

MINUTES OF THE
SENATE RULES COMMITTEE

March 19, 1987

Chairman Van Valkenburg called the meeting to order at 11:35 a.m. in Room 331, State Capitol. All members were present. Also present were Senator Hofman, Representative Grady, Greg Petesch from the Legislative Council, Todd Hudak and Jamie Zink, Associated Students Montana State University, and James Beck, Chief Legal Counsel for the Department of Highways.

Sen. Van Valkenburg stated that the purpose of the meeting was to discuss House Bill No. 359. Senator Story had raised the issue on the Senate floor as to whether or not this bill needed a 3/5 vote to pass third reading. Sen. Van Valkenburg said he had invited Mr. Petesch from the Legislative Council to address the issue. Petesch said they looked at House Bill No. 359 carefully when it was being drafted as to whether it needed a 3/5 vote. He stated that there has been no court decision under the Montana Constitution addressing the county road provision which was added to the Constitution in 1972. Therefore he was unable to determine if a 3/5 vote was required. It was too close for them to call, so it was not inserted in the bill.

Sen. Van Valkenburg said the measure had passed the House with 81 yea votes. He said the issue of the 3/5 vote had never been formally raised in the House. Rep. Grady said they wanted the 3/5 vote just to be safe.

Sen. Van Valkenburg introduced James Beck, Chief Legal Counsel for the Department of Highways. Mr. Beck stated that the Department had examined the purpose of the program at Montana State University. Since training sessions were conducted pertaining to the construction or maintenance of county roads, he felt that the program fell under the definition of maintenance.

Sen. Van Valkenburg asked Beck if the Department uses gas tax money for the in-house training. Mr. Beck answered yes, that they used the money that was earmarked from the revenue account.

Sen. Himsl stated that as he understood it, this is a transfer of money to a private organization and he is concerned about the diversion from a private agency.

Rep. Grady responded that part of the money is funded by the University and he thought it was considered private, but wasn't sure.

Minutes
Senate Rules Committee
March 19, 1897
page two

Sen. Van Valkenburg asked Mr. Beck if he knew who gave spending authority to MSU to spend the appropriation. Mr. Beck said he didn't know.

Rep. Grady explained that this is a federally-funded government program, half of which was cut in half because of budget cutbacks. He stated that 38 counties in Montana use this program.

Mr. Beck stated that the Highway Department does not appropriate the money to MSU; it is an allocation made by the State Treasurer under section 15-71-01, MCA.

Sen. Aklestad asked if the money for the program comes from the license tax. Sen. Van Valkenburg answered that it comes from the gas tax. Sen. Aklestad then referred to Article 6 of the Montana Constitution which pertains to the license tax. There are certain qualifications in the provisions stated in that Article. He questioned whether highway safety was involved. He also cited (C) of Article VIII, Section 6 of the Montana Constitution, p. C-57, which has provisions for the enforcement of highway safety. He wondered if the seminars physically did something to conform with the provision.

Rep. Grady said the purpose of the program was to help with the designing and signing for safe roads. He said he couldn't answer for subsection C.

Sen. McCallum said that Alan Jackson runs the program for MSU. Is it the same idea as the Law Enforcement Academy? Rep. Grady answered that the program at MSU provides technical assistance to cities and counties. Mr. Jackson travels around the state promoting the program.

Sen. Hofman said that Mr. Jackson is running the program out of the Engineering Department at MSU. Students and graduate students work under his supervision. This provides them with practical experience. People throughout the state are happy with the program because it is so beneficial to so many. He said that good safety is the positive side effect of the program as far as he is concerned.

Sen. Van Valkenburg asked if Jackson is a member of the MSU faculty. Jamie Zink, ASMSU, answered that he is. She also stated that the purpose of the program is to help people in the counties. There had been a problem with the laws regarding signing, etc. and this program answers those problems.

Minutes
Senate Rules Committee
March 19, 1987
page three

Sen. Aklestad said he has no problem with the program. He is just trying to go by the book.

Sen. Farrell asked Rep. Grady how much money is in the program. Rep. Grady said that it is matching funding of \$62,000; \$27,000 of which goes to the cities; \$27,000 of which goes to the counties; and \$8,000 which goes to MSU.

Sen. Hofman explained that since 1983, the allotment from the federal government has been \$125,000 per year. Now it has been cut back to half of that and the money has to come from somewhere to keep the program going.

Sen. Van Valkenburg said it is an earmarking of money, not an appropriation. It has to be in an appropriation bill, and upon passage of that bill, the money is allocated. This would earmark \$54,000 of city/county money for the Rural Technical Assistance Program. It is constitutional as long as the money is used for road construction and highway safety.

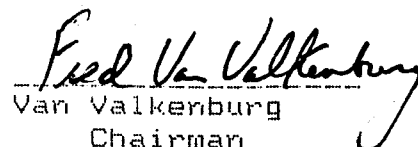
Sen. Van Valkenburg said it needs to be determined just what exactly the program does. Are the cities and counties getting the direct benefits? A policy determination needs to be done. He further stated that if this earmarking is within the Constitution, then it only requires a majority vote.

