

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By SENATOR CECIL WEEDING, Chairman, on February 14, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Cecil Weeding, Chairman (D)
Betty Bruski, Vice Chairman (D)
Bill Farrell (R)
John Harp (R)
Francis Koehnke (D)
Jerry Noble (R)
Jack Rea (D)
Larry Tveit (R)

Members Excused:

Lawrence Stimatz (D)

Staff Present: Paul Verdon (Legislative Council).
Pat Bennett, Committee Secretary

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

Announcements/Discussion: None.

HEARING ON SENATE BILL 297

Presentation and Opening Statement by Sponsor:

SENATOR JERRY NOBLE, District #21, said Senate Bill 297 was brought to his attention several months ago. Last July the GVW Department sent four firms a letter to say as of the first of July, 1991, they would have to quit running these particular trailer configurations. These firms have been running these trailers since 1974. The GVW realized they had better stop writing these permits or submit legislation to legalize these trailers or to have the owners change their equipment. The trailers fit into the length law. Some of the hauls involve hauling from mines and some are from old contracts. This bill will grandfather these firms in that apply to this.

Proponents' Testimony:

CAROLYN KNUCKLES, Supervisor of the Special Permitting, Department of Highways, stated the Department is taking a neutral position on SB 297. The truck-trailer-trailer combinations prior to 1987 were permitted as a two-trailer combination for travel on all Montana highways. In 1987, when the triples law was passed, the Department management decided at that time to allow the continued operation of these triples. As long as they did not exceed the 95 ft length limit they were being allowed to operate as they had previous to 1987.

ALFRED HOKANSON, A.M. Welles, Inc. in Norris, Montana, submitted written testimony. (SEE EXHIBITS 1, 2, & 3) He stated they support SB 297.

WILLIAM S. CARRIER, Cyprus Industrial Minerals, testified in support of SB 297. (SEE EXHIBIT 4) He stated that A.M. Welles is their sole contractor providing transportation services for Cyprus in hauling talc from their mines to the mill in Three Forks. Welles has been able to provide competitive priced services due to specific configurations that were purchased and operated. If Welles were prohibited from operating his existing fleet of trucks, as he has done legally since 1974, his cost would increase due to reduced haul per truck.

BILL OGLE, Portable, Inc. in Bozeman, Montana, stated they support SB 297. He stated he received a permit to operate truck-trailer-trailer combinations last year. They have used their single unit to supply various customers in Bozeman. Their firm employees 22 people, with an annual salary of over \$350,000. In the past, they have used the services of A.M. Welles in supplying and hauling materials.

STUART DOGGETT, representing the Montana Mining Association, expressed support of SB 297.

DAVID HOFFMAN, Representative of House District #74, stated the three Cyprus mines are all in his district and as a representative of that district, they are happy to see Alfred's truck-trailer-trailer combinations going down their highways. If this bill doesn't pass and it damages that portion of their economy, they will create some real problems in that area.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR HARP asked who the four firms are who have been affected by this.

CAROLYN KNUCKLES said they are: A.M. Welles in Norris. Kenyan-Noble in Bozeman, Idaho Asphalt in Idaho Falls, Idaho, and Bennett-Owen in Dillon. Presently, under permit, they can operate on all highways. They are not restricted to the interstate and other roads unless there are other restriction imposed such as on the county roads.

SENATOR FARRELL informed the Committee that in 1987 he carried the triples legislation through the Legislature and these four people were included by a pure oversight. They did not intend to remove any of the restrictions from what they are doing. This is clean-up legislation to allow them to continue doing what they have done since 1974.

Closing by Sponsor:

Senator Noble closed the hearing on SB 297. Senator Hoffman will carry the bill in the House.

HEARING ON SENATE BILL 290Presentation and
Opening Statement by Sponsor:

SENATOR FRANCIS KOEHNKE, District #16, said SB 290 is a bill that will correct double taxation. (SEE EXHIBIT 4)

Proponents' Testimony:

PAT CRAHAN, Director of Government Relations for UHAUL International introduced two others also attending in support of SB 290, Ed Gill and Bill Mosher. They support SB 290. The passage of this legislation would relieve them of a burden of double taxation. He explained that when a customer rents a UHAUL truck the fuel tank is full of fuel, they must return it full of fuel and all fuel tax is paid at the pump. The present law required them to buy a license and report quarterly to the state their fuel. It winds up being double taxation. This applies to diesel and a few years ago no one envisioned small trucks like UHAUL has using diesel. (SEE EXHIBIT 5)

NORRIS NICHOLS, Administrator of Motor Fuels Division, Department of Revenue, stated that the Department of Revenue was correct in making the determination that it was double taxation. They pay over \$100,000 per year which has been already collected from their customers. With the information that has been submitted to the Department of Revenue, the Department supports SB 290.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR HARP said if one of the 57 UHAUL owners happened to own their own storage tank and are having fuel delivered by a wholesaler, it would mean that tax would not be paid. He asked if there are dealers who are dispensing of that fuel without paying that tax.

NORRIS NICHOLS stated they have unlicensed dealers springing up every day. The only way they can be caught is by word of mouth or an audit report. If these people have pumps and are placing fuel in the supply tank of that vehicle they had better be licensed to do so.

SENATOR REA asked for an explanation of how the UHAUL system works.

BILL MOSHER, General Manager, Uhaul of Helena, stated when he rents out a truck it is full of diesel and the person renting it is required to return it full. The customer is always responsible for all fuel. The question of the dealer being dishonest is highly unlikely because normal dealers do not have that much business.

PAT CRAHAN informed the Committee that the double taxation comes in because the customer has paid the tax at the pump, but because of the way the law is presently written they report monthly total miles traveled in Montana and the pay \$131,000 per year.

