some cities do acquire the right-of-way for some state highways. Billings thought there should be some recording done when the city acquires state highways.

REP. DAN MCGEE stated that he is a registered land surveyor and does a lot of work for the State highway department. He also said he would like to go on record as saying he might potentially have a conflict here.

REP. MARIAN HANSON stated that from the testimony of SEN. JOE BURNETT was that there was a problem near Red Lodge with a previously sub-divided parcel and SEN. BURNETT wanted the Department of Transportation to put up markers. She also said that she did not understand why SEN. BURNETT would do that on subdivided parcels where there probably would be some ranch land that would need to be marked. She said that if the State did mark all of the mentioned properties, this bill would have a high fiscal impact.

CHAIRMAN SHIELL ANDERSON stated that SB 282 came to the legislature with a \$3 million fiscal note and then they took out everything but these subdivided plots. He asked if there was a reason for treating these two situations differently. REP. DAN MCGEE stated that no there is no reason to do that.

Connie Erickson stated that this particular section of law is under local regulations of sub-divisions. She said that it will only apply to land that is subject to Montana subdivision planning regulations. REP. DAN MCGEE added that it would be any parcel of land that is under 160 acres in size.

Motion/Vote: REP. BILL RYAN MADE A SUBSTITUTE MOTION TO TABLE SB 282. The question was called. A voice vote was taken. Motion CARRIED with REP. BOB CLARK voting no, REP. DAN MCGEE abstaining, and REP. DORE SCHWINDEN and REP. MATT BRAINARD voting by proxy.

{Tape: 2; Side: A; Approx. Counter: 810; Comments: None.}

EXECUTIVE ACTION ON SB 295

Motion: REP. JEANETTE MCKEE MOVED SB 295 BE CONCURRED IN.

Discussion: None

Vote: The question was called. A voice vote was taken. Motion CARRIED unanimously.

{Tape: 2; Side: A; Approx. Counter: 930; Comments: None.}

EXECUTIVE ACTION ON SB 361

Motion: REP. JEANETTE MCKEE MOVED SB 361 BE CONCURRED IN.

Motion: REP. ROGER SOMERVILLE MOVED TO AMEND SB 361.

Discussion:

REP. ROGER SOMERVILLE explained the amendment. SEE EXHIBIT 6.

Vote: The question was called on the amendment. A voice vote was taken. Motion CARRIED unanimously.

Motion: REP. JEANETTE MCKEE MOVED SB 361 BE CONCURRED IN AS AMENDED.

Discussion:

REP. DON LARSON asked how much authority the Department of Transportation would have. Connie Erickson replied that they would only have authority at the weigh stations. She said that they would not be able to go on the highways and stop someone.

Dave Galt, Administrator, Motor Carriers Services Division, Montana Department of Transportation, stated that the Motor Carrier Services Officers can stop any vehicle of 14,000 pounds or over and they do have to go through a weigh station. He also said that they can pull anyone over 10,000 pounds to check weight and papers.

REP. DON LARSON asked if the officers can go on the highways and pull over vehicles. He was concerned that this would create a problem with the highway patrolmen. Dave Galt replied that they do have rules to follow in order to pull over commercial vehicles over 10,000 pounds.

REP. MARIAN HANSON asked if the Department always had the authority to pull over vehicles over 8,000 pounds. Dave Galt answered yes.



REP. ROD MARSHALL if the Department would be able to pull over a pick-up truck "fully loaded" that weighs over 8,000 pounds. Dave Galt replied that only vehicles over 14,000 pounds go into the weigh stations.

REP. ROD MARSHALL asked if the Department was actively out on the highways pulling vehicles over. Dave Galt replied that there are 14 mobile units. He stated that they usually do not pull over pick-up trucks because it is hard to determine their weight.

REP. DAN MCGEE asked how much a "dually" with a camper would weigh. Dave Galt replied approximately 16,000 pounds. REP. DAN MCGEE asked if those vehicles would go into a weigh station. Mr. Galt replied that there is not a gross vehicle weight permit for one ton or less. He also said he does not want one-ton vehicles in the weigh stations.

Vote: The question was called. A voice vote was taken. Motion CARRIED with REP. MARIAN HANSON voting no.

