

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

February 21, 1985

The twelvth meeting of the Highways and Transportation was called to order at 12:30 p.m. on February 21, 1985 by Chairman Lawrence G. Stimatz in Room 410 of the Capitol Building.

ROLL CALL: All members were present.

There were visitors in attendance. (SEE ATTACHMENT)

CONSIDERATION OF SENATE BILL 419: Senator Conover, Senate District 42, was the sponsor of this bill. This bill was to commerate the centennial in Montana by designing a license plate for that purpose. (SEE EXHIBIT 1) The general summary of this bill is attached as EXHIBIT 2B.

PROPONENTS: Senator Conover, Senate District 42, spoke in support of SB 419.

Larry Majerus, representing the Department of Justice, spoke in support of SB 419. He stated that this bill does two things, one to provide for the reissue of the regular plates that would commemorate the centennial and secondly it would provide for a special commemorative plate that could be utilized as a fund raiser and a promotional symbol for the centennial office. They have never re-issued under the staggered registration system, so they have to have more flexibility in the law in terms of designing numbers because there cannot be two plates with the same numbers. There was a series of minor amendments on pages 5 and 6 to cover this. The regular issued plates were normally paid out of the motor vehicle account of the State special fund. There is no money available in that fund at this particular time, so it would be up to the 1987 Legislative session to appropriate money for the issue of these plates.

Cheryl Hutchinson, Administrative Assistant to the Lieutenant Governor, spoke in support of SB 419. (SEE EXHIBIT 3)

OPPONENTS: There were no opponents to SB 419.

Questions from the committee were called for.

Senator Weeding asked Larry Majerus what the fee scheme would be for these limited duration plates? Larry Majerus replied that the plates would be mostly for promotional activity and as a fund raiser so they would be purchased in addition to the regular plate.

Senator Stimatz asked Larry Majerus how long could the centennial plates be used on the car? Mr. Majerus replied that the bill does not require the collective plates to be used, it only makes it an option. So if they were required to be used, he felt it would be

for a short period of time during the centennial year or prior to the centennial year.

Senator Conover closed by stating this was set up to give organizations a chance to promote the program and to implement these plates for the centennial. He felt it would be well worth the while.

ACTION ON SENATE BILL 419: Senator Bengston moved a DO PASS on SB 419. The motion carried and passed unanimously.

CONSIDERATION OF SENATE BILL 396: Senator Yellowtail, Senate District 50, was the sponsor of this bill. This bill is directed towards the matter of school zones on federal aid highways that pass through municipalities. The issue at hand is whether local authorities would have the authority to establish school zones with the appropriate speed limits on state highways that pass through municipalities. His main concern was public safety. The general summary of this bill is attached as EXHIBIT 2A.

PROPOSERS: Jess Long, representing the School Administrators of Montana, spoke in support of SB 396. He had concerns with the dangers that students face in terms of high speed traffic and felt that some kind of control should lie within the local authority to make those decisions about safety.

Chip Erdmann, representing the Montana School Board Association, spoke in support of SB 396. He stated that if there are good reasons for setting speed limits on city streets and county roads, then certainly that should apply to federal aid highways.

Caleb Shields, representing concerned parents from Poplar, spoke in support of SB 396. This issue has support from the entire community of Poplar and Wolf Point. He felt that this bill would give communities of Poplar and Wolfpoint the flexibility to provide for the safety of students as they go to and from the schools.

Donovan Bridges, President of the Chamber of Commerce in Poplar, spoke in support of SB 396. (SEE EXHIBIT 4)

The Montana Democratic Party entered written testimony in support of SB 396. (SEE EXHIBIT 5)

Lanny Frantzick, Councilperson from the City Council, City of Poplar, entered written testimony in support of SB 396. (SEE EXHIBIT 6)

Jim Court, representing the Custer Battlefield/Action Travel etc., entered written testimony in support of SB 396. (SEE EXHIBIT 7)

OPPOSERS: Albert Goke, Administrator of the Highway Traffic Safety Division, spoke against SB 396. (SEE EXHIBIT 8)

Gary Wicks, Director, Department of Highways, stated that he was not so much in opposition to SB 396 as long as the suggestions of Albert Goke are considered, which is to treat highways with local jurisdiction and try to solve the local problems and give more flexibility

in some of the responsibilities in local government to set speed limits below the 35 mph zone. The Montana Department of Highways has no problem with doing that, the problem is when the authority is removed from the Highway Commission and given to the county government to set speed limits on federal aid highways. He stated that the bill is confusing as written now, because it doesn't say who will be setting speed limits on urban highways outside the area of the half mile radius of any school zone in an urban area. They had problems with the way the bill was written and also what appears to be the intent to remove the commission's responsibilities on federal aid highways. He felt the amendments were appropriate and he would not have any problem supporting the bill with the amendments written in.

Questions from the committee were called for.

Senator Tveit asked Senator Yellowtail if the county would have total jurisdiction over the highway system as stated in new section 3? Senator Yellowtail replied that he was correct in pointing out that provision, and the provision does go too far in limitations and he would explain that in his closing remarks.

Senator Daniels asked to whom do you go to complain about the speed limits and what answers do you get? Senator Yellowtail replied that you must approach the Highway Commission but the people are not achieving the desired result.

Gary Wicks also answered that question by stating that in most cases the department does a traffic engineering study and they set speed limits according to that study, and most of the local governments were satisfied with the study. There are some areas, such as Poplar where the local population asked for a speed limit change, so they did a study and the study indicated that people were driving faster than what the speed limit indicated and so the speed limits were set accordingly, which was higher. The difficulty was that a lot of people were not aware of the way speed limits are set, and there is a lack of understanding as to how the process works.

