

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 13, 1979

The fourth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:30 p.m.

ROLL CALL: All members were present, with the exception of Senator Healy, who was excused.

The following witnesses were present to testify on SB52: James Beck, Department of Highways; Beate Galda, Department of Highways; William L. Romine, Montana Automotive Distributors and Recyclers Association; Larry D. Mitchell, Department of Health and Environmental Sciences.

CONSIDERATION OF SENATE BILL 52: Senate Bill 52, by request of the Code Commissioner; Chief Sponsor Senator Graham, would generally amend the law relating to screening of junkyards.

Chairman Etchart asked if any proponents were present to testify on the bill.

James Beck, Highway Department introduced Beate Galda to explain amendments in the legislation. Ms. Galda passed out new amendments to the committee members and gave a brief summary to the committee. (See Exhibit "A"). She reported that the current law reports 1½" screening on every 7½" of fencing. She stated that because of the dispute in Federal Government, the Highway Department may have to provide a solid screen, and that they would like to be able to pay for screening where it would provide a hardship to those owners. The Highway Department hopes to make it clear that the Department of Health and Environmental Sciences and the Highway Department requirements should be the same. In regard to Section 4 of 75-15-221: As of July 1, 1967, there were 36 junkyards under this section. 22 have been screened at the owners expense, and 6 are out of business. Out of the remaining 8, only 4 or 5 junkyards are left that need screening. Ms. Galda stated it is rather unfair to pay for these 4 or 5.

Senator Etchart asked if there were any questions.

Senator Graham wanted to know where the money comes from.

Jim Beck from the Highway Department said the federal participation is 75% of all money expended. He said they want to be in a position to alleviate any hardship, just in case we have to screen.

Ms. Galda informed the committee they would provide a concrete solid screen. (8' at \$23 lineal foot, 12' at \$35 lineal foot, and this would be 3" deep, ribbed outer base.) She reported some

junkyards are using woven wire with plastic slats.

Chairman Etchart asked if there were any other proponents of SB52 that would like to testify.

Larry Mitchell, Department of Environmental Sciences spoke in support of the measure. He told the committee it would make our act easier and much more clear cut. There are 38 wrecking yards, and because they are within 1,000 feet of a highway system, in existence prior to 1967, not in zoned area or residential, the last of them have to come under our act. This amendment will permit and allow the Department of Highways to pay for this, if and when the Federal Government says it is not good enough. Then, we can go in there and patch these holes.

Chairman Etchart asked if there were any questions:

Senator Kolstad asked what is being done about the 4 or 5 who have not complied.

Jim Beck responded: Because of the difference between the two acts (Dept. of Highway and Environmental Sciences), we are having trouble getting the county attorneys to act.

Chairman Etchart asked if there were any Opponents to Senate Bill 52.

William L. Romine, Wrecking Yard Association stated they would and could support with some amendments, which he passed out (See Exhibit "B"). There were 36 yards with the Ladybird Act. Twenty-Two of them screened. They were screened because of the wrecking yard act. The balance of the yards have refused. The Highway Department has never had any money to screen. Now we will finally be getting the federal money and they want to do away with this act. We have had it on the books for nine years. There are twenty-two that have complied, because they were threatened with jail. We think the Highway Department should reimburse the ones who have screened. Section two should be stricken out completely. Subsection 1, change may to shall. Romine said the problem for the last twelve years is that we have had one act and the Highway Department has not had the funds.

Chairman Etchart asked if there were any other opponents. There were none. Hearing closed.

CONSIDERATION OF SENATE BILL 53: Senator Healy is the chief sponsor of this bill, which was referred by the Code Commissioner.

Chairman Etchart asked if there were any proponents for Senate Bill 53.

Jim Beck from the Highway Department gave a brief description of the bill: "An act amending Section 60-3-208, MCA, to permit increased expenditures of off-system road funds." He stated there is four million dollars divided between the 56 counties. What this

bill would do would be allow the county up to 300%. It just changes the amount of money the counties can spend in a given year. The money is allocated for off-system roads by the Secondary Road formula: population; land area; miles; value of land. We get four million per year from the federal government.

Chairman Etchart asked if there were any other proponents of Senate Bill 53.

Beverly Gibson, Montana Association of Counties, said she and the Association support the legislation.

Chairman Etchart asked if there were any opponents to SB 53. No opponents. Hearing closed.

Chairman Etchart asked the committee if they wanted to hold over or take action now on either Senate Bill 52 or Senate Bill 53.

ACTION ON SENATE BILL 52: Senator Hazelbaker stated he had reservations and would like to have Senate Bill 52 put together in form by the researcher and then go over it at a later time. Senator Graham also indicated he would like to gather more information, as there seems to be a conflict. Chairman Etchart said the committee would hold over Senate Bill 52 until a later time.

ACTION ON SENATE BILL 53: Senator Kolstad made the motion to pass Senate Bill 53. Senator Manning reported to the committee that he would like to wait on Senate Bill 53 as he has asked Congressman Melcher to do something about these off-system roads funds. He said he would like to talk to the Highway Department some more. He said we need more north and south roads to make traveling distance shorter and thus save energy.

Senator Kolstad said he would retract his motion for Senator Manning. He asked what would happen if all 56 counties used their 300%.

Senator Manning decided he would be in favor of passing Senate Bill 53.

Senator Kolstad said he reaffirms his Motion to pass Senate Bill 53. Senator Graham seconded. Motion passed unanimously.

OTHER BUSINESS: Chairman Etchart introduced Major Tooley from the Highway Patrol.