Closing by Sponsor:

SENATOR KOEHNKE closed the hearing on SB 290. He informed the Committee of an amendment which would be given during executive action.

EXECUTIVE ACTION ON SENATE BILL 290

Motion:

SENATOR KOEHNKE MOVED that SENATE BILL 290 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY that SENATE BILL 290 DO PASS AS AMENDED.

Amendments, Discussion, and Votes:

SENATOR KOEHNKE MOVED to ADOPT THE AMENDMENTS TO SB 290.
(SEE EXHIBIT 6)

MOTION PASSED UNANIMOUSLY to ADOPT the AMENDMENTS TO SB 290.

EXECUTIVE ACTION ON SENATE BILL 297

Motion:

SENATOR HARP MOVED that SB 297 DO PASS.

MOTION PASSED UNANIMOUSLY that SB 297 DO PASS

EXECUTIVE ACTION ON SENATE BILL 191

Motion:

SENATOR FARRELL MOVED that SB 191 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY that SB 191 DO PASS AS AMENDED.

Discussion:

PAUL VERDON explained the amendments to SB 191. (SEE EXHIBIT 7)

Amendments, Discussion, and Votes:

SENATOR FARRELL MOVED to ADOPT the AMENDMENTS TO SB 191.

MOTION PASSED UNANIMOUSLY to ADOPT the AMENDMENTS TO SB 191

ADJOURNMENT

Adjournment At: 4:30 p.m.



SENATOR CECIL WEEDING, Chairman



PAT BENNETT, Secretary



A.M. Welles, Inc.

Hauling • Mining • Construction
P.O. Box 8
Norris, Montana 59745

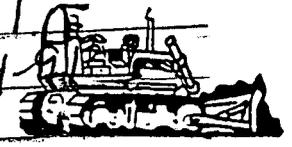
SENATE HIGHWAYS

EXHIBIT NO. 1

DATE 2-14-91

BILL NO. SB

297



From 1974 to 1991 we put on about 13 million miles without an accident involving the double units that we run.



It would cost \$40,000 per unit or about \$640,000 to change to a different unit which, in my opinion, would not be as safe or efficient. We would lose an efficiency factor of about 10%. Based on the tonnage hauled in 1990 this would be a loss of approximately \$125,000.

If we did not make the capital investment and dropped one trailer our efficiency would decrease about 25%. This would result in an annual loss of approximately \$330,000.

During 1990 A. M. Welles, Inc. employed 87 people for an annual payroll in excess of one million dollars.

A. M. Welles, Inc.
Norris, MT 59745

This truck-trailer-trailer combination is what we have been operating since 1974
We consider this set up as double trailers and not triples.

Two (2) Hinge Points The law considers this a triple trailer combination
although there are only two (2) trailers and two (2) hinge points the same
as in the combinations considered as doubles.