Senator Lybeck asked Caleb Shields if he pursued the possibilities of changing the entrance into the school or putting up a traffic light? Mr. Shields replied that it was discussed and he mentioned that they do not have traffic lights in Poplar. He stated that the real problem was the existing speed and if they could have a school speed of 15 or 20 mph, rather than the 35 mph speed, then they would have a lesser chance of children being hit by traffic passing through the school zone. People tend to go 5 miles faster than the speed posted. He stated the situation and the area of the school is too big and to try to reroute the children in all three school buildings would be very difficult.

Senator Daniels asked why the speed limit was raised in the Poplar area after the traffic study was done? Gary Wicks replied by stating that the law requires that the speed limit be set on the basis of the engineering and traffic investigation. Basically what that process is, is to find out what reasonable speed the drivers

are driving at and base the speed limit on that speed. The reasonable speed is based on the 85 percentile, which is the speed that 85% of the people are driving through that area. He also stated that when the study was done in the Poplar area, the speed limit was raised because of the way the traffic was driving and the conditions in that area.

Senator Tveit asked Caleb Shields what the speed limit was in the Poplar school zone? Mr Shields replied by stating it was 30 mph.

Senator Shaw asked Gary Wicks when they did the study in Poplar and found out that 85% of the people were driving 50 mph, did they take into consideration that it was a school zone? Mr. Wicks replied by stating that they did take that into consideration, but the people that are driving there are also supposed to take into consideration that it is a school zone.

Senator Weeding asked Gary Wicks if the Highway Department has funds for fencing the right-of-way in cases like this? Mr. Wicks replied by stating that it depended upon what the situation was; if it was on the department's right-of-way or not. He stated that if it could solve a safety problem by putting up fences, they would do their best to work it out with the local government.

Senator Williams asked Gary Wicks if the 85 percentile factor was set by law? Mr. Wicks replied by stating that it is not set by law, it is the generally accepted way of setting speeds throughout the country.

Senator Tveit asked Senator Yellowtail what the reason was behind the decrease in the limit within a half mile? Senator Yellowtail replied that the idea was "school" and "school zone".

Senator Yellowtail closed by stating that the new section 3 on page 4 was to accomodate the situation of the unincorporated town, where there is no local municipal government. He agreed with Senator Tveit's earlier remarks about this section going too far and he had no objection to limit this jurisdiction, as it is placed in new section 3, in some appropriate fashion and restoring the commissions authority beyond that limitation. He pointed out that the main concern was child safety.

Senator Stimatz stated that this is an important bill and it should be given do consideration. Senator Stimatz placed this bill into a sub-committee, with Senator Daniels, Senator Tveit and Senator Weeding being appointed. Senator Daniels was chairman.

CONSIDERATION OF SENATE JOINT RESOLUTION 27: Senator Stimatz, Senate District 35, was the sponsor of this resolution. This resolution concerns the Designated Driver Program.

PROPOSERS: Senator Stimatz, Senate District 35, spoke in support of SJR 27.

OPPOSERS: There were no opponents to SJR 27.

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

ACTION ON SJR 27: Senator Williams moved a DO PASS on SJR 27. The motion carried and passed unanimously.

EXECUTIVE ACTION was called to order.

DISPOSITION OF SENATE BILL 22: Senator Shaw moved that SB 22 be TABLED. The motion carried and passed, with Senator Williams and Senator Hager voting NO.

DISPOSITION OF SENATE BILL 74: Senator Bengston discussed the amendments of the sub-committee. (SEE EXHIBIT 9)

Senator Williams stated that the bill says if a union dispute is taking place, the Attorney General has to be called, and if it is not a union dispute the Attorney General does not have to be contacted for authorization to settle the dispute. Senator Daniels replied that he was correct.

Senator Daniels stated that the sole criterium was to keep traffic flowing in a safe manner.

Senator Weeding asked how the patrolmen were going to determine if it was a labor dispute or not? Senator Daniels replied by stating that they do not have to determine that, they have to keep traffic flowing in a safe and orderly manner.

Senator Shaw moved the amendments PASS on SB 74. The motion carried and passed unanimously.

Senator Shaw moved SB 74 DO PASS AS AMENDED. The motion carried and passed unanimously.

DISPOSITION OF SENATE BILL 113: Senator Shaw moved that SB 113 be TABLED.

Senator Stimatz stated that he felt the bill was too broad.

Senator Williams made a sub-motion to PASS the amendments. (SEE EXHIBIT 10)

DISCUSSION ON THE AMENDMENTS TO SB 113: Senator Weeding asked Senator Stimatz if the amendments would give any county commissioner in any county the authority to appeal anything? Senator Stimatz replied he was correct.

Senator Williams' sub-motion to PASS the amendments to SB 113 carried and passed with Senator Stimatz, Senator Weeding, Senator Lybeck, and Senator Shaw voting NO.

Senator Williams moved a DO PASS AS AMENDED on SB 113. A roll call vote was taken and the motion DID NOT PASS with the vote being 7-3. (SEE EXHIBIT 11)

Senator Stimatz will carry the adverse committee report on the floor

for SB 113, and Senator Williams will carry the Minority Report on the floor for SB 113.

DISPOSITION OF SENATE BILL 387: Senator Bengston moved the amendments PASS to SB 387. (SEE EXHIBIT 12) The motion carried and passed unanimously.