Sen. Jacobson asked if some of the money in the funding is part of the salary of the professor. Ms. Zink answered that Mr. Jackson doesn't teach anymore at MSU, he just runs the program. The computer science interns that work within the program are paid by the counties.

Rep. Grady said that he could arrange for Mr. Jackson be available to the Committee for questions. Sen. Van Valkenburg said he would like to reconvene the Rules Committee tomorrow when Mr. Jackson is present.

MOTION; Sen. Norman moved that the Senate Rules Committee recess and resume tomorrow at 11:30 a.m. Question called. Motion passed unanimously.

The meeting adjourned at 12:20 p.m.


Van Valkenburg
Chairman

ROLL CALL

Senate Rules

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/19/87

NAME	PRESENT	ABSENT	EXCUSED
Senator Van Valkenburg	✓		
Senator McCallum	✓		
Senator Norman	✓		
Senator Akelstad	✓		
Senator Jacobson	✓		
Senator Farrell	✓		
Senator Blaylock	✓		
Senator Himsl	✓		

Each day attach to minutes.

RURAL TECHNICAL ASSISTANCE PROGRAM (RTAP)
TRANSPORTATION CENTER
FACT SHEET

RTAP:

The Montana Rural Technical Assistance Program was established in January 1983 to help local agencies in Montana improve their roads and bridges through the sharing of technical information and knowledge. By improving the dissemination of this information, the program is intended to promote efficient use of these agencies' scarce resources. It is one of 42 such programs established in states across the country. The RTAP Transportation Center is located in the Department of Civil and Agricultural Engineering at Montana State University.

NEED:

The recent economic problems that Montana is living with and enduring have a devastating effect on funds available for local transportation demands. There are simply too many miles of roads and streets for cities and counties to maintain. The total estimate of the dollars required to upgrade the local road network is \$8 billion according to the Final Report of the Governor's Task Force on Infrastructure. Add to this the potential liability caused by the loss of sovereign immunity, and the need for information on how to spend the transportation dollar wisely is readily apparent.

SERVICES:

The Rural Technical Assistance Program staff provides these services:

- * Operate a technology transfer center which offers information and guidance on transportation matters to local agencies. The center ties together the expertise of the Montana Department of Highways, the Federal Highway Administration, other RTAP Centers nationwide, Montana State University and the private sector, including consultants and the contractors.

- * Publish a quarterly newsletter with articles on innovative ideas and details about educational programs to 127 municipalities and 56 counties in Montana.

- * Provide educational material in the form of video tapes, films, slide tape sets, microcomputer software and publications.

- * Conduct short courses, seminars, and workshops on various aspects of local transportation engineering such as maintaining gravel roads, culverts, and safety features for roads and streets.

- * Collect public and commercial computer software appropriate for

local transportation agencies and provide training in its use for local personnel.

* Serve as a catalyst in the development of the technical organizations that support the local transportation officials, including the Montana Association of County Road Supervisors, and the Montana Section of the American Public Works Association.

BENEFITS:

Funds saved through efficient engineering practices more than pay for RTAP. Guidance to cities and counties has been given in many areas. Specific examples are: Chinook - street sealing, West Yellowstone-consultant selection, Teton County - bridges, and to Liberty County-culverts. The newsletter has generated usage of magnesium chloride, filter fabrics, lime, and computer software. Over 500 people have attended training and made use of the RTAP video tape library. Glacier and Ravalli Counties have computerized their road departments using free RTAP software to track labor, equipment and materials. Since RTAP began there has been increased membership in the Montana Association of County Road Supervisors. An annual meeting of Public Works Supervisors has been established. The RTAP efforts in these associations is most important because members not only have access to new ideas and better ways of doing things, they are also more likely to recognize when local problems require outside help and to know where to get that help.

LOCAL SUPPORT:

Letters from local agencies and resolutions from the Montana Association of County Officials and the Montana Association of County Road Supervisors in support of RTAP are available upon request. Monetary support of \$4,450 from 23 counties and 13 cities (representing 78% of Montana's population) has been received in the form of \$100 subscription fees for the newsletter and videotape service. Pledges of \$1000 have been received from the Association of General Contractors.

FUNDING:

RTAP has been fully funded by the Federal Highway Administration through the Montana Department of Highways at the rate of \$125,000.00 per year since January 1, 1983. Beginning January 1, 1987 matching funds (\$62,500) are required to continue the program. Montana State University is providing the match through June 30, 1987. A legislative bill is being proposed to fund the program on a permanent basis. The bill states that one half of one percent (.5%) of the fourteen million dollars (\$14,000,000) fuel tax revenues appropriated for cities and counties shall be set aside for the purposes and functions of the Montana Rural Technical Assistance Program Center, except that the receipts provided to the center shall not be less than sixty two thousand five hundred dollars (\$62,500) for any fiscal year. Effective date July 1, 1987.