

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 7, 1985

The eighth meeting of the Highways and Transportation Committee was called to order at 1 p.m. on February 7, 1985 by Chairman Lawrence G. Stimatz in Room 410 of the Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 23: Representative Abrams, House District 24, is the sponsor of this bill. He was asked to introduce this bill at the request of the Department of Highways. This bill was to repeal allocation of funds to certain federal aid highway programs. The general summary of this bill is attached as EXHIBIT 1C.

PROPOSERS: Representative Abrams, House District 24, spoke in support of HB 23.

There were no further proposers.

OPPOSERS: There were no opposers to HB 23.

Questions from the committee were called for. There were none.

The hearing was closed on HB 23.

ACTION ON HB 23: Senator Lybeck moved that the committee recommend a BE CONCURRED IN on HB 23. The motion passed unanimously.

CONSIDERATION OF HOUSE BILL 94: Representative Ernst, House District 29, is the sponsor of this bill. He was asked to introduce this bill at the request of the Division of Motor Vehicles. This is an act for reassigning the implementation of a light vehicle registration by mail law to the Division of Motor Vehicles. The general summary of this bill is attached as EXHIBIT 1D.

PROPOSERS: Representative Ernst, House District 29, spoke in support of HB 94.

Larry Majerus, representing the Motor Vehicle Division, spoke in support of HB 94. He distributed recommendation #7 of the State Audit report (page 24). SEE EXHIBIT 2.

OPPOSERS: There were no opposers to HB 94.

Questions from the committee were called for.

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Senator Bengtson asked Larry Majerus what kind of a work load will be affiliated with this. Mr. Majerus replied that currently they send out 600,000 renewal notices per year.

Senator Lybeck asked Larry Majerus if they were going to improve on the present system. Mr. Majerus replied that the only vehicles that receive notices are those under the light vehicle fee system, which applies to three-quarter-ton trucks and below. Senator Lybeck had a follow-up question for Larry Majerus: Why aren't all vehicles included in the renewal notice process? Mr. Marerus replied that it would be a matter of gearing up to do it and having the money to mail out the notices.

Senator Stimatz asked Larry Majerus if the bill was intended to change the Department of Revenue to read "division." Mr. Majerus replied that was correct, that the Motor Vehicle Division was already doing the work. The hearing was closed on HB 94.

ACTION ON HB 94: Senator Bengtson moved that the committee recommend a BE CONCURRED IN on HB 94. The motion passed unanimously.

CONSIDERATION OF SENATE BILL 22: Senator Story, Senate District 41, is the sponsor of this bill. He stated that he had some proposed amendments to the bill. (SEE EXHIBIT 3) What this bill was intended to do was to give the county commissioners the power to set their own speed limits on county roads. An additional section of the bill would allow municipalities to set speed limits within that municipality. The general summary of this bill is attached as EXHIBIT 1A.

CONSIDERATION OF PROPOSED AMENDMENTS TO SB 22: Senator Story read through and explained the amendments. Senator Stimatz called for questions from the committee. Senator Williams asked what the word "special" referred to in amendment 5. He was told that the special speed limits in the bill had to do with concerns that the Highway Commission had, congestion, weak bridges, etc.

Senator Williams moved to accept the amendments to SB 22. Senator Lybeck stated that he would like to hear some more testimony from witnesses before acting on the amendments.

PROPONENTS: Senator Story, Senate District 41, spoke in support of SB 22.

Ole Oiestad, County Commissioner from Sweet Grass County, also representing the Montana Association of Counties, spoke in support of SB 22 as amended.

Marie McAlear, Commissioner from Madison County, also representing the Montana Association of Counties, spoke in support of SB 22.

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Caleb Shields, representing Fort Peck Tribes and a concerned parent, spoke in support of SB 22. (SEE EXHIBIT 4)

Senator Yellowtail, Senate District 50, spoke in support of SB 22. He felt public safety was the issue at hand.

Loretta Colbert, representing the town of Neihart, handed in written testimony in support of SB 22. (SEE EXHIBIT 5)

Allen and Dixie Schallenberger, McLeod, MT, called in to request that they be put on record in support SB 22.

OPPONENTS: Albert Goke, representing the Highway Traffic Safety Division with the Department of Justice, spoke against SB 22. He would never allow speed zoning without the requirement of the traffic and engineering investigation.

Ben Havdahl, representing the Montana Motor Carriers Association, spoke against SB 22. The association represents the trucking industry in the State of Montana. He felt they are taking away the jurisdiction from the Highway Department for extensions of the speed limits set by that agency.

Questions from the committee were called for.

Senator Farrell asked Caleb Shields what the decision of the commission was when he appealed to them about the speed limit in Poplar. Mr. Shields said the meeting was very heated and the response he got was that the law was the law.