Major Tooley stated they had six new bills for legislation, if they could find a sponsor.

1. Problem with Traffic Education Law. The learners permit that a student has during the class is available to him only while he is enrolled. If he graduates and is under 15, he cannot apply for the permit. They want to change the law to be able to get a permit, whether he is enrolled or graduated. Senator Hazelbaker will sponsor the bill.

2. Major Tooley said they are attempting to change the law to clarify that the rules of operation for motorcycles also apply to the operation of motor driven cycles (mopeds). He said he thinks will be sponsored in House.

3. Change the law regarding habitual offenders attempting to elude police officers. Senator Hager will introduce this bill.

4. Change the law regarding Habitual Offender Act. When an individual goes to court, we ask limit of access to rehabilitation program to those persons who have revoked licenses. For one year, a one month revocation and for three years, a 1 full year of revocation. Senator Kolstad will introduce this bill.

5. Change the law in regard to the conflict in grace period between car registration and transfer of plates. Currently, there is a grace period of 20 days to register cars and 10 days to transfer plates. They want both to be 20 day grace periods. Senator Hager will introduce this bill.

6. Larry Majerus said this would change the law regarding the powers of the Chief of the Highway Patrol. This will preserve present practice to hire, fire, probationary measures. Senator Manning will introduce this bill.

Chairman Etchart asked for any further business:

ADJOURNMENT: There being no further business, the meeting adjourned at 3:20 P.M.

Mark Etchart

SENATOR MARK ETCHART, CHAIRMAN

1-13-79

ROLL CALL

HELT

COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad	✓		
Carroll A. Graham	✓		
Dave Manning	✓		
John E. Healy (Jack)			✓
<i>Shawn Simon</i>	✓		
<i>Carl Xavier</i>	✓		

Each Day Attach to Minutes.

Amendment to Senate Bill No. 52.

1. Title page 1, line 6, following "Amending", strike "Section" and insert "Sections".
2. Title page 1, line 7, following "75-15-222,", insert "75-15-202, and 75-15-214,"
3. Page 2, line 1, insert "Section 2. Section 75-15-202, MCA, is amended to read:

"75-15-202. Interpretation. Nothing in this part shall be construed to abrogate or affect the provisions of any lawful statute, ordinance, regulation, or resolution which is more restrictive than the provisions of this part."

"Section 3. Section 75-15-215, MCA, is amended to read:

"75-15-215. Restrictions as to location. No license shall be granted under 75-15-214 for the establishment, maintenance, or operation of a junkyard within 1,000 feet of the nearest edge of the right-of-way of any highway on the interstate or primary systems except the following:

- (1) those which are screened by natural objects, planting, fences, or other appropriate means so as not to be visible from the main-traveled way of any such highway or otherwise removed from sight;
- (2) those located within areas which are zoned for industrial use under authority of law;
- (3) those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations to be promulgated by the highway commission;
- (4) those which are not visible from the main-traveled way of any such highway."

Renumber the subsequent section.

NAME: William L. Remine DATE: 1-13-79

ADDRESS: P.O. Box 1691 Helena, Mont. 59601

PHONE: 442-2220

REPRESENTING WHOM? Montana Automatic Distillers and Recyclers Assoc.

APPEARING ON WHICH PROPOSAL: S.B. 52

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? X

COMMENTS: The association opposes S.B. 52 it allows the Department to vacate rules which have been established by the Dept. of health & environmental sciences, which such rules were approved by the legislature. Secondly, this ~~is~~ Bill attempts to amend chapter 15 of title 75, but in doing so, it also amends chapter 10 of title 75. Third, the repeal, (section 2) is an attempt by the Dept of Highways to be responsible for screening yards within 1000 feet of an interstate or primary system. The highway Dept has never lived up to its obligation since 1967, when the law was first passed, because of a lack of funds. Now that it appears the funds are available, it wants to repeal the law. If it is necessary to pass this bill it should be amended. The word "may", on line 24, section 1 should be changed to "shall". PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. Section 2 should be stricken completely, and a new section 2 be substituted, a copy of which is attached.

Section 2.

75-15-221. Junkyards lawfully in existence — screening — exceptions. (1) A junkyard lawfully in existence on July 1, 1967, which is within 1,000

feet of the nearest edge of the right-of-way and visible from the main-traveled way of a highway on the interstate or primary systems shall be fenced or screened, if feasible, by the department of highways at locations on the highway right-of-way or in areas acquired for these purposes outside the right-of-way so as not to be visible from the main-traveled way of the highway.

(2) Notwithstanding any other provision of this part, a junkyard lawfully in existence on October 22, 1965, which does not conform to the requirements of this part and which the United States secretary of transportation finds as a practical matter cannot be screened, is not required to be removed until July 1, 1970.

(3) Any wrecking yard or junkyard coming within the provisions of section (1) and which was required to be screened under the provisions of this title, the cost of which was not borne or reimbursed by the Department of highways, may apply to the department for reimbursement, and the department shall reimburse such yards for the actual cost of such screening.

SENATE COMMITTEE Highways & Transportation

Date 1-13-99 Senate Bill No. 53 Time 2:20

NAME	- YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy		

Carl A. Hays, Jr. Secretary Chairman

Motion: Do Pass as amended

(include enough information on motion--put with yellow copy of committee report.)

No Pass

STANDING COMMITTEE REPORT

January 13

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MR. William L. Mathers, President of the Senate

We, your committee on Highways and Transportation

having had under consideration Senate Bill No. 53

Respectfully report as follows: That Senate Bill No. 53

DO PASS