

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAY AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on February 2, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer, William Farrell, Cecil Weeding, Jerry Noble, Lawrence Stimatz, John Harp, and Bob Williams

Members Excused: Senator Hubert Abrams

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced the hearings on House Joint Resolution 2 and Senate Bill 148.

HEARING ON HOUSE JOINT RESOLUTION 2

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE PETERSON, District 1, stated that it concerns opening the U.S. side of the border on Highway 93. The Canadian side is open 24 hours per day and the U.S. side is closed from midnight until 8:00 in the morning. This has caused considerable confusion. There are a number of local people who attend the hockey games in Canada and have to get back by that midnight Montana time. Highway 93 and the Roosville border is the only entry into British Columbia. It is a major avenue of commerce. Representative Peterson explained her amendments for HJR 2. SEE EXHIBIT 1.

List of Testifying Proponents and What Group they Represent:

None

List of Testifying Opponents and What Group They Represent:

None

Questions From Committee Members: SENATOR WILLIAMS asked what it will cost.

REPRESENTATIVE PETERSON stated that there was a federal expenditure appropriated to the Roosville border, and because at that time, Canada had not been staying open, the money was sent back. A Director at that border said it would take two people to fill those slots.

SENATOR WILLIAMS asked how long the Canadian border has been staying open for the 24 hours.

REPRESENTATIVE PETERSON stated that they have been doing for almost one year.

SENATOR HARP asked if it was thought that the Canadian border will continue to stay open for 24 hours per day.

REPRESENTATIVE PETERSON stated that they have a building program involving some permanent houses, which would indicate they plan to continue.

Closing by Sponsor: REPRESENTATIVE PETERSON closed by urging the Committee's consideration.

DISPOSITION OF HOUSE JOINT RESOLUTION 2

Discussion: SENATOR HARP will carry HJR 2 in the Senate.

Amendments and Votes: SENATOR MEYER MOVED the amendments for House Joint Resolution 2.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR NOBLE MOVED that HOUSE JOINT RESOLUTION 2 BE CONCURRED IN AS AMENDED.

MOTION PASSED UNANIMOUSLY.

HEARING ON SENATE BILL 148

Presentation and Opening Statement by Sponsor: SENATOR HALLIGAN, District 29, explained that the Justice Department experienced problems with people not showing up for their hearing. SEE EXHIBIT 2. Other states have the ability to have the traffic offender give up their drivers license in lieu of bond or bail. They have had great success with these people showing up just to get their drivers license back.

SENATOR HALLIGAN stated that if they are stopped for a traffic offense, as listed under Title 61, the Officer then notes on the back of the copy that the drivers license has been taken and that will serve as a temporary permit to drive. If a person fails to appear and is not excused by the court, the court will send the person's drivers license to the Department of Suspension and will be issued an arrest warrant again.

Testimony:

JOHN CONNOR, Department of Justice, County Prosecutor Services stated that the Department was neither for or against the bill, but their concern is that there would be additional costs to the Department. For that reason, they feel there should be a fiscal note with this bill. The calculations made by the Division of Motor Vehicles is to the effect that there would be a resulting cost to the Department of approximately \$17,000. in order to track these suspensions. The personnel costs would be \$11,000. and the additional operating expenses would be \$6,000. There is not money in the Department's budget to cover these expenses.

Questions From Committee Members: SENATOR NOBLE asked if a person can either put up bail or do this method.

SENATOR HALLIGAN stated that it is at the request of the violator which he would rather do. If they are a resident and live in the area, they may not have to do either.

CHAIRMAN TVEIT asked Senator Halligan to get a fiscal note for SB 148.

Closing by Sponsor: SENATOR HALLIGAN closed the hearing on Senate Bill 148 and stated that he would get a fiscal note.

DISPOSITION OF SENATE BILL 94

Discussion: SENATOR NOBLE, Chairman of the Subcommittee on SB 94 informed the Committee of the amendments that came out of the Subcommittee. SEE EXHIBIT 3.

Amendments and Votes: SENATOR WILLIAMS MOVED the amendments to pass. MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR FARRELL MOVED that SENATE BILL 94 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 123

Discussion: The amendments from Peter Funk, Assistant Attorney General for the Department of Justice were given out. SEE EXHIBIT 4.