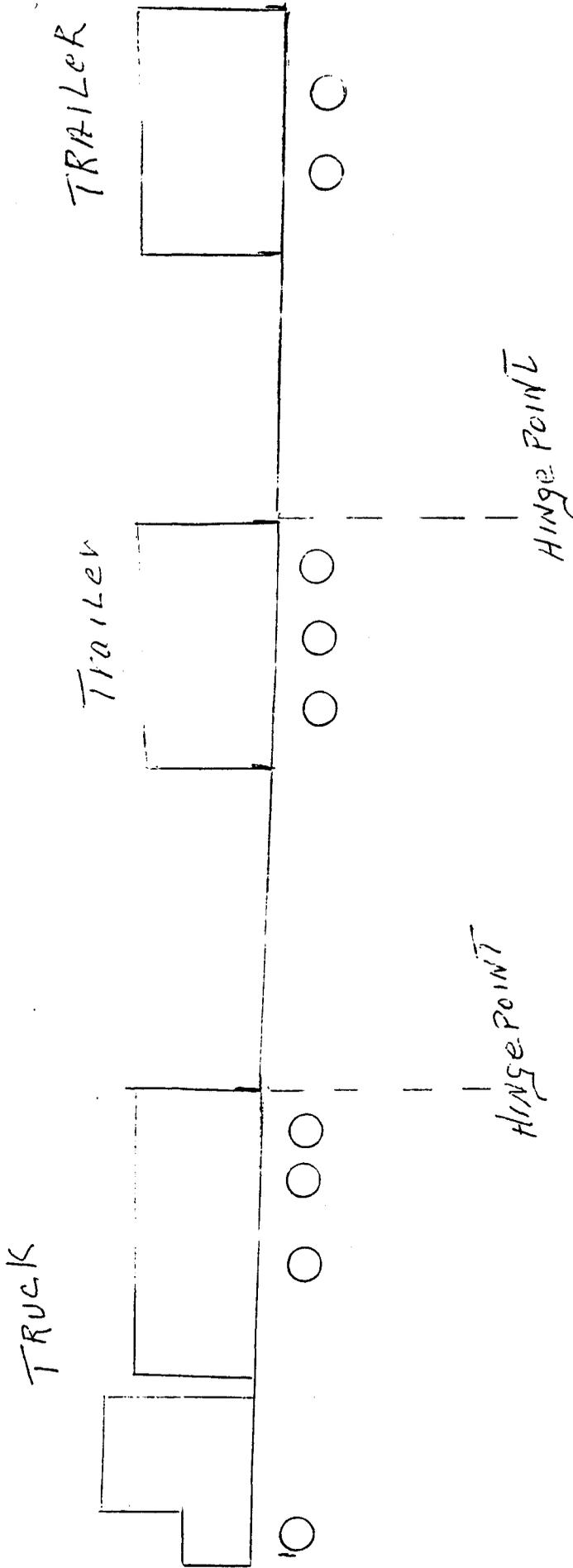
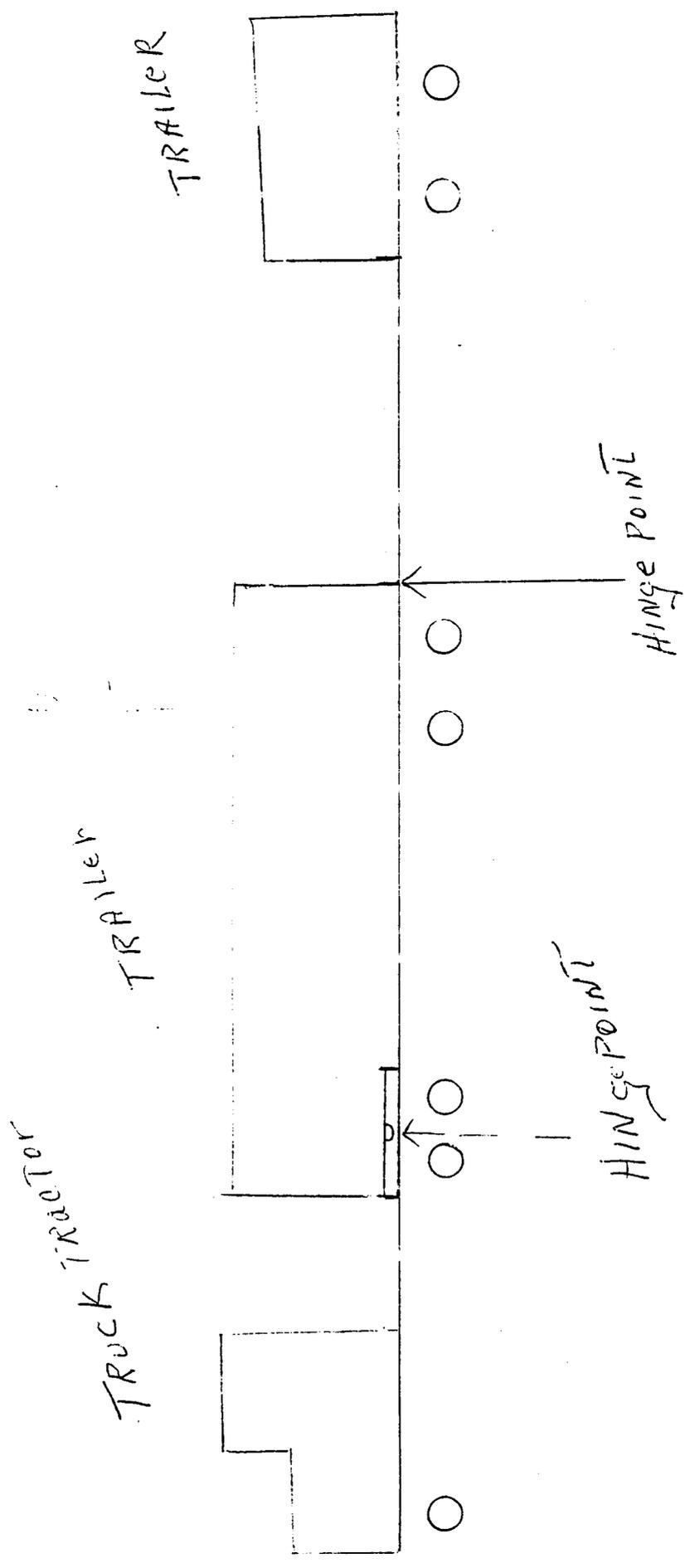
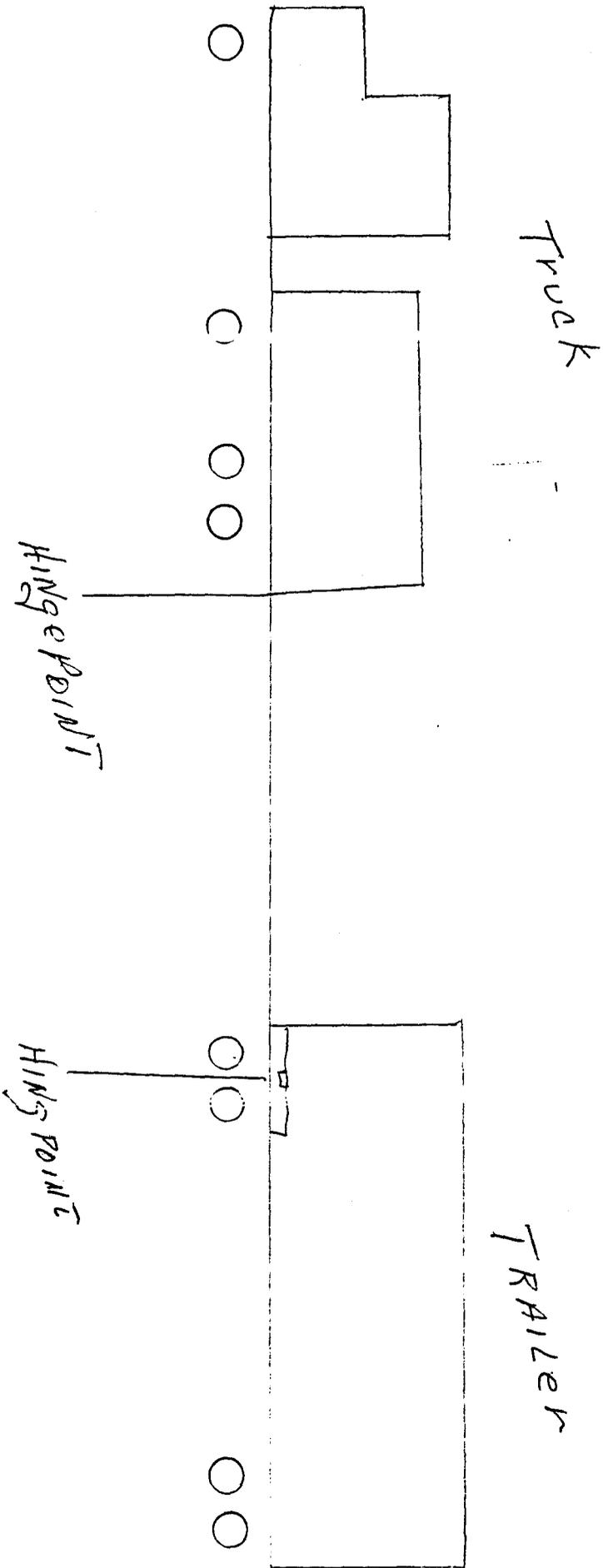