Senator Bengston moved a DO PASS AS AMENDED on SB 387. The motion carried and passed unanimously.

DISPOSITION OF SENATE BILL 83: Senator Farrell moved the amendments to SB 83 PASS. (SEE EXHIBIT 13) The motion carried and passed unanimously.

Senator Farrell moved a DO PASS AS AMENDED on SB 83. The motion carried and passed with Senator Bengston and Senator Daniels voting NO.

DISPOSITION OF SENATE BILL 182: Senator Shaw moved the Statement of Intent PASS. (SEE EXHIBIT 14) The motion carried and passed unanimously. Senator Shaw moved a DO PASS on SB 182.

DISCUSSION: Senator Shaw stated that this bill was a good bill. He felt it would strengthen the Highway Patrol and put inspection of trucks under one agency.

Senator Stimatz stated that if this bill passes, Colonel Landon would ask for 10-20 additional FTE. He also stated that the PSC had been authorized to inspect the trucks under federal funding and the Governor's designation, and he was opposed to this bill.

Senator Farrell stated that the Governor had taken no position on the bill, he only required to amend that the State Enforcement Plan designate the Highway Patrol as the lead agency. The allocation for money that had presently been presented by the PSC to the appropriations committee will be transferred to the Highway Patrol, which is allowed under the federal program. Senator Farrell went on to say either way you go, with the Highway Patrol or the PSC, there is going to be additional people hired.

Senator Williams stated that he would vote for the bill to get it on the floor for more debate.

Senator Weeding stated that he was opposed to the bill because of the proposed \$152,000 additional dollars needed for the bill.

Senator Farrell commented on Senator Weeding's statement by stating that the fiscal analyst told him that the PSC presented a proposal and they compared it to the Highway Patrol's proposal, and they found that the Highway Patrol's proposal was lower than PSC's.

Senator Daniels asked what will become of the present personnel? Senator Farrell replied they only have one inspector left.

Senator Stimatz called the members' attention to the effective date of this bill, which is on passage and approval, but the fiscal note

commented that the immediate effective date may increase administrative costs of the proposed transfer.

Senator Farrell commented by saying that reasons for that, as stated in the State Enforcement Plan, was that the money that the PSC left between now and the completion date, can be transferred to the Highway Patrol. He did not personally care when the effective date was.

Senator Lybeck stated that he opposed the bill because he felt the authority should be taken away from all agencies, not just one.

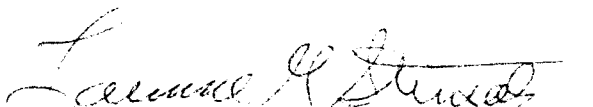
A roll call vote was taken on Senator Shaw's motion to DO PASS. The vote was 5-5, and the bill will be further discussed. (SEE EXHIBIT 15)

ANNOUNCEMENTS:

The committee will meet on Friday, February 22, 1985 to discuss and take another executive action vote on SB 182. Any other bills left in committee will also have an executive action session.

ADJOURNMENT:

The meeting was adjourned at 2:30 p.m.

  
LAWRENCE G. STIMATZ  
Chairman

ROLL CALL

HIGHWAY AND TRANSPORT COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 2-21-85

SENATE  
SEAT  
#

NAME	PRESENT	ABSENT	EXCUSED
#7 SENATOR STIMATZ	X		
<del>#25 SENATOR MANNING</del>			
#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

Feb 21, 85

COMMITTEE ON

Highways and Transportation

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Albert GoKe	High Traffic Safety - Instr	396		✓
Larry Maguire	Motor Vehicle Div	419	✓	
Jim W Long	School Adm of NT	396	-	
Cheryl Hutchinson	Ht. Governor's Office	419	✓	
NT Democratic Party		8396	✓	
CALEB SHIELDS	DOOLAR	396	✓	
Donaven Bridges	Poplar Chamber of Comm	396	✓	
Chip Eromann	MT School Bd Assoc	396	✓	

SENATE BILL 419

SENATE BILL 419 PROVIDES FOR THE ISSUANCE OF LICENSE PLATES DESIGNED TO RECOGNIZE MONTANA'S CENTENNIAL.

IT ALSO AUTHORIZES A SPECIAL "COMMEMORATIVE" CENTENNIAL PLATE BE DEVELOPED WHICH CAN BE SOLD TO PROVIDE FUNDS FOR THE MONTANA STATEHOOD CENTENNIAL OFFICE.

REGULAR PLATES WILL PROBABLY BE ISSUED IN 1988, THE YEAR BEFORE THE CENTENNIAL, ALTHOUGH THIS BILL DOES NOT SPECIFY WHEN THE PLATES ARE TO BE ISSUED.

WHETHER THEY ARE ISSUED IN 1988 DEPENDS ON THE MONEY BEING APPROPRIATED BY THE 1987 LEGISLATURE. LICENSE PLATES ARE FUNDED FROM THE MOTOR VEHICLE ACCOUNT OF THE STATE SPECIAL FUND.

THE "COMMEMORATIVE" PLATES WILL BE DIFFERENT FROM THE REGULAR PLATES AND WILL BE USED AS A PROMOTION PROJECT AND FUND-RAISER FOR THE CENTENNIAL OFFICE. HOW THEY WILL BE USED AND WHAT THE DESIGN WILL BE, IS TO BE DECIDED BY THAT OFFICE. THEY WILL CONTRACT WITH THE MOTOR VEHICLE DIVISION FOR THESE PLATES AND WITH PRISON INDUSTRIES WHO MAKE THE PLATES FOR THE DIVISION.

