

HIGHWAYS AND TRANSPORTATION
COMMITTEE

February 8, 1977

The Committee on Highways and Transportation was called to order on February 8, 1977, at 3:30 p.m. with Chairman Baeth presiding and all members were present.

The following bills were scheduled for discussion today: HB 626, HB 627, HB 336, SB 134. See visitors' lists attached.

HOUSE BILL 626

Representative Sivertsen, chief sponsor of this bill, spoke to the committee on this bill which will raise the speed limit from 55 to 65 mph.

Rep. Sivertsen suggested an amendment which would add section 3 at the end of page 2: "Section 3. When 29 states have enacted similar legislation, the governor shall issue a declaration of that fact. This act is effective upon the issuing of that declaration."

The following 2 small amendments would be necessary to make the bill read clearly: Amend the title, line 6. Following: "1947;" Strike: "and". Amend the title, line 7. Following: "1947" Insert: "; and providing a contingent delay effective date".

Rep. Sivertsen said that Wyoming, Kansas and Idaho are contemplating similar legislation. The Oklahoma legislature has passed the 65 mph bill including the amendment of becoming effective when 29 states have similar legislation.

He read a resolution which was passed in the 1976 National Conference of State Legislators in Denver, Colorado, where they are in favor of the higher speed and believe it would reduce highway fatalities. He believes 55 mph in the long distances in Montana leads to boredom. He feels the small amount of fuel difference between 55 and 65 mph is a small factor. He also feels automobile manufacturers could do more toward making cars more efficient in fuel consumption and suggests Congress look into this.

Opponents:

Jim Beck, attorney for the Department of Highways, distributed a letter addressed to Mr. Anderson, director of Highways, from H. N. Stewart, Division Administrator of US Department of Transportation. This letter states that if HB 626 is passed, they would not be able to approve highway projects in Montana. This inability to approve projects will immediately stop authorization of federal-aid projects.

Mr. Beck said that for every dollar Montana puts into a highway project, \$2.60 comes from the federal government. He feels they are serious about cutting off these funds. Mr. Beck said he had quarrel with the addition of the amendments suggested by Representative Sivertsen. However, he cannot say what the federal government would do now or later. He said they are already displeased with the way the speed limit works in Montana.

Opponent Pat Binns, citizen of Montana and past subcontractor for the Montana Energy Advisory Council, spoke in opposition to this bill. He said that a variable maximum speed limit was being researched for passenger cars with relation to their gas mileage. A higher speed limit would be allowed for the most energy efficient cars. We recognize some safety factors would be involved.

Dawn North, representing the League of Women Voters, left a written statement that stated they were opposed to this bill because of less efficient consumption of gasoline.

Rep. Sivertsen closed by saying that in commercial business, sometimes the slower speed required more vehicles on the road to get the products where they must be by a certain time.

All reports are marked Exhibit 6.

Hearing closed on HB 626.

HOUSE BILL 336

Representative Carl Smith, chief sponsor of this bill, passed out a map showing the highway between Ekalaka and Alzada that is the subject of this bill. This bill would reclassify state secondary route 323 as a primary route. Rep. Smith said he introduced on behalf of Carter County residents. He said on this stretch of highway, 26 miles are paved with 47 unpaved. Rep. Smith gave the chairman 23 telegrams and mailgrams from residents of this area who would be affected by this bill. Under the secondary classification, it would take many years for the entire road to be paved.

Proponent Cliff Cate of East Helena spoke in favor of this bill. He also gave the chairman some letters from attorneys and people who are served by this highway. It is felt that if this was a primary route fully paved, more tourists would use it to come into the state of Montana from the south, particularly the Black Hills area, instead of going west into Wyoming.

Proponent Randy Arpan of Alzada spoke in favor of this bill. He said he grew up in that area and told of the unfavorable conditions of this road, especially in the spring.

Representative Wyrick, co-sponsor of this bill, said that the paving of this portion would bring more tourists into this area where there is Medicine Rocks State Park and a museum.

Opponent Jim Beck, attorney for the Department of Highways, said his department opposes this change in classification for policy, legal and financial reasons.

With regard to policy, this bill mandates a classification taking this away from the Department of Highways. This would set a precedent. With regard to legal, this bill does not cover other roads that are similar. The legislature should not pass a special act when a general act is applicable.

Jack Beckert, Administrator of the Engineering Division of the Department of Highways, addressed the financial aspects of this change. He said this construction would cost \$11 million plus. Roughly that particular district gets \$2.2 million in total, so it would take about 6 years' allocations to this district, which has five counties in it. There is a fiscal note available on this. He feels this financial problem must be addressed with this bill.

Mr. Beckert said that this portion of 323 has been number one priority for Carter County under the secondary system. His explanation of secondary vs. primary systems was to be classed as primary, 250 daily traffic is average. This particular section currently runs about 95 daily.

All reports and materials are marked Exhibit 7.

Hearing closed on HB 336.

SENATE BILL 134

Senator Richard Smith, chief sponsor of this bill, said this bill is very simple. This is an act to repeal the requirement for motor vehicle inspection in Montana. This was passed in the 1974 session. It was never funded. I am asking that it be repealed.

Albert Goke, administrator of the Highway Traffic Safety Division of the Department of Community Affairs, distributed a report on a trial inspection program conducted on 3,000 vehicles in Lewis and Clark County in 1976. In view of the results, the division has concluded that this program has little chance of providing benefit to the public.

It is felt that there are adequate laws on keeping cars in good repair.