EXHIBIT NO.
DATE 2-14-91
BILL NO. SB297

Under the current law this would be considered doubles. Two (2) Hinge Points

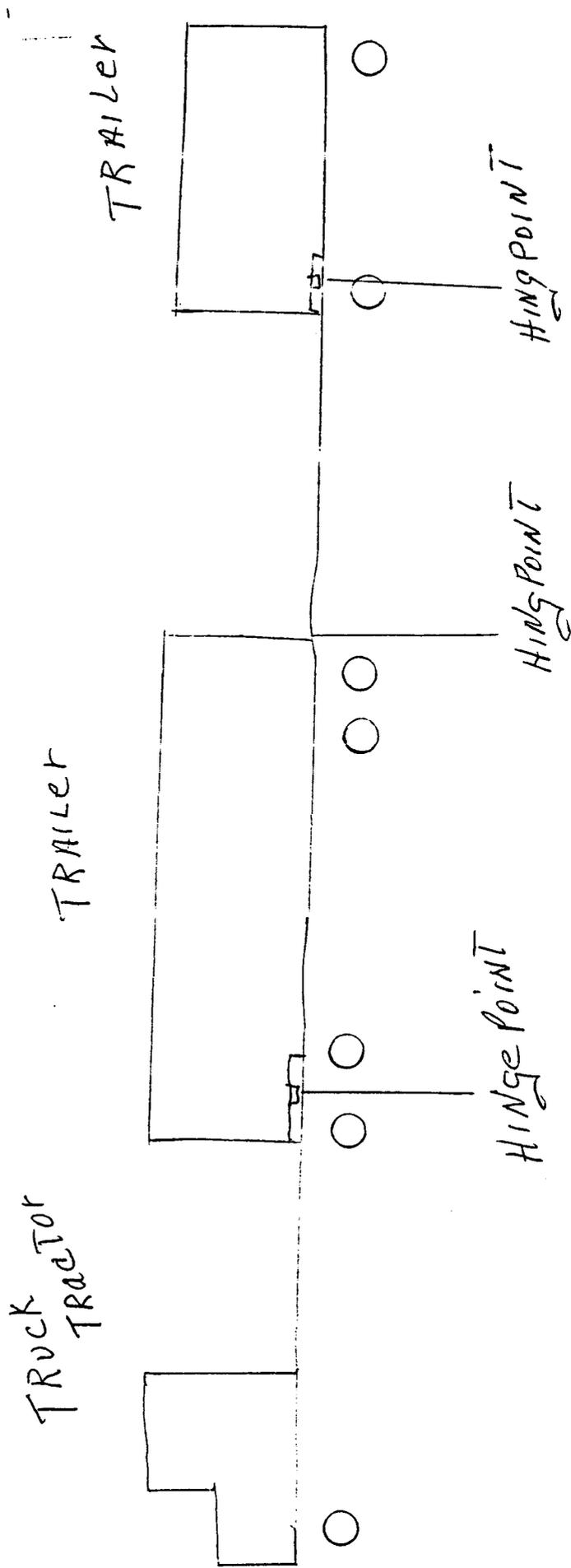


Under the current law this would be considered doubles. Two (2) Hinge points.