{Tape: 2; Side: B; Approx. Counter: 145; Comments: None.}

#### EXECUTIVE ACTION ON SB 251

Motion: REP. JEANETTE MCKEE MOVED SB 251 BE CONCURRED IN.

Discussion:

REP. DON LARSON stated that the rationale behind this bill is to have an efficient movement of passengers and goods. The gallons of fuel saved by efficient movement of transportation are outstanding. He also said that the State does not currently have a transportation plan.

Motion/Vote: The question was called. A voice vote was taken. Motion CARRIED unanimously.

{Tape: 2; Side: B; Approx. Counter: 215; Comments: None.}

#### EXECUTIVE ACTION ON SB 321

Motion: REP. DAN MCGEE MOVED SB 321 BE TABLED.

Discussion: None.

Vote: The question was called. A voice vote was taken. Motion FAILED 15 to 3 with REP. DAN MCGEE, REP. CHARLES DEVANEY, and REP. MARIAN HANSON voting yes.

Motion: REP. DON LARSON MOVED SB 321 BE CONCURRED IN.

Discussion:

REP. DAN MCGEE stated that he is against SB 321. There is too much money going into a snowmobile fund. There is more money going into the fund than there is being generated by the snowmobile industry.

Motion: REP. BILL RYAN MOVED TO AMEND SB 321.

Discussion:

REP. BILL RYAN explained his amendment. SEE EXHIBIT 7.

CHAIRMAN SHIELL ANDERSON spoke in favor of the amendment. He said the amendment would increase the amount of refund money on registered snowmobiles. There are a lot of unregistered snowmobiles being used.

REP. BILL RYAN agreed with CHAIRMAN ANDERSON.

REP. ROGER SOMERVILLE stated that he sees SB 321 as a safety issue. This will keep people on groomed trails

REP. DON LARSON stated that they should receive gasoline tax based on the number of registered snowmobiles. He supports the amendment. Snowmobiling is the fastest growing tourist draw to the State of Montana during the winter months.

Vote: The question was called on the amendment. A voice vote was taken. Motion CARRIED unanimously.

Discussion:

REP. JACK WELLS stated that he agrees that having groomed trails keeps people on the trails. The commercial people are already grooming trails on a voluntary basis. He said that the State should not subsidize them.

REP. DON LARSON stated that the money is administrated by the Department of Fish, Wildlife and Parks and they have thirty groomers across the state. The groomers are all funded by the State. They would not add any groomers.

REP. JOE TROPILA stated that people will stay on the groomed trails. If there weren't any groomed trails they would be all over the place.

Vote: The question was called. A voice vote was taken. Motion CARRIED 14 to 4 with REP. CHARLES DEVANEY, REP. JACK WELLS, REP. RICK JORE and REP. DAN MCGEE voting no.

ADDITIONAL DISCUSSION

**REP. BOB CLARK** stated that for four sessions he has heard this "worn out argument that the State is going to throw this speed limit fine in the face of the federal government." He said that the tabling of SB 129 is a "slap in the face" to the highway patrolmen. He also said it has been 22 years that "we've been living under this ridiculous law." He stated that they should support these officers in the field.

**REP. ROD MARSHALL** stated that he rode most of a day with a highway patrolman. He said that they had stopped several vehicles and issued several tickets and he hadn't heard any disrespectful comments to the officers. He asked the highway patrolman at the end of the day how he felt about the \$5 fine. The officer replied "If it weren't for the higher management, he would not stop these people." He said that this gave him the point of view that the \$5 speeding ticket is a waste of time.

**REP. BOB CLARK** stated that the highway patrol do not like to stop people for \$5. But if the State gave them the proper tools to use on the highways and raise the speeding fines, the highway patrol would stop more people.

**REP. JOE BARNETT** said that the question that needs to be answered is "Do the people of the State of Montana want a speed limit?" He said the people he talked to do not want a speed limit at all. He said when he votes against the speeding fine, it is not out of disrespect to the patrolmen.

**CHAIRMAN SHIELL ANDERSON** stated, "We have to all account for the people at home who talk to us as well as the highway patrol officers." He stated that he agrees with **REP. BARNETT**.