Representative Keyser agreed to carry this bill through the House.

Hearing closed on SB 134. All materials marked Exhibit 8.

HOUSE BILL 627

Representative Baeth spoke as the chief sponsor of this bill and Proponent Ron Spurlin, legislative coordinator of the Alcoholism Programs of Montana, distributed a report on alcoholism in Montana. It states that Montana is number one in the nation of alcoholics per adult population. With tax revenue from this bill, he feels all alcoholism services now in the state and those projected can be adequately funded. This would include a division of alcohol and drug dependency, Galen State Hospital alcoholism programs, a new alcoholism center in eastern Montana, and establishment of services in each of the 56 counties for the treatment, rehabilitation and prevention of the illness for alcoholics and their families.

Proponent John Tovson, Great Falls, read a resolution of the City/County Board of Health of Great Falls, dated 12/2/76. They feel that alcoholism prevention and treatment services should be funded from taxes placed upon the sale of alcoholic beverages at the state level. They request that 40% of the funds so generated should be returned to the county level of government based upon the amount of liquor purchased in each county, with the remaining sixty percent going to the Department of Institutions for their use in developing and operating a comprehensive network of services on a statewide basis.

He went on to say that alcoholism is a chronic, progressive disease, and the alcoholic may eventually lose his family, his income and his health. Most alcoholics require some form of outside intervention and/or treatment to break out of their problem and regain control of their life. There is no way to calculate the cost of these effects upon society. Alcoholism intervention and treatment would be cost effective.

Concern has been expressed regarding section 16 of this proposal. We support the intent of avoiding duplication of payment, but suggest that some problems exist with present wording.

He went into the financial needs of the program in Cascade county. The total cost for that county are projected at \$574,871.

Proponent John Frankino of Helena spoke as a representative of the Montana Catholic Conference and Catholic Charities of Montana. They recognize the need in Montana for expanded services for alcoholics which this bill will provide. They agree with including families in the rehabilitation programs.

Proponent Connie Skousen, lobbyist for Montana State PTA, spoke in favor of this bill. They feel alcoholism is a family disease. Most persons with alcoholism have families, hold regular jobs and may not appear any different than anyone else and yet they are desperately ill.

Proponent Tim Berry of the Montana Conference of Seventh-day Adventists, spoke in favor of this bill. They feel taxing alcohol is a proper way to fund this program.

Gregg McCurdy from the Montana Association of Counties said we feel it is appropriate that the people who drink are the ones who pay. They do object the requirement of the communities facilities having to be approved by the Department of Institutions. This places decisions out of the local areas.

Proponent Elston, resident of Helena, spoke in favor of this bill. Having personal experience with a member of his family enables him to see the great need for expanded services so others can get benefits like his family.

Representative Arthur Sheldon, co-sponsor of this bill, said he is a member of the Libby Citizen's Advisory Board. He said the program there is working well. They are contacting the youth, families and alcoholics and helping them through treatment and counseling. It is his observation that detoxifications centers have a greater chance of success than anything else.

Representative Fabrega, another sponsor of this bill, said he felt the additional tax is not that much on the local level and could do so much.

Mike Pichette, representing the Montana Democratic Party, said their party platform urged that additional financing be made available for these programs and they support this bill.

Opponent Burt Olsen of Glasgow, representing the Montana Beer Wholesalers Association, said they are opposing this bill as they feel it writes a blank check to the counties and cities. This new tax would provide \$6.7 million a year plus the present \$900,000 tax, making a total of about \$8.8 million. To their knowledge, there are no budget guidelines or planned budgets. Since when does the legislature give away that amount of money without exercising any budgetary control?

Opponent Dr. Howard Simmons, executive director of Rimrock Guidance Foundation, spoke in opposition to this bill. Our review of the proposed legislation convinces us that it will unintentionally cause severe problems for alcohol and drug programs. It perpetuates a grant-welfare system that is costly and a continuation of unnecessary bureaucratic controls. The total revenue generated is greatly in excess of what can be used effectively at this time. This section would definitely eliminate the small programs because of their inability to meet criteria being approved. In such a system administration and indirect costs often run as high as 33%. We propose the formation of a study group to develop legislation to place alcohol and drug services on a sound clinical, administrative and financial base.

Representative Joe Guilici said he is happy with the intent of this legislation, but he believes it would create another division. I wish a subcommittee could work on this bill to work out the funding.

Opponent Bob Koprivica, Butte, said they have a small liquor wholesale business and they feel they are paying more than their share. They are opposed to additional taxes which will raise their prices.

Opponent Robert Pavlovich, owner of Met Tavern in Butte, feels this tax raising the price of beer out of reach of the average worker is not fair. If the price is too high, it will be brought in from Idaho and other places.

Opponent John Risken, lobbyist for the United States Brewers Association, said they are in opposition to this bill. He mentioned the 1974 Uniform Alcoholism Intoxication Act which added 25 cents per barrel for beer and 5% for liquor. They feel it is not clear what benefits are available from that money. We suspect that most of it went for administration or studies of the problems.

He pointed out there is \$9 per barrel federal tax on beer already. This bill would raise the price of a bottle of beer from 5 cents to 10 cents. We submit that this bill should be rejected.

Opponent Curt Lees from Billings, representing Yellowstone Tavern Association, feels the problems of alcoholism is society's problem and should be financed by everyone, not just one segment.

All materials are marked as exhibit 9.

Hearing closed on HB 627.

Meeting adjourned at 6:15 p.m.

William R. Baeth
William R. Baeth, Chairman