THE COUNTY DESIGNATION AS PROVIDED IN MOTOR VEHICLE LAW AND THE OUTLINE OF THE STATE WILL CONTINUE TO BE A REQUIREMENT.

SPEAKING ON THE BILL ARE: LARRY MAJERUS, DEPARTMENT OF JUSTICE, AND CHERYL HUTCHINSON, FROM THE LIEUTENANT GOVERNOR'S OFFICE.

SUMMARIES OF BILLS TO BE HEARD BY  
SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION  
THURSDAY, FEBRUARY 21, 1985

- 2A SB 396, introduced by Senator Yellowtail, authorizes local authorities to reduce speed limits within one-half mile of any school adjacent to a highway, eliminates the exclusive jurisdiction of the Highway Commission to set special speed limits on federal-aid highways, and allows county commissioners to set special speed limits on county roads, state highways, or federal-aid secondary highways in that county.
- 2B SB 419, introduced by Senator Conover, requires the Division of Motor Vehicles to issue license plates commemorating Montana's centennial of statehood in 1889. Issuance of the commemorative plates must be at no cost to the state, and the proceeds of the sales will be used to finance centennial activities. The design of the special plates is to be developed by the Division of Motor Vehicles in consultation with the Montana Statehood Centennial Office.



GEORGE TURMAN  
LIEUTENANT GOVERNOR

EXHIBIT 3  
HIGHWAYS AND TRANSPORTATION

State of Montana  
Office of The Lieutenant Governor  
Helena 59620

TESTIMONY ON Senate Bill 419  
BEFORE Senate Highways and Transportation Committee  
21 February 1985

I am Cheryl Hutchinson, Administrative Assistant to the Lieutenant Governor. We have been handling planning for the Statehood Centennial and, if House Bill 873 passes as proposed, Lt. Gov. Turman wanted me to assure you that the Centennial Office and Commission would be pleased to work with the Division of Motor Vehicles in implementing the commemorative plate provisions in Senate Bill 419. We realize that there is another Centennial license plate bill--HB 675--under consideration, but view SB 419 as allowing needed discretion in such matters as the timing, design and fee for a special commemorative plate to precede a regular reissuance. Thank you.

(This sheet to be used by those testifying on a bill.)

EXHIBIT 4

NAME: Danovan Bridges DATE: Feb 19

ADDRESS: Box 535 Poplar Mont.

PHONE: 768 3323

REPRESENTING WHOM? Poplar Chamber of Commerce

APPEARING ON WHICH PROPOSAL: # 396

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENT: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY OF DONOVAN BRIDGES, PRESIDENT OF THE POPLAR CHAMBER OF COMMERCE AND AGRICULTURE

Poplar, Montana 59255

Address: Poplar Chamber of Commerce and Agriculture

P.O. Box 313, Poplar, Montana 59255

Telephone Number: 768-3323

I am Donovan Bridges, President of the Poplar Chamber of Commerce and Agriculture, Poplar, Montana. I am privileged and honored to be here with you to submit oral testimony in support of the SENATE BILL NO. 396. Introduced by Sen. Yellowtail.

THIS BILL IS OF IMMENSE INTEREST TO THE 4200 people in our service area. THE BILL IS A REMEDY TO THE SPEED LIMIT PROBLEM WE HAVE IN THE GREATER COMMUNITY OF POPLAR, MONTANA- WHICH HIGHWAY #2 PASSES THROUGH.

ON BEHALF OF THE POPLAR CHAMBER OF COMMERCE AND AGRICULTURE, ITS MEMBERSHIP WHICH INCLUDES THE FORT PECK TRIBES , AND ON BEHALF OF THE 4200 People in our trade/service area.....I urge the elected officials of the Great State of Montana to join together in support of this bill and enact every step possible to facilitate its passage into law.

I DO NOT FEEL POPLAR IS PROVINCIAL IN ITS REASONS FOR SUPPORT OF THIS BILL. I DO FEEL THE BILL HAS EXCEPTIONAL MERIT AND WILL DO WONDERS TO REMEDY OTHER EXISTING SIMILAR PROBLEMS IN OTHER MUNICIPALITIES IN OUR GREAT STATE.

Ladies and Gentlemen...I submit to you my endorsement and support of SENATE BILL No. 396 to be in the best interests of the local governmental authorities of our Great State. It certainly will do much to remedy an existing unsatisfactory condition that exists endangering the safety and lives of our citizens.

Throughout our Great State you will find support for the intent of Senate Bill #396., I ask with due respects as a citizen of this State for favorable consideration and support of S.B. #396.

Submitted by: Donovan Bridges  
President  
Poplar Chamber of Commerce &  
Agriculture  
#313, Poplar, Montana 59255

02-21-85

## HIGHWAYS AND TRANSPORTATION



February 21, 1985  
 Senate Bill 396  
 Senate Highways and Transportation

TESTIMONY in support of Senate Bill 396, a bill to authorize local authorities to decrease speed limits within a half-mile radius of any school located adjacent to a highway in the local authority's jurisdiction.

The Montana Democratic Party supports Senate Bill 396.

We are in favor of any legislation that further protects our state's most valuable natural resource: our children.