**REP. JOE TROPILA** stated that the mail that he had received ran 10 to 1 against SB 129 as well as his phone calls.

*{Tape: 2; Side: B; Approx. Counter: 811; Comments: None.}*


HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

March 20, 1995

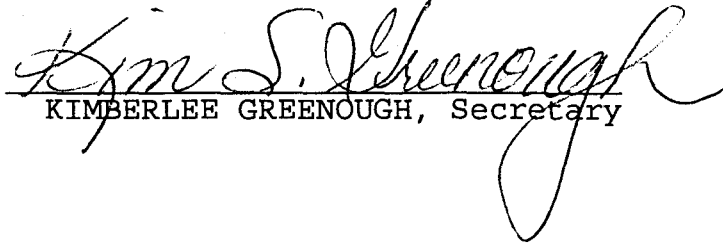
Page 12 of 12

ADJOURNMENT

Adjournment: 5:25 p.m.



REP. SHIELL ANDERSON, Chairman



KIMBERLEE GREENOUGH, Secretary

SA/ksg

# HOUSE OF REPRESENTATIVES

## Highways

ROLL CALL

DATE March 20, 1995

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	Left	Proxy Vote	✓
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	Left	Proxy Vote	✓
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	✓		



## HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 295 (third reading copy -- blue) be concurred in.

Signed: Shiell W. Anderson  
Shiell Anderson, Chair

Carried by: Rep. Tropila

Committee Vote:  
Yes 18, No 0.

651529SC.Hdh



## HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 361 (third reading copy -- blue) be concurred in as amended.

Signed: Shiell W. Anderson  
Shiell Anderson, Chair

And, that such amendments read:

Carried by: Rep. Carey

1. Title, line 5.

Following: "TRANSPORTATION;"

Insert: "REQUIRING THE DEPARTMENT OF TRANSPORTATION TO USE PART  
OF THE FEDERAL GRANT MONEY FOR MOTORCYCLE SAFETY TRAINING;"

2. Page 2, line 18.

Strike: "and"

3. Page 2, line 20.

Following: "7"

Insert: "; and

(d) first allocate a portion of federal grant money for safety programs for federally recognized priority areas, such as motorcycle safety training through the Montana motorcycle safety education program, unless there is no demonstrated need"

-END-

Committee Vote:

Yes 17, No 1.

651530SC.Hdh



## HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 321 (third reading copy -- blue) be concurred in as amended.

Signed: Shiell W. Anderson  
Shiell Anderson, Chair

And, that such amendments read:

Carried by: Rep. Grady

1. Page 2, line 23.  
Following: "propelling"  
Insert: "registered"

-END-

Committee Vote:  
Yes 14, No 4.

651521SC.HDH





## HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 378 (third reading copy -- blue) be concurred in as amended.

Signed: Shiell W. Anderson  
Shiell Anderson, Chair

And, that such amendments read:

Carried by: Rep. Devaney

1. Page 6, line 25.

Following: "incinerator,"

Insert: "or"

2. Page 6, lines 26 and 27.

Following: "well" on line 26

Strike: the remainder of line 26 through "surface" on line 27

Following: "." on line 27

Insert: "The term does not include wastewater and waste tires."

-END-

Committee Vote:  
Yes 16, No 2.

651525SC.Hdh



## HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 251 (third reading copy -- blue) be concurred in.

Signed: Shiell W. Anderson  
Shiell Anderson, Chair

Carried by: Rep. Larson

Committee Vote:  
Yes 18, No 0

651527SC.Hdh

Printed by: Greenough, Kimberlee  
Printed at: 3-21-95 11:29a

From: Erickson, Connie  
Sent at: 3-21-95 8:48a  
Author: Erickson, Connie  
Doc name: SB036101.ACE  
Type: PC file  
To: Greenough, Kimberlee

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Amendments to Senate Bill No. 361  
Third Reading Copy

Requested by Representative Somerville  
For the House Committee on Highways and Transportation

Prepared by Connie Erickson  
March 20, 1995

1. Title, line 5.

Following: "TRANSPORTATION;"

Insert: "REQUIRING THE DEPARTMENT OF TRANSPORTATION TO USE PART  
OF THE FEDERAL GRANT MONEY FOR MOTORCYCLE SAFETY TRAINING;"