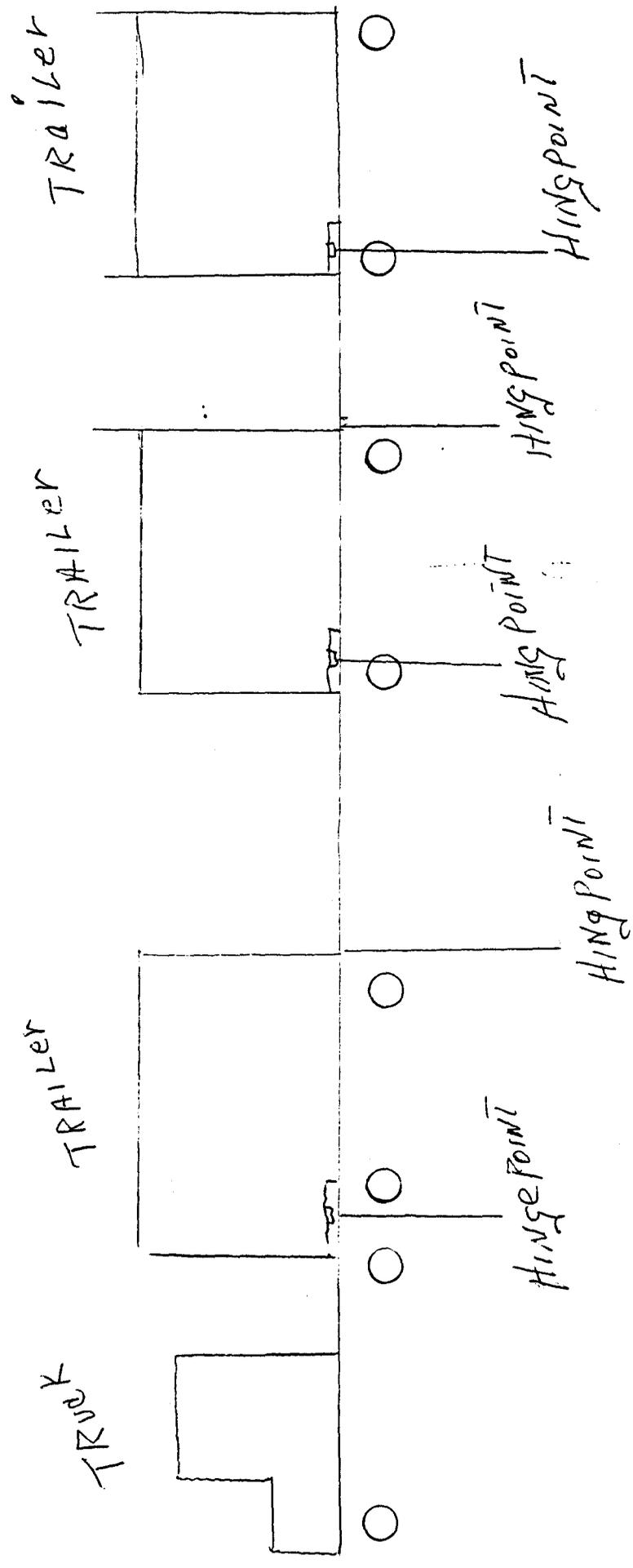


EX. 2
2-14-91
58 297

Under the current law this would be considered doubles. Three (3) Hinge points.



Five (5) Hinge Points.



EX. 2
2-14-91
SB 297

STATE HIGHWAYS
EXHIBIT NO. 3 42769

DATE 2-14-91
BILL Date Issued SR 7975 127 77

APPLICATION AND SPECIAL PERMIT

Permittee Name A. M. WELLES, INC.
Address P.O. BOX 8 City NORRIS State MT
PSC or ICC No. or Ins. Co. _____ Owner of Load _____
Mont. Agent _____ PD\$ _____ PL\$ _____
Unit or Ser. No. 5/RL797 Make 73 MCK Type TRC Lic. No. 25T-2724 State _____
Trailing Load Consisting of: Vehicle Combination; Mobile Home; Logs; Baled Hay
Other (describe): See Attached

Movement Auth. From See Below To See Below Hwy Nos See Below

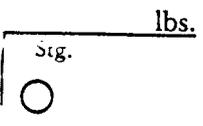
Maximum Permitted: Width Legal Ft. _____ In.; Length 83 Ft. 6 In.; Height Legal Ft. _____ In.

THIS PERMIT ISSUED FOR EXCESS WEIGHT ONLY UNDER CONDITIONS OF TERM PERMIT NO. _____

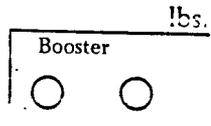
UNIT NO. 5, 73 MCK TRC S/N R1797 LIC. NO. 25T2724
THIS PORTION WH1974 WIL S/N 73M61136 LIC. NO. 25TR89
Load (describe): 1977 WIL S/N 7MM062446 LIC. NO. 25T559
Axle configuration: Indicate in comb. of weight and length
 Limits Form 32F Veh. shown on attached drawing valid on all State Highways except:
Hwy 249, Nashua to Fort Peck
Hwy 89, Corwin Springs to Wy. Line
VALID ON INTERSTATE HIGHWAYS--
I-15, I-90, I-94

WT AS SHOWN.

ng or crossing out axles.
at furnished by operator.



lbs.
Hwy 249, Nashua to Fort Peck
Hwy 89, Corwin Springs to Wy. Line
VALID ON INTERSTATE HIGHWAYS--
I-15, I-90, I-94



THIS PERMIT IS SUBJECT TO IMMEDIATE CONFISCATION IF ANY WEIGHT SHOWN HEREON IS EXCEEDED

Included With This Permit is Fuel, Truck, Trailer Temporary Trip Permit No. _____
The Permittee shall be responsible for obtaining overheight clearances including payment of all expenses incident to removal of any thing obstructing clearances. This Permit Shall Be Carried In Vehicle At All Times and Is Void If Any Word or Figure Is Changed or Altered.

Movement subject to following punched or marked RESTRICTIONS and any written or attached Special RESTRICTIONS.

- Travel during daylight hours only.
- No travel Saturday, Sunday, or Holiday. Holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, or Friday preceding an above named holiday, when holiday is on Saturday, or Monday following any above named holiday, when holiday is on Sunday.
- Over 144" wide must have flagman front and lights per Section 32-21-134 R.C.M. 1947.
- Flagman required rear in hazardous area or if load continuously infringes upon adjacent traffic lane.
- Travel during hours of darkness provided full width and length of load is lighted.
- Mobile Home movement subject to.....12 ft.,.....14ft.,.....over 14 ft. special restrictions.
- Flagmen required front and rear for all travel.
- Speed shall not exceed 35 m.p.h.
- Speed shall not exceed 15 m.p.h. over bridges.
- Speed shall not exceed 5 m.p.h. over bridges.
- Remove traffic on bridge. Proceed at 2 m.p.h. without change of speed by use of vehicle transmission. Travel center of structure only. Flagmen to clear structure of all traffic.