In the past we have appeared before committees with the hopes of ensuring the best possible education possible for Montana's schoolchildren. Today we stress that we are concerned not only about the education of our state's students, but also about their safety and wellbeing. The kids who are in the classrooms today will be making Montana go in the years ahead. Children are Montana's future, and when it comes to securing Montana's future, no legislation can be too stringent.

We are very much in agreement with giving localities the authorization to decrease speed limits in our state's school areas, because it is often the citizens of the community who can best see a problem that cannot be addressed by a state law. Senate Bill 396 will give the communities the opportunity to make their grounds safer.

With our state's youngsters in mind, the Montana Democratic Party urges you to support this bill.

Thank you.

Montana Democratic Central Committee • Steamboat Block, Room 306 • P.O. Box 802 • Helena, MT 59624 • (406) 442-9520

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 Executive Board
 

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Bruce Nelson Chairman	Donna Small Vice Chairman	Mary Hempleman Secretary	Bobbie Wolfe Treasurer	Tony Jewett Executive Director	James Pasma Nat'l Committeeman	Dorothy Bradley Nat'l Committeewoman
Phil Campbell	Helen Christensen	Virginia Egli	Wendy Fitzgerald	Chas Jenker	Les Morse	Les Pallett
Sharon Peterson	Gracia Schall	Barb Skelton	Clara Spotted Elk	Chuck Tooley	Mike Ward	Blake Wordal
Sen. Chet Blaylock	Rep. Dan Kemmis	Jim Foley	Rep. John Vincent	Phillis Moore		

LANNY G. FRANTZICK  
P.O. Box 1076, Poplar, Mt. 59255  
(406)768-3225(Home)  
(406)768-5173(Office)

Feb 19, 1985

Written Testimony for the Record  
Concerning Senate Bill #396  
Introduced by Sen. Yellowtail

I have had an opportunity to review the draft of Senate Bill #396 and submit the following written testimony for inclusion in the record of hearing proceedings on this important Bill.

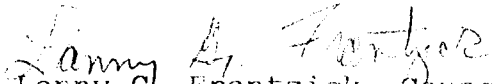
This bill is a initial remedy to assist local authorities with problems in speed enforcement within the local authorities jurisdiction.

Local government authorities need input on speed limit decisions within their jurisdiction. The problem in Polar right now is created by the lack of consultation with local authorities including in our case situation: The Poplar City Council and the Fort Peck Tribal Executive Board.

Each community situation differs in our State. In our instance, we have a significant part of our school district campus located adjacent to Highway#2., increasing the speed limits in Poplar proper have set forth a clear and present danger to the immediate safety of the children and youth attending the local school district facility, the college facilities, and other individuals utilizing business establishments in Poplar proper on a day-to day basis.

The intent of Senate Bill No. 396 is in the right direction. The intent of our State government in respect to the issue of speed limits decrease issues should be in collaboration with local authorities.

Because of other commitments, I cannot be present to present oral testimony on this bill. I congratulate Sen. Yellowtail on his efforts.

  
Submitted by: Lanny G. Frantzick, Councilperson  
City Council-City of Poplar, Poplar  
Montana 59255

02-19-85

I am a Business person located on  
Highway #2, close to the school  
district in Poplar  
(Lanny G. Frantzick, President)  
Sun Rise Lumber and Hardware Inc.  
P.O. Box 1117, Hyw#2 West-308 F  
Poplar, Montana 59255  
768-3762





# CUSTER BATTLE CENTENNIAL

COMMITTEE  
OF CUSTER  
BATTLEFIELD  
HISTORICAL  
AND MUSEUM  
ASSOCIATION, INC.

CUSTER BATTLEFIELD  
NATIONAL MONUMENT  
CROW AGENCY  
MONTANA 59022

SB 396

416 N. Cody  
Hardin, MT 59034  
February 20, 1985

Sen. Bill Yellowtail  
State Capitol  
Helena, MT 59601

Dear Sen. Yellowtail:

Just a quick note to support your efforts to allow local communities the opportunity to enact 15mph zones in the vicinities of schools which are along designated state highways, such as the elementary school in Hardin on 3rd Street.

I believe that any inconvenience caused to motorists by three blocks of 15mph speed would be more than compensated for by the increased safety to the school children involved.

To make the bill more appealing to the highway department or the highway commission the bill might be written in such a way as to prohibit locating future schools within municipalities along existing state highways. However, there are instances (Lockwood, for example) where Billings might conceivably grow out to that school thereby making it a 15mph zone. I still feel that safety of children is of paramount importance and that a 15mph zone would be warranted. Of course, if the bill simply authorizes local option then that would be sufficient.

It might be noted that Wyoming does allow for such signing by local authorities.

You're doing a good job in Helena. Keep up the spirit.

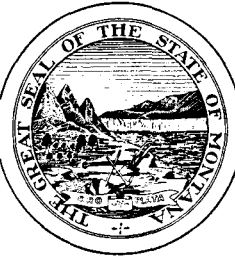
Sincerely,

*Jim Court*  
Jim Court

Custer Battlefield/Action Travel etc.



DEPARTMENT OF JUSTICE  
HIGHWAY TRAFFIC SAFETY



TED SCHWINDEN, GOVERNOR

303 N. ROBERTS

STATE OF MONTANA

(406) 444-3412

HELENA, MONTANA 59620

HIGHWAY TRAFFIC SAFETY DIVISION  
MONTANA DEPARTMENT OF JUSTICE

The following discussion deals with our concern over the speed zone changes on Montana streets and highways as proposed in Senate Bill 396.