Senator Farrell asked Albert Goke if he would agree to do a study for speed zoning. Mr. Goke said he would do a study if requested.

At this point Senator Daniels took over as chairman, as Chairman Stimatz was excused for an appointment.

Senator Williams asked Mr. Wicks to speak on what he was told at a meeting at the Highway Department on why speed limits are set the way they are. Mr. Wicks replied that if the Department of Highways determines upon the basis of an engineering and traffic investigation that a speed limit set by another section is greater or less and reasonable or safe, the commission may set a reasonable and safe special speed limit. The department's and the commission's authority related to setting speed limits has to be determined by an engineering and traffic investigation.

Senator Story closed by stating that the county roads should not have the attention that the interstates and the state highways must have. He also stated that the amendments

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should be changed to make this bill more understandable. The hearing on SB 22 was closed.

CONSIDERATION OF HOUSE BILL 22: John Harp, House District 7, is the sponsor of this bill. He was asked to introduce this bill at the request of the Department of Highways. This bill would authorize the Highway Department to use money for orphan roads, which are roads that have been realigned because of interstates. There is no source of money to maintain those roads because the counties won't get involved and the State has no money.

PROPONENTS: Representative Harp, House District 7, spoke in support of HB 22.

Gary Wicks, Director, Department of Highways, spoke in support of HB 22. He stated that the purpose of the Highway Reconstruction Trust Account, established by legislature in 1983, was to take care of the critical miles of highway on the primary system.

OPPONENTS: There were no opponents to HB 22.

Representative Harp closed by stating that if the committee passed the bill, he would like Senator Bengtson to carry it on the floor.

Questions from the committee were called for.

Senator Shaw asked Gary Wicks if this bill is going to take money away from the secondary fund. Mr. Wickes said no.

The hearing was closed on HB 22.

Further business was called for.

The SUB-COMMITTEE reports were ready on SB 74 and SB 113.

REPORT ON SB 74: Chairman of the sub-committee, Senator Bengtson, stated that the amendments they drew up were ready and would be considered at the executive session for that bill.

Senator Daniels dismissed the sub-committee on SB 74.


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REPORT ON SB 113: Chairman of the sub-committee, Senator Williams, stated that the amendments they drew up were ready and would be considered at the executive session for that bill.

Senator Daniels dismissed the sub-committee on SB 113.

ADJOURNMENT: The meeting was adjourned at 2:35 p.m.


Chairman, LAWRENCE G. STIMATZ


Vice-Chairman, M. DANIELS

ROLL CALL

HIGHWAY AND TRANSPORT COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 2-7-85

SENATE
SEAT
#

NAME	PRESENT	ABSENT	EXCUSED
#7 SENATOR STIMATZ	X		
#25 SENATOR MAXWELL -----			
#27 SENATOR BENGTON	X		
#8 SENATOR DANIELS	X		
#32 SENATOR FARRELL	X		
#42 SENATOR HAGER	X		
#48 SENATOR LYBECK	X		
#23 SENATOR SHAW	X		
#3 SENATOR TVEIT	X		
#39 SENATOR WILLIAMS	X		
#26 SENATOR WEEDING	X		

Each day attach to minutes.

DATE _____

2-7-85

COMMITTEE ON

Highways and Transportation

VISITORS' REGISTER

[illegible]

SUMMARIES OF BILLS TO BE HEARD BY

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

THURSDAY, FEBRUARY 7, 1985

- 1A SB 22, introduced by Senator Story, allows a board of county commissioners to set a special speed limit, under the power given it in the laws on traffic regulation and under the laws authorizing local government ordinances. The bill also removes the exclusive authority of the Highway Commission to set special speed limits on federal-aid highways within urban areas.
- 1B HB 22, introduced by Representative Harp, by the request of the Department of Highways. This bill expands the allowable uses of money in the Highway Reconstruction Trust Account to include maintenance responsibilities of the Department of Highways.
- 1C HB 23, introduced by Representative Abrams, by request of the Department of Highways, repeals the allocations of funds to the federal-aid programs of priority primary highways, economic growth center highways, and safer off-system roads.
- 1D HB 94, introduced by Representative Ernst, corrects an erroneous reference to the Department of Revenue by assigning the function to the Division of Motor Vehicles, which is actually performing the work. Approval of a statement of intent is necessary with this bill.

RENEWAL NOTICE SYSTEM

The bureau presently uses its data processing system to print reregistration reminder forms which are mailed to vehicle owners. These forms remind the applicable individual that his/her license plates are about to expire, and they can also be used to reregister the vehicle by mail.

