MINUTES OF MEETING HIGHWAYS & TRANSPORTATION COMMITTE MONTANA STATE SENATE

The meeting of the Highways and Transportation Committee was called to order at 1:00 p.m., February 19, 1987, by Chairman Larry Tveit, in Room 410 of the State Capitol.

<u>ROLL CALL:</u> All members of the Highways and Transportation Committee were present except Senator Abrams who was excused.

CONSIDERATION OF HOUSE BILL 281: Representative Spaeth, House District No. 84, sponsor of the bill, testified that the Department of Justice requested a clarification of the rulemaking authority as the result of reorganizing the Division of Motor Vehicle, Department of Justice, to implement Title 61, chapter 5, MCA.

The reason for the rulemaking change was that on December 30, 1986, the Montana Supreme Court looked at a particular section with regards to whether or not the division had the rulemaking authority. In their research, the Supreme Court found some unnecessary litigation as pursuant to the basic rules of jurisprudence.

PROPONENTS: Larry Majerus, Department of Justice, Motor Vehicle Division, testified that House Bill 281 was a rulemaking authority to enforce Title 61, chapter 5. The department's authority to adopt administrative rules affecting Title 51, chapter 5, had been challenged in the Montana Supreme Court, principally because there was no easy identifiable general rulemaking authority. The clarification of House Bill 281 would remove the licensing of motor vehicle operators from the highway patrol.

OPPONENTS: There were none.

QUESTIONS FROM THE COMMITTEE: There were none.

<u>CLOSING:</u> Representative Spaeth closed by urging the committee to concur on House Bill 281.

DISPOSITION OF HOUSE BILL 281: A motion was made and seconded that House Bill 281 <u>BE CONCURRED IN</u>. The motion was unanimously carried. A motion was made and seconded that the Statement of Intent <u>BE CONCURRED IN</u>; it was unanimously carried. Page 2 Highways & Transportation Committee February 19, 1987

CONSIDERATION OF HOUSE BILL 297: Representative Kadas, House District No. 55, sponsor of the bill, testified that House Bill 297 was a bill that would exempt approved bicycle highway racing from compliance with traffic safety laws. Currently when a group wants to set up bicycle races they have to go to the sheriff's department or police department to receive approval of the course they will be using. This involves the closing of a particular road and after the race is over they reopen that section of the road again for normal traffic use. Closing a section of road that is being used for bicycle racing becomes unlawful when approved by state or local authorities on any highway under their respective jurisdictions.

Representative Kadas is asking that House Bill 297 be approved to change the law so when one does receive approval for bicycle racing on the highways it will be legal.

PROPONENTS: There were none.

OPPONENTS: There were none.

QUESTIONS FROM THE COMMITTEE: Senator Lybeck spoke about the various incidents that have taken place in the Kalispell area where he lives and the problems that coincide with bicycle racing and other marathons.

Senator Hofman spoked about the on going interest in bicycle racing and other marathons over the years and the many problems that have arised from these races.

<u>CLOSING:</u> Representative Kadas urged passage of the bill by the committee. Senator Halligan will carry House Bill 297 on the floor of the Senate.

DISPOSITION OF HOUSE BILL 297: A motion was made and seconded that House Bill 297 <u>BE CONCURRED IN.</u> The motion was unanimously carried.

DISPOSITION OF HOUSE BILL 73: The committee took Executive Action on House Bill 73. House Bill 73 was presented by Representative Dorothy Bradley. House Bill 73 would revise the manner in which the motor vehicle laws apply to persons under the age of 18.

Senator Farrell moved that House Bill 73 <u>BE CONCURRED IN</u>; a motion was moved and seconded that House Bill 73 <u>BE CONCURRED IN</u>. It was unanimously carried by the committee.

DISPOSITION OF HOUSE BILL 92: Executive action was taken on House Bill 92, which was presented by Representative Gilbert. House Bill 92 would require fenders, splash aprons, or flaps on pole trailers. Senator Lybeck moved that House Bill 92 Page 3 Highways & Transportation Committee February 19, 1987

BE CONCURRED IN. A motion was moved and seconded that House Bill 92 <u>BE CONCURRED IN:</u> it was unanimously carried by the committee members.

The meeting was adjourned.

Senator Larry Treit, Chairman

ROLL CALL

HIGHWAYS & TRANSPORATION COMMITTEE

50th LEGISLATIVE SES	SSION 1987	Date	
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NAME	PRESENT	ABSENT	EXCUSED
Chairman: Larry Tveit	~		
Vice Chairman: Lawrence Stime	atz		
Senator Hubert J. Abrams			
Senator William Farrell	v		
Senator Tom Hager	ν		
Senator Sam Hofman	v		
Senator Ray Lybeck	V.	.	
enator Darryl Meyer	L		
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enator Bob Williams	V ·		
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REQUIRING PEDERS	, SPLASH APRONS O	r flaps on pole	TRAILERS	

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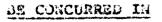
Chairman.

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Chairman.

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PROVIDE MULEMAKING AUTHORITY TO DEPART OF JUSTICE TO IMPLEMENT TITLE 61, CH. 5

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Senator Tveit will carry this bill	1. February 20 19.87
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having had under consideration	
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APPLICATION OF MOTOR VEHICLE LA	WS TO MINORSEXCEPT PENALTY

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SENATOR TVEIT

Chairman.