Our office feels the current proposed legislation is not in the best interest of Montana citizens. The principal problem relates to having local officials establish their speed zones on Federal-Aid highways. This department works with local officials regarding many highway safety related items which include traffic operation problems not on the Federal-Aid system. Our exposure with most of the local officials indicate that very few have the capabilities or the desire to conduct traffic and safety engineering investigations for establishing speed limits on the higher volume Federal-Aid roadways. They have more than enough problems with the local road systems.

As a result of this lack of expertise, this legislation would impose a burden on these officials that could create some difficult problems and a lot of extra work they are not currently responsible for. Some of the more serious problems relate to; who then accepts legal responsibility in court cases? Who installs the signing and maintains them? Who stores the engineering documents and information which each speed limit is based upon? Who conducts the after studies for verification of zones? Who will train local officials to conduct the more sophisticated studies?

Thus our major concern deals with the fact that the majority of local officials do not have the capabilities for conducting the necessary studies. Therefore, the speed zones that result from the proposed legislation could easily be based on the wrong criteria. This situation probably puts the local officials in a liability situation that may cost them a great deal of funds and could easily decrease the safety of the majority of our highways. At present our Federal-Aid highways at least are speed zoned consistently on the basis of a traffic and engineering study by the Department of Highways. This process has existed for many years across the United States as well as Montana. For Montana to regress and put a burden on local government organizations, which we know generally do not have the capability to accomplish the task, is not reasonable in our estimation or in the interest of the public at large.

Attached find several documents detailing some of the effort which must accompany a speed zone study.

Thank you for your consideration of our position.

A handwritten signature in cursive script, appearing to read "Robert E. Joke".

1. Title, line 8.  
Strike: line 8 through "ORDER;" on line 9
2. Title, line 9.  
Following: "44-1-1001"  
Insert: ", 44-1-1002,"
3. Title, line 10.  
Following: "44-1-1003, MCA"  
Strike: "; AND REPEALING SECTION 44-1-1002, MCA"
4. Page 2, line 3.  
Following: "district or"  
Insert: "by a peace officer of or"  
Following: "size"  
Insert: "to forestall or mitigate imminent or existing danger to public safety"
5. Page 2, line 13.  
Following: "or"  
Insert: "or"
6. Page 2, lines 15 through 17.  
Following: "automobiles" on line 15  
Strike: the remainder of line 15 through "part 1" on line 17
7. Page 2, line 18.  
Following: line 17  
Insert: "Section 2. Section 44-1-1002, MCA, is amended to read:  
"44-1-1002. No authority in labor disputes-exception. Such Except as provided in 44-1-1003, such highway patrolmen have no authority and are expressly forbidden to make arrest in labor disputes or to prevent violence in connection with strikes and may not perform any duties whatsoever in connection with labor disputes, strikes, or boycotts."  
Re-number: subsequent section
8. Page 3, lines 2 through 12.  
Following: "violations." on line 2  
Strike: the remainder of line 2 through line 12  
Insert: "In case of obstruction of a public highway resulting in any threat to or interruption of safe or prompt passage by the public on the highway and upon presentation of such evidence to the attorney general or his designee, he shall promptly authorize the highway patrol chief and patrolmen to take any appropriate action, either alone or in cooperation with other peace officers, to maintain the public peace and order along the highway and the orderly flow of traffic."
9. Page 3, line 13.  
Strike: Section 3 in its entirety

1. Page 1, line 16.  
Following: "(1)"  
Strike: "An affected person"  
Insert: "A board of county commissioners"
2. Page 2, line 1.  
Following: line 25, page 1, "the"  
Strike: "person"  
Insert: "board of county commissioners"
3. Page 2, line 2.  
Following: "hearing"  
Insert: "to be conducted informally during a regular meeting  
of the commission"
4. Page 2, line 8.  
Following: line 7  
Insert: "(3) Department decisions relating to employees of the  
department are not appealable under this section."  
Re-number: subsequent subsections
5. Page 2, line 12.  
Following: line 11  
Insert: "NEW SECTION. Section 3. Extension of authority. Any  
existing authority of the highway commission to make rules  
on the subject of the provisions of this act is extended to the  
provisions of this act."  
Re-number: subsequent sections
6. Page 2, line 17.  
Following: line 16  
Strike: "(3)"  
Insert: "(4)"  
Following: "2"  
Insert: ", section 3,"

HIGHWAYS AND TRANSPORTATION

ROLL CALL VOTE

SENATE COMMITTEE HIGHWAYS AND TRANSPORT

Date 2-21-85 Senate            Bill No. 113 Time 2 p.m.

NAME	YES	NO
SENATOR STIMATZ		X
SENATOR BENGTON		X
SENATOR DANIELS		X
SENATOR FARRELL	X	
SENATOR HAGER	X	
SENATOR LYBECK		X
SENATOR WEEDING		X
SENATOR SHAW		X
SENATOR TVEIT		X
SENATOR WILLIAMS	X	

Margie Bender  
Secretary

LAWRENCE G. STIMATZ  
Chairman

Motion: DO PASS AS AMENDED

Amendments to Senate Bill 387, Introduced Bill

1. Title, line 4.

Following: "TO"

Strike: "REQUIRE"

Insert: "ALLOW"

2. Page 3, line 25.

Following: line 24

Strike: "shall"

Insert: "may"

Amendments to Senate Bill 83, Introduced Bill

1. Title, line 10.

Following: "MCA"

Strike: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 4, line 2

Strike: Section 4 in its entirety

MR. PRESIDENT,

WE YOUR COMMITTEE ON HIGHWAYS AND TRANSPORTATION HAVING HAD UNDER CONSIDERATION SENATE BILL NO. 182, ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT

SENATE BILL NO. 182

A statement of intent is required for this bill because it requires that the motor vehicle division adopt motor carrier safety standards and provide for their implementation. The intention of the legislature is that the division adopt standards substantially similar to those promulgated by the public service commission pursuant to 69-12-201 and 69-12-203, prior to amendment by this bill, with such modifications as the division from time to time considers appropriate and in conformance with those and other applicable sections.