DATE EXPIRES _____
(Helena Use Only)

FEES PAID - PUNCH:
VOID (Weight Mileage) _____
Weight Mileage (100 miles incl.) _____ \$ 5.00
Weight Mileage (101-199 miles incl.) _____ \$15.00
Weight Mileage (200 miles & over) _____ \$25.00
Special Permit Fee _____
VOID ENTIRE PERMIT

TOTAL COLLECTED 6.00
THIS PERMIT \$ _____
DEPARTMENT OF HIGHWAYS

By C. Knuckles No. 900

Special Helena Approval by _____
I hereby certify that I have read this permit and will abide by the regulations governing this permit, and I further understand that this permit is subject to confiscation for violation of the law, Department regulation, or for alteration of any word or figure hereon.

Permittee _____
By _____
Agent or Officer

WRITE SPECIAL INSTRUCTIONS: _____
Restricted Route Permit Required --
May 27, 1977 -- 748

A County Or City Permit May Be Required In Addition To This Permit For Travel On County Roads Or City Streets.
A TERM PERMIT IS NOT VALID FOR OPERATION OF ANY TRUCK, TRUCK TRACTOR, TRAILER OR SEMI-TRAILER EXCEEDING 8 FEET IN WIDTH ON COMPLETED INTERSTATE OR 8 FEET 6 INCHES ON OTHER STATE HIGHWAYS.

~~4444-10-5-73-100K-TRC-571R1797-LIC-NO-231-2724~~
1974 WIL S/N 73M 61136 Lic. No. 25 TR 89
1977 W11 S/N 7MM062446 Lic. No. 25 T 559

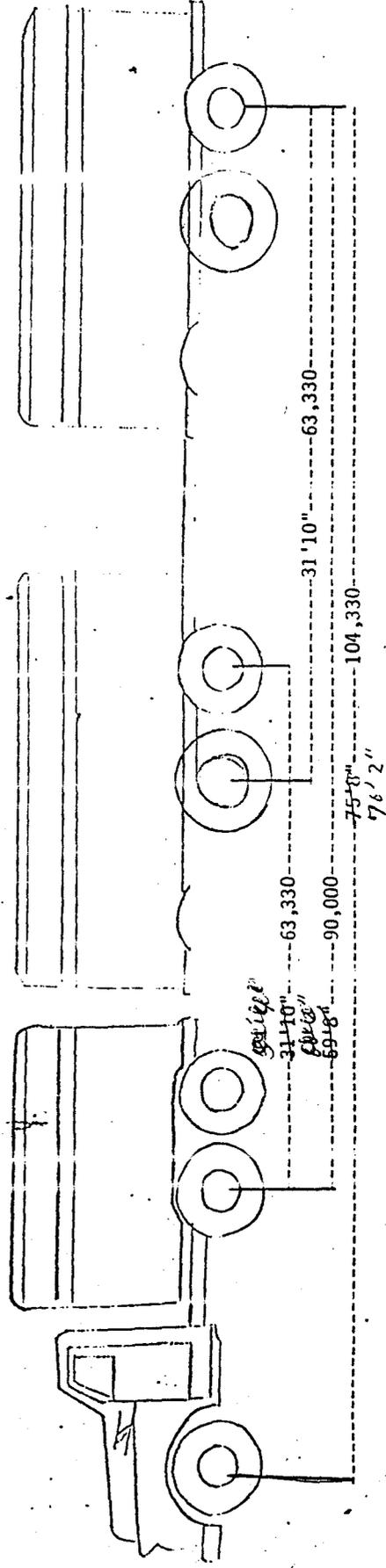
A. M. WELLS, INC.
P.O. BOX 8
NORRIS, MT

MAY 27, 1977
G. V. II. 748

R1. 767. 1. 57 351-83

#1 257 486

84'
83'6"



MONTANA
Fuel Tax Legislation

SENATE HIGHWAYS

EXHIBIT NO. 4
DATE 2-19-91
BILL NO. SB290

Need for Legislation:

This is just housekeeping legislation to correct the unfair, unjust, and perhaps unlawful double taxation of diesel fuel used by U-Haul and others in the do-it-yourself moving industry. Currently the diesel tax is paid once at the pump by the customers, and again at quarterly intervals by the companies.

The operation of the do-it-yourself moving industry is unique, and most likely was not even considered at the time the diesel tax laws were enacted.

Uniqueness of the Do-It-Yourself Moving Industry

- * The trucks are full of diesel at the time of rental, and the customer must return the trucks full of diesel at the end of the rental.
- * The diesel tax is paid at the time diesel fuel is purchased at the pump.
- * The trucks are small, light-weight, straight, ~~two~~^{one}-axle trucks under 18,000 gross vehicle weight (GVW).
- * The largest fuel tank is only 51 gallons.
- * People moving themselves purchase fuel the same as they would when on vacation in their family car; i.e., when they stop to eat, use the restroom, or are low on fuel. These people are not aware of the difference in price of fuel from state to state.

U-Haul's Contribution to Montana 1990

- * Truck ~~+~~ trailer license plates and registration expense - \$117,000. (Trucks)
14,000. (Trailers)
- * Diesel tax (special fuel use tax) does not include tax paid at pump - ~~100,000~~. \$131,609.
- * Business licenses - \$400.
- * Total Montana payroll - \$487,000.
- * Payroll taxes (paid by U-Haul) - \$16,500.
- * Montana employees - 96.
- * Company operated centers - 6.
- * Property taxes (does not include property taxes paid on rental fleet) - \$53,000.
- * Number of independent dealers - 57.
- * Commissions paid to independent dealers \$355,052.
- * Repair expenses paid to independent dealers - \$130,090.