LEE HEIMAN explained the amendments. He stated that he rewrote the minutes in standard form. SEE EXHIBIT 5.

Amendments and Votes: SENATOR MEYER MOVED the amendments for Senate Bill 123.

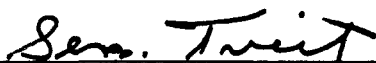
MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR WILLIAMS MOVED that SENATE BILL 123 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

Adjournment At: 1:45 p.m.



SENATOR LARRY TVEIT, Chairman

LT/pb

SENMIN.202

SENATE STANDING COMMITTEE REPORT

February 2, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HJR 2 (third reading copy -- blue), respectfully report that HJR 2 be amended and as so amended be concurred in:

Sponsor: Peterson (Harp)

1. Page 2, line 21.

Following: "~~Naturalization~~"

Insert: "Immigration and Naturalization Service and the United States"

2. Page 3, line 2.

Strike: "Director of the"

Insert: "Commissioner of the United States"

3. Page 3, line 3.

Following: "Service,"

Insert: "the Commissioner of the Immigration and Naturalization Service,"

AND AS AMENDED BE CONCURRED IN

Signed: _____

Larry J. Tveit, Chairman

*4.c. 1/89
2/3/89
G.W.C.*

SENATE STANDING COMMITTEE REPORT

February 2, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration SB 94 (first reading copy -- white), respectfully report that SB 94 be amended and as so amended do pass:

1. Page 1.

Following: line 14

Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because section 15 grants the department of highways authority to adopt rules to implement the provisions of [this act].

It is the intent of the legislature that the department have discretion to adopt rules that will result in a motorist information sign program that will aid the traveling public in locating gas, food, lodging, camping, recreation, and other tourist services that are conveniently accessible from the interstate and primary highways within the state. Such rules should supplement and interpret the provisions of [this act].

In adopting rules, the department should develop a policy for installation of motorist information signs. At a minimum, this policy should include criteria for:

- (1) standards of service for business eligibility for placement of a logo sign;
- (2) distances to eligible services;
- (3) selection of eligible businesses for motorist information signing;
- (4) location of motorist information signs at interchanges or intersections, in accordance with federal standards;
- (5) standards for the size, design, installation, and maintenance of motorist information signs; and
- (6) the costs to businesses for installation, annual maintenance, and repair of business signs.

It is intended that the department establish service eligibility requirements with the knowledge that in the rural vastness of this state it is important for a traveler to obtain information about available services, even if the full range of services contemplated by federal guidelines is not available. The department may provide a method for the substitution or replacement of services that are not available at a location, and it may establish some method of signing to indicate to the traveler that a particular service category is not available at the signed businesses.

It is intended that the department may require additional terms and conditions relating to issuance of a franchise for operation of the motorist information sign

program. Such additional requirements may relate to termination of a franchise agreement and to the posting of a contractor's bond for sign construction and maintenance.

Finally, the department should consider the success of the motorist information sign programs established in the states of Idaho and Washington and the logo sign franchise program established in the state of Minnesota."

2. Page 5, line 7.

Strike: "to ensure"

Insert: "in"

Strike: "23 CFR 655.307"

Insert: "the Manual on Uniform Traffic Control Devices, as amended"

3. Page 5, line 23 through page 6, line 25.

Following: "meet" on line 23

Strike: remainder of line 23 through "facilities" on page 6, line 25

Insert: "standards for "GAS", "FOOD", "LODGING", and "CAMPING" services in rules adopted by the department pursuant to guidelines in the Manual on Uniform Traffic Control Devices, as amended"

4. Page 7, line 20.

Strike: "A"

Insert: "Except as provided by rule, a"

5. Page 8, line 21.

Following: "restaurants,"

Insert: "campgrounds,"

6. Page 10, line 2.

Strike: "adequate public"

Insert: "a"

7. Page 10, line 3.

Following: "facilities"

Insert: "available for public use"

8. Page 11, line 13.

Strike: "established"

Insert: "to be operated by a franchisee"