It is appropriate to quote the statement of intent that accompanied chapter 227, Laws of 1981, which granted the public service commission its authority to adopt motor carrier safety standards:

"A statement of intent is required for this bill because it grants the Public Service Commission the authority to provide safety standards for motor vehicles used in commerce.

All interstate motor carriers, interstate private carriers, and carriers hauling unregulated commodities in interstate commerce must now meet equipment safety requirements and inspections as established by the Federal Motor Carrier Safety Regulations of the



Department of Transportation. In addition, regulated intrastate motor carriers must also meet the same safety standards.

The Legislature intends to include large over-the-road trucks, in excess of 26,000 pounds GVW, used in commerce operating on Montana's highways to adhere to safety equipment standards. It is the intent of the Legislature to establish by regulation uniform safety standards and a safety inspection program that will focus on mechanical factors most often blamed for accidents involving trucks, passenger carriers, and hazardous material transporters. Included would be detailed inspections of brakes, steering components, tires, and driver logs where required.

It is intended that rules promulgated by PSC incorporate the "Critical Item Truck Inspection" program and that the rules include a procedure for conducting the inspection program as well as providing for a vehicle identification program acknowledging the inspection. The rules shall provide that safety infractions posing no imminent threat to public safety shall not result in an "out of service" order. Such a vehicle shall be allowed to proceed to obtain repairs before final inspection and issuance of inspection acknowledgment. It is recognized that repairing or parking large over-the-road trucks on the roadway is extremely dangerous."

HIGHWAYS AND TRANSPORTATION

ROLL CALL VOTE

SENATE COMMITTEE HIGHWAYS AND TRANSPORT

Date 2-21-85 Senate                      Bill No. 182 Time 2:25 p.m.

NAME	YES	NO
SENATOR STIMATZ		X
SENATOR BENGTON		X
SENATOR DANIELS		X
SENATOR FARRELL	X	
SENATOR HAGER	X	
SENATOR LYBECK		X
SENATOR WEEDING		X
SENATOR SHAW	X	
SENATOR TVEIT	X	
SENATOR WILLIAMS	X	

Margie Bender  
Secretary

LAWRENCE G. STIMATZ  
Chairman

Motion: DO PASS

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\_\_\_\_\_  
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# STANDING COMMITTEE REPORT

FEBRUARY 21 ..... 1985.....

MR. PRESIDENT

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

having had under consideration.....**SENATE BILL**..... No. **419**.....

**first** reading copy ( **white** )  
color

**MONTANA CENTENNIAL LICENSE PLATES - FUNDING FOR CENTENNIAL ACTIVITIES**

Respectfully report as follows: That.....**SENATE BILL**..... No. **419**.....

DO PASS

~~DO NOT PASS~~

**LAWRENCE G. STIMATI**.....

Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 23

1985

MR. PRESIDENT

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

having had under consideration **SENATE JOINT RESOLUTION**

No. **27**

**first** reading copy ( **white** )  
color

## DESIGNATED DRIVER PROGRAM RESOLUTION

Respectfully report as follows: That **SENATE JOINT RESOLUTION**

No. **27**

DO PASS

~~DO NOT PASS~~

**LAWRENCE G. STINATZ**

Chairman.

# STANDING COMMITTEE REPORT

February 21, 19 85

MR. PRESIDENT

We, your committee on Highways and Transportation

having had under consideration Senate Bill No. 74

first reading copy ( white )  
color

## INCREASE HIGHWAY PATROL ARREST AUTHORITY

Respectfully report as follows: That Senate Bill No. 74

*be amended as follows:*

1. Title, line 8.  
Strike: line 8 through "ORDER;" on line 9
2. Title, line 9.  
Following: "44-1-1001"  
Insert: ", 44-1-1002,"
3. Title, line 10.  
Following: "44-1-1003, MCA"  
Strike: "; AND REPEALING SECTION 44-1-1002, MCA"
4. Page 2, line 3.  
Following: "district or"  
Insert: "by a peace officer of or"  
Following: "six"  
Insert: "to forestall or mitigate imminent or existing  
danger to public safety"

XXXXXX

XXXXXX

LAWRENCE G. STIMAFS

Chairman.

