

MINUTES OF MEETING
HIGHWAYS & TRANSPORTATION COMMITTEE
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.

ROLL CALL: 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.

PROPOSERS: 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.

OPPOSERS: There were none.

QUESTIONS FROM THE COMMITTEE: There were none.

CLOSING: 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 BE CONCURRED IN. The motion was unanimously carried. A motion was made and seconded that the Statement of Intent BE CONCURRED IN; it was unanimously carried.

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.

PROPOSERS: There were none.

OPPOSERS: 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 spoke about the on going interest in bicycle racing and other marathons over the years and the many problems that have arisen from these races.

CLOSING: 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 BE CONCURRED IN. 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 BE CONCURRED IN; a motion was moved and seconded that House Bill 73 BE CONCURRED IN. 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

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Highways & Transportation Committee
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BE CONCURRED IN. A motion was moved and seconded that House
Bill 92 BE CONCURRED IN: it was unanimously carried by the
committee members.

The meeting was adjourned.

Senator Larry Tveit
Senator Larry Tveit, Chairman

ROLL CALL

HIGHWAYS & TRANSPORTATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date _____

NAME	PRESENT	ABSENT	EXCUSED
Chairman: Larry Tveit	✓		
Vice Chairman: Lawrence Stimatz			
Senator Hubert J. Abrams			
Senator William Farrell	✓		
Senator Tom Hager	✓		
Senator Sam Hofman	✓		
Senator Ray Lybeck	✓		
Senator Darryl Meyer	✓		
Senator Cecil Weeding	✓		
Senator Bob Williams	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

February 19 19 87

MR. PRESIDENT

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

having had under consideration **HOUSE BILL** No. **32**

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REQUIRING PEDERS, SPLASH APRONS OR FLAPS ON POLE TRAILERS

Respectfully report as follows: That **HOUSE BILL** No. **92**

BE CONCURRED IN

~~XXXXXX~~
~~DO PASS~~

~~XXXXXXXXXX~~
~~DO NOT PASS~~

..... **SENATOR TWIST**

Chairman.

STANDING COMMITTEE REPORT

February 19

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MR. PRESIDENT

HIGHWAYS & TRANSPORTATION

We, your committee on.....

HOUSE BILL

297

having had under consideration..... No.....

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EXEMPT APPROVED BICYCLE HIGHWAY RACING EVENTS FROM TRAFFIC SAFETY LAWS

Respectfully report as follows: That..... **HOUSE BILL**..... No. **297**.....

BE CONCURRED IN

XXXXX

DO PASS

XXXXXXXXXX

DO NOT PASS

.....**SENATOR TVEIT**.....

Chairman.

STANDING COMMITTEE REPORT

February 19 19 37

MR. PRESIDENT

We, your committee on HIGHWAYS & TRANSPORTATION

having had under consideration HOUSE BILL No. 281

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PROVIDE RULEMAKING AUTHORITY TO DEPART OF JUSTICE TO IMPLEMENT TITLE 61,

CH. 5

Respectfully report as follows: That HOUSE BILL No. 281

BE CONCURRED IN

~~DEPARE~~

~~XXXXXXXXXX~~
DO NOT PASS

SENATOR TVEIT

Chairman.

STANDING COMMITTEE REPORT

Senator Tveit will carry this bill.

February 20

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MR. PRESIDENT

We, your committee on Highways & Transportation

having had under consideration House Bill No. 73

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APPLICATION OF MOTOR VEHICLE LAWS TO MINORS--EXCEPT PENALTY

Respectfully report as follows: That HOUSE BILL No. 73

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

SENATOR TVEIT

Chairman.