2. Page 2, line 18.

Strike: "and"

3. Page 2, line 20.

Following: ";

Insert: ";

(d) first allocate a portion of federal grant money for  
safety programs for federally recognized priority areas, such as  
motorcycle safety training through the Montana motorcycle safety  
education program, unless there is no demonstrated need"

Printed by: Greenough, Kimberlee

Printed at: 3-21-95 11:29a

From: Erickson, Connie

Sent at: 3-21-95 8:47a

Message: Kim: Here are the amendments to SB 321 and SB 361. You should have a copy of the amendment to SB378; it is the same one that was passed out the day we heard the bill. Thanks! Connie

Author: Erickson, Connie

Doc name: SB032101.ACE

Type: PC file

To: Greenough, Kimberlee

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Amendments to Senate Bill No. 321  
Third Reading Copy

Requested by Representative Ryan  
For the House Committee on Highways and Transportation

Prepared by Connie Erickson  
March 20, 1995

1. Page 2, line 23.  
Following: "propelling"  
Insert: "registered"

# MHTA TRANS-WEST NEWS

Multi-State Highway Transportation Agreement

EXHIBIT 1

DATE 3-20-95

88 Guest Speaker

## 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.

# MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

*Created by statute and dedicated to the safe, efficient movement of people and goods.*

Arizona California Colorado Idaho Montana Nevada Oregon Utah Washington Wyoming

EXHIBIT 2  
DATE 3-20-95  
~~SB~~ Guest Speaker

Chairman  
Michael G. Waddoups  
ID House of Representatives

Chairman-Elect  
Ray W. Harrison  
ID House of Representatives

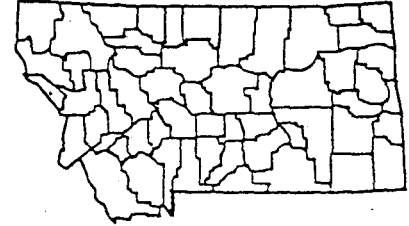
Vice-Chairman  
David Berry  
Swift Transportation

Secretary  
Ann E. Wood  
ID House of Representatives

Treasurer  
Sharon Nichols  
Western Highway Institute

Consultant  
J. Robert Luce  
JRL Associates

## Montana Needs the National Highway System



Congress will consider legislation that would designate a National Highway System to modernize and improve the nation's busiest and most important roads, including those in Montana. Nationwide, the system would comprise some 159,000 miles of roadways that carry 40 percent of urban highway traffic, 42 percent of rural travel, and 75 percent of commercial truck traffic. The program would be paid for by funds already collected from highway users and now sitting in the nation's Highway Trust Fund—not new taxes.

Montana would benefit significantly from the National Highway System. It would:

- Bring \$80 million a year in federal highway funding to Montana;
- Maintain and upgrade 3,809 miles of Montana's key roadways, including all 1,191 miles of Interstate highways—roads that carry 55.5 percent of the state's motor vehicle traffic;
- Improve key highways to cities not currently served by an Interstate, such as Lewistown and Kalispell;
- Improve roads in rural communities and to tourist attractions, like Yellowstone and Glacier National Parks, and the headwaters of the Missouri River.

Montana needs the National Highway System. A Federal Highway Administration report shows that 24.4 percent of Montana's bridges are in need of replacement or repair. If Congress approves the National Highway System, the people of Montana and the nation will enjoy better, safer roads and bridges, less traffic congestion and pollution, and a stronger economy.

PROPOSED POLICY RESOLUTION

NATIONAL HIGHWAY SYSTEM (NHS)

EXHIBIT 3  
DATE 3-20-95  
SS Guest Speaker

WHEREAS, a modern, well maintained, efficient and interconnected transportation system is vital to the economic growth, the health and the global competitiveness of our state and the entire nation; and

WHEREAS, the highway network is the backbone of a transportation system for the movement of people, goods and intermodal connections; and

WHEREAS, it is critical to effectively address highway transportation needs through appropriate transportation plans and program investments; and

WHEREAS, the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) established the concept of a 155,000 mile National Highway System which includes the Interstate System; and