MONTANA

Listing of U-Haul Operations in Montana for January 1991:

Company Owned Operations

City	Name	Address
Billings	U-Haul Ctr Main St	1145 Main St.
"	U-Haul Ctr Grand Ave	2152 Grand Ave
Bozeman	U-Haul Ctr Bozeman	815 N. 7th
Great Falls	U-Haul Ctr of Great Falls	405 Central Ave W.
Helena	U-Haul Ctr of Helena	990 E. Lyndale
Missoula	U-Haul Ctr of Missoula	820 Strand at Hwy 93

Independent Dealer Operations

City	Name	Address
Anaconda	Montana Muffler	1100 West Park Ave
Belgrade	Mill's Repair	119 W Main
Big Timber	Bob Faw Chev-Old Inc	236 McLeod
Big Fork	J.C. Miller Supply	7995 Highway 35
Billings	Kens Interstate Srv	1028 Hwy 87 East RR2
"	Shurgard of Billings	5504 King Ave East
"	Interstate Chevron	1302 S 27th Street
"	Tom's Conoco & Towing	723 Central
Bozeman	Adventure Rntls Inc	5 E Mendenhall
Butte	Shea's Exxon	910 S Montana St
"	Leipheimer's	2611 Harrison Ave
"	Yates Body Shop	3555 Paxton Avenue
Chateau	J.A.R.R.	22 3rd North East
Circle	Circle Chevron Srv	Hwy Jct 13 & 200 Sq.
Conrad	Village Conoco	601 South Main
Cut Bank	Jerry Mobile Tire Inc	301 West Main
Deer Lodge	Downing Chev	600 Main
Billon	C & D Electric	590 N Montana
Forsyth	Kent Autobody	358 N 9th Ave
Glasgow	Ed's Auto Service	511 1st Av N
Glendive	Robin's Conoco	1302 W Towne
Great Falls	Carls College Exxon	2300 10th Ave S
"	Harvest Hill Conoco	5600 7th Ave South
Hamilton	Als Car Care Center	324 S 1st St
Hardin	Lawrence's Conoco	126 W 3rd St
Havre	Roberts Big Sky Exx	501 First Street
Helena	Jerrys Hiway Service	1901 North Main
Kalispell	Sun Rental Center	2199 3rd Ave E
"	Grogans Tire	1355 Hwy 2 East
Laurel	Deams Service	410 W Main
Lewistown	Superior Auto Repr	206 E Main
Libby	Tamarack Exxon	203 Mineral Ave
Livingston	Sunrise Small Engine	120 North I Street
Malta	Ezzie's Wholesale Inc	Highway 2 East
Miles City	Interstate Exxon	1210 S Haynes Ave
Missoula	Gillys Gas & Groc	2340 S 3rd West
"	Ron & Pats Rentals	2504 W Broadway
Plains	Colyers Sinclair	106 Railroad Street

Independent Dealer Operations-Cont'd

Ex. 5
2-14-91
SB 290

City	Name	Address
Plentywood	Ray's Exxon Service	327 W 1st Ave
Polson	Polson Trk & Trlr Rnt	4th & Main
Red Lodge	High Country Conoco	403 S Broadway
Ronan	Ronan Chevron	9 Highway 93 South
Roundup	DJ's Exxon Srv	806 Main St
Seeley Lake	Gien's Auto Service	Highway 83 South
Shelby	Mark's Tire	202 Galena
Sidney	Sidney Oil Co	415 2nd St NW
Thompson Falls	Turk Inc	611 Main
Townsend	RC Sales	601 N Front St
Whitefish	Big Mtn One Stop	340 2nd St West
Wht Slphr Spgs	Berg Garage Inc	11 West Main
Wolf Point	Bill's Conoco Srv	Hwy 2 & 5th Ave N

Amendments to Senate Bill No. 290
First Reading Copy

For the Committee on Highways and Transportation

Prepared by Paul Verdon
February 14, 1991

1. Title, line 5.

Strike: "TWO-AXLE"

Insert: "SINGLE-AXLE DRIVE"

2. Page 2, line 8.

Strike: "two-axle"

Following: "truck"

Insert: "with a single drive axle under 26,000 pounds gross
vehicle weight"

Amendments to Senate Bill No. 191
First Reading Copy

Requested by Senator Farrell
For the Committee on Highways and Transportation

Prepared by Paul Verdon
February 13, 1991

1. Title, line 9.
Following: "PLATES"
Insert: ", INCLUDING LICENSE PLATES ISSUED TO SURVIVORS OF THE PEARL HARBOR ATTACK,"
2. Title, line 19.
Following: "LAWS;"
Insert: "REDUCING THE ALLOCATION OF GASOLINE TAX FUNDS TO A COUNTY FOR FAILURE TO ENFORCE THE PROOF OF COMPLIANCE PROVISION; VOIDING HOUSE BILL NO. 98;"
Following: "SECTIONS".
Insert: "15-70-101,"
3. Title, line 22.
Following: "61-3-604,"
Insert: "AND"
Strike: "AND 61-6-302,"
4. Page 21, line 3.
Page 28, line 19.
Strike: "and"
Following: "veterans."
Insert: "and survivors of the Pearl Harbor attack"
5. Page 23, line 1.
Page 30, line 17.
Following: page 22, line 25
page 30, line 16
Insert: " (e) Upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, for one motor vehicle only, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge."