5. Page 2, line 13.  
Following: "or"  
Insert: "or"
6. Page 2, lines 15 through 17.  
Following: "automobiles" on line 15  
Strike: the remainder of line 15 through "part 1"  
on line 17
7. Page 2, line 18.  
Following: line 17  
Insert: "Section 2. Section 44-1-1002, MCA, is amended to  
read:  
"44-1-1002. No authority in labor disputes-exception. Such  
Except as provided in 44-1-1003, such highway patrolmen  
have no authority and are expressly forbidden to make  
arrest in labor disputes or to prevent violence in  
connection with strikes and may not perform any duties  
whatsoever in connection with labor disputes, strikes,  
or boycotts."  
Re-number: subsequent section
8. Page 3, lines 2 through 12.  
Following: "violations." on line 2  
Strike: the remainder of line 2 through line 12  
Insert: "In case of obstruction of a public highway  
resulting in any threat to or interruption of safe  
or prompt passage by the public on the highway and  
upon presentation of such evidence to the attorney  
general or his designee, he shall promptly authorize  
the highway patrol chief and patrolmen to take any  
appropriate action, either alone or in cooperation  
with other peace officers, to maintain the public  
peace and order along the highway and the orderly  
flow of traffic."
9. Page 3, line 13.  
Strike: Section 3 in its entirety

AND AS AMENDED

DO PASS

# STANDING COMMITTEE REPORT

FEBRUARY 21

19 85

Page 1 of 3

MR. PRESIDENT

the Minority of

HIGHWAYS AND TRANSPORTATION

We, your committee on.....

having had under consideration.....

SENATE BILL

No. 113

first

reading copy ( white )  
color

PROVIDING FOR APPEAL TO HIGHWAY COMMISSION OF HIGHWAY DEPARTMENT DECISIONS

Respectfully report as follows: That.....

SENATE BILL

No. 113

be amended as follows:

1. Page 1, line 16.

Following: "(1)"

Strike: "An affected person"

Insert: "A board of county commissioners"

2. Page 2, line 1.

Following: line 25, page 1, "the"

Strike: "person"

Insert: "board of county commissioners"

3. Page 2, line 2.

Following: "hearing"

Insert: "to be conducted informally during a regular meeting of the commission"

4. Page 2, line 6

Following: line 7

Insert: "(3) Department decisions relating to employees of the department are not appealable under this section."

Renumber: subsequent subsections

5. Page 2, line 12.

Following: line 11

Insert: "NEW SECTION. Section 3. Extension of authority. Any existing authority of the highway commission to make rules on the

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~~XXXXXX~~

(continued)

~~XXXXXXXXXXXX~~

LAWRENCE G. STIMATZ

Chairman.

subject of the provisions of this act is extended to the provisions of this act."

Renumber: subsequent section.

6. Page 2, line 17.

Following: line 16

Strike: "(3)"

Insert: "(4)"

Following: "2"

Insert: ", section 3,"

\_\_\_\_\_  
FARRELL

\_\_\_\_\_  
HAGER

\_\_\_\_\_  
WILLIAMS

AND AS AMENDED  
DO PASS



# STANDING COMMITTEE REPORT

February 21, 1985

XIS

Page 1 of 2

MR. PRESIDENT

**the Majority of**

We, your committee on

**HIGHWAYS AND TRANSPORTATION**

having had under consideration

**SENATE BILL**

No. **113**

first

reading copy ( white )  
color

## **PROVIDING FOR APPEAL TO HIGHWAY COMMISSION OF HIGHWAY DEPARTMENT DECISIONS**

Respectfully report as follows: That

**SENATE BILL**

No. **113**

**be amended as follows:**

1. Page 1, line 16.

Following: "(1)"

Strike: "An affected person"

Insert: "A board of county commissioners"

2. Page 2, line 1.

Following: line 25, page 1, "the"

Strike: "person"

Insert: "board of county commissioners"

3. Page 2, line 2.

Following: "hearing"

Insert: "to be conducted informally during a regular meeting of the commission"

4. Page 2, line 8.

Following: line 7

Insert: "(3) Department decisions relating to employees of the department are not appealable under this section."

Re-number: subsequent subsections

(continued)

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

**LAWRENCE G. STOMATZ**

Chairman.

5. Page 2, line 12.

Following: line 11

Insert: "NEW SECTION. Section 3. Extension of authority. Any existing authority of the highway commission to make rules on the subject of the provisions of this act is extended to the provisions of this act."

Renumber: subsequent sections

6. Page 2, line 17.

Following: line 15

Strike: "(3)"

Insert: "(4)"

Following: "2"

Insert: ", section 3,"

STIMATZ

BENGSTON

DANIELS

LYBECK

WEEDING

SHAW

TVEIT

AND AS AMENDED

DO NOT PASS

# STANDING COMMITTEE REPORT

FEBRUARY 21 ..... 1935.....

MR. PRESIDENT

We, your committee on ..... **HIGHWAY AND TRANSPORTATION** .....

having had under consideration ..... **SENATE BILL** ..... No. **387** .....

first reading copy ( white )  
color

## REQUIRE GREEN SIGNAL LAMP TO DESIGNATE COMMAND VEHICLE IN EMERGENCY/DIASTER

Respectfully report as follows: That ..... **SENATE BILL** ..... No **387** .....

be amended as follows:

1. Title, line 4.

Following: "TO"

Strike: "REQUIRE"

Insert: "ALLOW"

2. Page 3, line 25.

Following: line 24

Strike: "shall"

Insert: "may"

AND AS AMENDED

DO PASS

~~XXXXXXXXXX~~

LAWRENCE G. STIMATT .....

Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 21

1985

MR. PRESIDENT

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

having had under consideration **SENATE BILL** No. **83**

first reading copy ( white )  
color

## SPECIAL CHAPPEUR'S LICENSE TO DRIVE TRUCK OVER 44,000 POUNDS

Respectfully report as follows: That **SENATE BILL** No. **83**

be amended as follows:

1. Title, line 10.

Following: "MCA"

Strike: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 4, line 2.

Strike: Section 4 in its entirety

AND AS AMENDED

DO PASS

~~XXXXXXXXXX~~

.....  
**LAWRENCE G. STIMATZ**

Chairman.