WHEREAS, on December 9, 1994, the United States Department of Transportation transmitted to Congress a 159,000 mile Proposed National Highway System which identified 104 port facilities, 143 airports, 191 rail-truck terminals, 321 Amtrak stations and 319 transit terminals; and

WHEREAS, ISTEA requires that the NHS and Interstate Maintenance funds not be released to the states if the system is not approved by September 30, 1995; and

WHEREAS, the uncertainty associated with the future of the National Highway System precludes the possibility of the state to effectively undertake the necessary, properly developed planning and programming activities;

NOW THEREFORE BE IT RESOLVED, by the State of Montana, that the process for developing and approving the National Highway System should be accelerated and that the Congress of the United States of America should pass legislation which approves and designates the National Highway System no later than September 30, 1995.

4  
3-20-95  
378

Amendments to Senate Bill No. 378  
Third Reading Copy

Requested by Senator Swysgood  
For the House Committee on Highways and Transportation

Prepared by Connie Erickson  
February 28, 1995

1. Page 6, line 25.  
Following: "incinerator,"  
Insert: "or"

2. Page 6, lines 26 and 27.  
Following: "well" on line 26  
Strike: the remainder of line 26 through "surface" on line 27  
Following: "." on line 27  
Insert: "The term does not include wastewater and waste tires."



Amendments to Senate Bill No. 129  
Third Reading Copy

Requested by Representative McGee  
For the House Committee on Highways and Transportation

Prepared by Connie Erickson  
March 20, 1995

1. Title, line 6.

Following: "RESTRICTIONS;"

Insert: "CHANGING THE FUEL CONSERVATION SPEED LIMIT TO A DAYTIME  
HIGHWAY SPEED LIMIT;"

Strike: "FUEL CONSERVATION"

Insert: "DAYTIME HIGHWAY"

2. Title, line 7.

Following: "61-8-303,"

Insert: "61-8-304,"

3. Page 1.

Following: line 7

Insert: "WHEREAS, there were 30,415 motor vehicle accidents in  
Montana in 1994, two-thirds of which occurred during  
daylight hours; and

WHEREAS, speed was the primary factor in more than one of  
every five motor vehicle accidents during 1994; and

WHEREAS, 50% of all fatal accidents on Montana highways in  
1994 occurred during daylight hours; and

WHEREAS, the chances of death and serious injury in an  
automobile accident double with every 10 miles per hour that a  
motorist is traveling over 50 miles per hour; and

WHEREAS, the Legislature finds that because of statistics  
such as these it is no longer appropriate to characterize  
speeding violations as an issue of fuel conservation, but that  
daytime speeding violations should be treated as a safety issue;  
and

WHEREAS, the Legislature also recognizes that given the  
nature of Montana's roadways and wide-open spaces, it is not  
appropriate to impose substantial fines for minor speed  
violations, but that higher penalties should be used to deter  
unsafe driving speeds."

4. Page 2.

Following: line 19

Insert: "Section 2. Section 61-8-304, MCA, is amended to read:

"61-8-304. ~~Fuel conservation~~ Highway speed limit --  
exception to the basic rule. (1) ~~In order to insure conservation of a resource, the~~ The speed limit for vehicles traveling on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 65 miles an hour and the speed limit for vehicles traveling on federal-aid interstate highways within an urbanized area of 50,000 population or more or on any other public highway of this state is 55 miles an hour, except as provided under 61-8-309.

(2) A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312.""

Renumber: subsequent sections

5. Page 2, line 22.

Strike: "conservation"

Insert: "highway"

6. Page 3.

Following: line 6

Insert: "(4) If there is no speed limit required by federal law as a condition to the state's continuing eligibility for federal highway funding and if an engineering and traffic investigation by the department of transportation shows that a speed limit set by 61-8-304 is lower than necessary for a speed that is reasonable or safe under the conditions found to exist on a particular public highway or part of a public highway, then the state highway commission may set a higher speed limit that is reasonable and safe for that particular public highway or part of a public highway, in accordance with 61-8-309."