Renumber: subsequent subsection

6. Page 38, line 6, through page 39, line 22.

Strike: section 15 in its entirety

Insert: "Section 15. Section 15-70-101, MCA, is amended to read:

"15-70-101. Disposition of funds -- contingent reduction of allocation. All taxes, interest, and penalties collected under this chapter, except those collected by a justice's court, shall be turned over promptly to the state treasurer, who shall place the same in the state special revenue fund to the credit of the department of highways. These Except as provided in subsection (9), those funds hereinbelow allocated to cities, towns, and counties shall be paid by the department of highways from the state special revenue fund to such cities, towns, and counties.

(1) \$14,000,000 of the funds collected under this chapter, except those collected by a justice's court, is statutorily appropriated, as provided in 17-7-502, to the department of highways and shall be allocated each fiscal year on a monthly basis to the counties and incorporated cities and towns in Montana for construction, reconstruction, maintenance, and repair of rural roads and city or town streets and alleys, as provided in subsections (1)(a) through (1)(c):

(a) \$54,000 shall be designated for the purposes and functions of the Montana rural technical assistance transportation program in Bozeman;

(b) \$6,323,000 shall be divided among the various counties in the following manner:

(i) 40% in the ratio that the rural road mileage in each county, exclusive of the federal-aid interstate system and the federal-aid primary system, bears to the total rural road mileage in the state, exclusive of the federal-aid interstate system and the federal-aid primary system;

(ii) 40% in the ratio that the rural population in each county outside incorporated cities and towns bears to the total rural population in the state outside incorporated cities and towns;

(iii) 20% in the ratio that the land area of each county bears to the total land area of the state;

(c) \$7,623,000 shall be divided among the incorporated cities and towns in the following manner:

(i) 50% of the sum in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana;

(ii) 50% in the ratio that the city or town street and alley mileage, exclusive of the federal-aid interstate system and the federal-aid primary system, within corporate limits bears to the total street and alley mileage, exclusive of the federal-aid interstate system and federal-aid primary system, within the corporate limits of all cities and towns in Montana.

(2) All funds hereby allocated to counties, cities, and towns shall be used for the construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys or for the share which such city, town, or county might otherwise expend for proportionate matching of federal funds

allocated for the construction of roads or streets which are part of the federal-aid primary or secondary highway system or urban extensions thereto, except that the governing body of a town or third-class city, as defined in 7-1-4111, may each year expend no more than 25% of the funds allocated to that town or third-class city for the purchase of capital equipment and supplies to be used for the maintenance and repair of town or third-class city streets and alleys.

(3) Upon receipt of the allocation provided herein, the governing bodies of the recipient counties, cities, and towns shall inform the department of highways of the purposes for which the funds will be expended so that the county commissioners, the governing body, and the department of highways may coordinate the expenditure of public funds for road improvements.

(4) All funds hereby allocated to counties, cities, and towns shall be disbursed to the lowest responsible bidder according to applicable bidding procedures followed in all cases where the contract for construction, reconstruction, maintenance, or repair is in excess of \$4,000.

(5) For the purposes of this section where distribution of funds is made on a basis related to population, the population shall be determined by the last preceding official federal census.

(6) For the purposes of this section where determination of mileage is necessary for distribution of funds, it shall be the responsibility of the cities, towns, and counties to furnish to the department of highways a yearly certified statement indicating the total mileage within their respective areas applicable to this chapter. All mileage submitted shall be subject to review and approval by the department of highways.

(7) Except by a town or third-class city as provided in subsection (2), none of the funds authorized by this section shall be used for the purchase of capital equipment.

(8) Funds authorized by this section shall be used for construction and maintenance programs only.

(9) The department of justice, upon determining that the county treasurer of a county fails to enforce the provisions of 61-6-302, shall certify that fact to the department of highways, and the department of highways shall decrease the payment to that county under the provisions of subsection (1)(b) by 25% for each year until the department of justice subsequently certifies that the county treasurer is no longer failing to enforce the provisions of 61-6-302."

NEW SECTION Section 16. Coordination instruction. House Bill No. 98 is void."

Renumber: subsequent sections

7. Page 40, lines 6 and 10.

Strike: "(10)(e)"

Insert: "(10)(f)"

8. Page 40, line 8.

Strike: ", "

Insert: ":

(a)"

9. Page 40, line 9.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

10. Page 40, line 12.

Following: "(10)(c);"

Insert: "and

(b) insert "61-3-332(10)(e);"

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 14 day of February, 1991.

Name: PAT CRAHAN

Address: 2727 N. Central Ave
Phoenix, AZ

Telephone Number: (602) 263-6961

Representing whom?

V-Haul International

Appearing on which proposal?

S.B. # 290

Do you: Support? Amend? Oppose?

Comments:

Will make remarks

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 14 day of February, 1991.

Name: William S. Carrier

Address: 767 Old Yellowstone Trail
Three Forks, MT

Telephone Number: 285-3271

Representing whom?
Cyrus Industrial Minerals

Appearing on which proposal?
SB 297

Do you: Support? Amend? Oppose?

Comments:

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: February 14, 1991

VISITOR'S REGISTER

SB 290
SB 297

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
DAVE GALT	DOH	SB 297	—	
Ed Gill	U-HAUL	SB 290	X	
Bill Mosier	U-HAUL	290	X	
Alfred Ho Kanson	Q M Welles INC	297	X	
Tim Hokanson	Q M Welles INC	297	X	
William S. Carion	CYPRUS Ind. Min	297	X	
Bill Dale	PORTABLE, INC	297	X	
Carolyn T. Mucklos	DOH	297	—	
Stuart, Roggett	NIT Mining Assoc	297	X	
David Hoffman	HD 74	297	X	
Howard Phelps	Revenue	290	X	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)