While the present renewal notice system is administered by the Registrar's Bureau, section 61-3-535, MCA, passed by the 1981 Legislature, directs that the Department of Revenue shall develop a procedure to permit the reregistration of light vehicles with the county treasurer by mail, at the option of the owner of the vehicle. The Department of Revenue is not in compliance with the law since it has not established such procedures.

The bureau's present system is adequately serving the purpose, and any other systems, regardless of the administering agency, would have to use bureau information. The bureau is also in an excellent position to review the effectiveness of the mail-in program. Under these circumstances, we suggest the mail-in reregistration authority and responsibility be placed solely with the Registrar's Bureau.

RECOMMENDATION #7

WE RECOMMEND LEGISLATION BE ENACTED TO ESTABLISH SOLELY IN THE REGISTRAR'S BUREAU, AUTHORITY AND RESPONSIBILITY FOR REGISTRATION RENEWAL NOTICES.

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Proposed Amendments to SB 22

1. Title, line 9.
Following: "AREAS;"
Insert: "REDUCING THE MINIMUM SPEED LIMIT THAT MAY BE SET
OUTSIDE AN URBAN DISTRICT;"
2. Page 3, line 14.
Following: "(1)"
Strike: "If"
Insert: "Except as provided in subsection (2), if"
3. Page 3, line 25.
Strike: "35"
Insert: "15"
4. Page 3, following line 25.
Insert: "(2) A board of county commissioners may set limits as
provided in subsection (1) without an engineering and
traffic investigation on a county road, as defined in
60-1-103."
Renumber: subsequent subsections
5. Page 4, following line 15.
Insert: "(5) The commission has exclusive jurisdiction to set
special speed limits on all federal aid highways except
extensions thereof in all municipalities or urban areas.
The commission shall set these limits in accordance with
61-8-309."

AMEND/ee/SB 22

(This sheet to be used by those testifying on a bill.)NAME: CALEB SHIELDS DATE: 2/7/85ADDRESS: BOX 1027PHONE: 768-5155REPRESENTING WHOM? FT. PECK TRIBESAPPEARING ON WHICH PROPOSAL: SB 22DO YOU: SUPPORT? ✓ AMEND? ✓ OPPOSE?

COMMENT: SUPPORTING THE AUTHORIZATION GIVING
LOCAL CONTROL OF ESTABLISHING SPEED LIMITS
TO LOCAL UNITS OF GOVERNMENT, ESPECIALLY
SPEEDS IN SCHOOL ZONES.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: LORETTA COLBERT DATE: 2-2-85

ADDRESS: NEIHART, MT.

PHONE: 236-5923

REPRESENTING WHOM? TOWN OF NEIHART

APPEARING ON WHICH PROPOSAL: SB 22

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENT: I WAS SIMPLY GOING TO LISTEN UNTIL
MR WICKS SPOKE. I BELIEVE THE COMMITTEE
SHOULD BE MADE AWARE OF JUST HOW OUT OF
CONTEXT THOSE TRAFFIC STUDIES ARE, AT LEAST
IN NEIHART'S CASE.

OUR PROBLEMS WITH A 40 M.P.H SPEED THRU
THE URBAN AREA, ASIDE FROM THE OBVIOUS, ARISE MOSTLY
IN THE FALL AND WINTER WHEN ROAD CONDITIONS ARE
POOR. WHEN WAS THE TRAFFIC STUDY DONE IN
NEIHART? IN THE MIDDLE OF THE SUMMER MIDDLE
OF THE WEEK, AND MIDDLE OF THE DAY! THE TOWN
COUNCIL MAY NOT HAVE THE EXPERTISE TO DO A STUDY,
BUT I BELIEVE THEY WOULD HAVE THE COMMON SENSE TO
HIRE EXPERTS AND AT LEAST HAVE THE STUDY DONE WHEN
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

THE PROBLEM IS AT ITS WORST.

Loretta Colbert

STANDING COMMITTEE REPORT

.....FEBRUARY 7..... 1985.....

MR. PRESIDENT

We, your committee on.....HIGHWAYS AND TRANSPORTATION.....

having had under consideration.....HOUSE BILL..... No. 23.....

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SENATOR FARRELL

REPEAL ALLOCATION OF FUNDS TO CERTAIN FEDERAL-AID HIGHWAY PROGRAMS

Respectfully report as follows: That.....HOUSE BILL..... No. 23.....

BE CONCURRED IN

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.....LAWRENCE G. STIMATE.....

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 7

1985

MR. PRESIDENT

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL No. 94

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SENATOR WILLIAMS

**LIGHT VEHICLE REGISTRATION BY MAIL TRANSFERRED TO MOTOR VEHICLE
DIVISION**

Respectfully report as follows: That HOUSE BILL No. 94

BE CONCURRED IN

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LAWRENCE G. STIMATZ

Chairman.