7. Page 3, line 9.

Strike: "fuel conservation"

Insert: "daytime highway"

8. Page 3, line 10.

Following: "61-8-304"

Insert: "during daytime hours"

Strike: "unnecessary waste of a resource"

Insert: "a daytime highway speed limit violation"

9. Page 4, lines 7 and 9.

Strike: "4"

Insert: "5"

## AMEND SB 361 AS FOLLOWS:

1. Page 2, line 20.

Following: "prevention,"

Insert: "(d) utilize a portion of federal grant money for safety programs first for federally recognized priority areas, such as motorcycle safety training through the Montana motorcycle safety education program, unless there is no demonstrated need."

Amendment to SB 321  
(third reading copy)

EXHIBIT 7  
DATE 03-20-95  
SB 321

1. Page 2 line 23 following: "propelling"  
Insert: "registered"

# HOUSE OF REPRESENTATIVES

EXHIBIT 8  
DATE 3-20-95  
SB 129

## ROLL CALL VOTE

### Highways

DATE 3-20-95 BILL NO. 129 NUMBER 10-8

MOTION: Reconsider on SB329

NAME	AYE	NO
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	✓	



*The Big Sky Country*

MONTANA HOUSE OF REPRESENTATIVES

March 20

Rep. Galvin has my  
proxy on all votes before  
the Highways & Transportation  
Committee this day.

The Schuler

Please vote no on snowmobile  
insurance SB 321

# HOUSE OF REPRESENTATIVES

EXHIBIT 9  
DATE 3-20-95  
SB 129

## ROLL CALL VOTE

### Highways

DATE 3-20-95 BILL NO. 129 NUMBER 10-8

MOTION: McGee Amend

NAME	AYE	NO
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 OF REPRESENTATIVES

EXHIBIT 10  
DATE 3-20-95  
SB 129

## ROLL CALL VOTE

### Highways

DATE 3-20-95 BILL NO. 129 NUMBER 10-8

MOTION: Table SB129

NAME	AYE	NO
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		✓



Amendments to Senate Bill No. 129  
Third Reading Copy

Requested by Representative Somerville  
For the House Committee on Highways and Transportation

Prepared by Connie Erickson  
March 20, 1995

1. Title, line 6.  
Following: "RESTRICTIONS;"  
Insert: "INCREASING THE NIGHTTIME SPEED LIMIT; CONTINGENTLY  
INCREASING THE SPEED LIMIT WITHIN AN URBANIZED AREA;"
2. Page 2, line 9.  
Strike: "55"  
Insert: "60"
3. Page 2, line 10.  
Strike: "65"  
Insert: "75"
4. Page 3, line 3.  
Strike: "65"  
Insert: "75"
5. Page 3, line 18.  
Strike: "1 - 10"  
Insert: "1 - 20"
6. Page 3, line 19.  
Strike: "11 - 15"  
Insert: "21 - 25"
7. Page 3, line 20.  
Strike: "16 - 20"  
Insert: "26 - 30"  
Strike: "20"  
Insert: "25"
8. Page 3, line 21.  
Strike: "21 - 25"  
Insert: "31 and over"  
Strike: "35"  
Insert: "65"
9. Page 3, lines 22 and 23.  
Strike: lines 22 and 23 in their entirety

Amendments to Senate Bill No. 129  
Third Reading Copy

Requested by Representative Somerville  
For the House Committee on Highways and Transportation

Prepared by Connie Erickson  
March 20, 1995

1. Page 3, line 18.

Strike: "1 - 10"

Insert: "1 - 15"

2. Page 3, line 19.

Strike: line 19 in its entirety

3. Page 3, line 22.

Strike: "60"

Insert: "65"

Amendments to Senate Bill No. 129  
Third Reading Copy

Requested by Representative Somerville  
For the House Committee on Highways and Transportation

Prepared by Connie Erickson  
March 20, 1995

1. Title, line 6.  
Following: "LIMIT;"  
Insert: "PROHIBITING THE USE OF RADAR IN MEASURING THE SPEED OF A  
MOTOR VEHICLE;"
2. Title, line 7.  
Strike: "AND"  
Following: "MCA"  
Insert: "; AND REPEALING SECTIONS 61-8-702, 61-8-703, AND 61-8-  
704, MCA"
3. Page 4.  
Following: line 5  
Insert: "NEW SECTION. Section 5. {standard} Repealer. Sections  
61-8-702, 61-8-703, and 61-8-704, MCA, are repealed."  
Renumber: subsequent section