AND AS AMENDED DO PASS

Signed: _____

Larry J. Tveit, Chairman

SENATE STANDING COMMITTEE REPORT

February 2, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration SB 123 (first reading copy -- white), respectfully report that SB 123 be amended and as so amended do pass:

1. Title, line 7.

Following: "JUSTICE;"

Insert: "CREATING A MISDEMEANOR OFFENSE FOR FAILING TO RETURN A CERTIFICATE FOLLOWING ACTUAL NOTICE OF THE DEPARTMENT'S DEMAND FOR THE RETURN;"

2. Page 5, line 25.

Following: "(8)"

Insert: "(a)"

3. Page 6, lines 3 through 11.

Strike: "The" on line 3 through "department." on line 11

Insert: "if the owner has returned the certificate to be cancelled.

(b) Any person who fails to return a certificate of ownership issued with an error caused by the department after receiving actual notice of the department's demand for the return of the certificate as required by subsection (8)(a) is guilty of a misdemeanor and upon conviction may be fined an amount not to exceed \$500."

AND AS AMENDED DO PASS

Signed: Larry J. Tveit
Larry J. Tveit, Chairman

g/c.
2/3/89
9:00
a.

SENATE HIGHWAYS
EXHIBIT NO. 1
DATE 2-2-89
BILL NO. AJR 2

STANDING COMMITTEE REPORT

Senate Committee Amendment

February 1, 1989
Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Joint Resolution 2 (Third reading copy-- blue) be amended and read as follows:

A. Page 2, line 21.

Following: "~~Naturalization~~"

Insert: "Immigration and Naturalization Service and the United States"

B. Page 3, line 2.

Following: "the"

Strike: "Director of the"

Insert: "Commissioner of the United States Customs Service, the Commissioner of the Immigration and Naturalization"

C. Page 3, line 2.

Following: "~~Naturalization~~"

Strike: "CUSTOMS"

Signed _____

Rep. Mary Lou Peterson

HJRO2 SEN, HRT

Legislative Corresp.
MR/KF

SENATE HIGHWAYS

EXHIBIT NO. 2

DATE 2-2-89

BILL NO. SB 148

January 31, 1989

Sheriff Daniel L. Magone
Missoula County Sheriff
Missoula County Courthouse
Missoula MT 59802

Re: Senate Bill 148

Dear Sheriff Magone:

This letter is a follow-up to my note to you on January 17, 1989, concerning Senate Bill 148 which provides for the optional seizure of a driver's license and the subsequent suspension of that license for a failure to appear. The Department has concluded its review of the proposal and, regrettably, cannot support it in its present form for several reasons.

First, I am concerned that because the taking of the license is at the discretion of the violator, the problem of serving arrest warrants by local law enforcement agencies will not be significantly reduced by the proposal.

Second, the Motor Vehicle Division (MVD) estimates that the proposal would result in an additional expenditure of \$17,000 per year just to process and keep track of the resulting suspensions. Approximately \$11,000 per year would be due to personnel costs and approximately \$6,000 would be due to new operating expenses. Funds are not available in the existing budget to cover those expenditures.

Finally, the proposal has raised a number of procedural questions. For instance, once a driver is suspended for failure to appear and the actual license is forwarded to the MVD in Helena, if the person eventually appears, when is the license actually reinstated? Is it reinstated on the day the person eventually appears or is it reinstated when the person actually receives the license back from the MVD in Helena?

SHERIFF MAGONE
Page 2
January 31, 1989

Although I have a number of concerns as mentioned above, I would be most happy to discuss the bill with you at any time.

Thank you again for the chance to review the bill and offer my comments.

Sincerely,

MARC RACICOT
Attorney General

cc: Susan Hintz
Senator Mike Halligan
Robert Robinson, Motor Vehicle Division
Robert Griffith, Highway Patrol Division

Amendments to Senate Bill No. 94
First Reading Copy

Requested by Subcommittee
For the Committee on Highways and Transportation

Prepared by Lee Heiman
February 2, 1989

1. Page 1.
Following: line 13
Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because section 15 grants the department of highways authority to adopt rules to implement the provisions of [this act].

It is the intent of the legislature that the department have discretion to adopt rules that will result in a motorist information sign program that will aid the traveling public in locating gas, food, lodging, camping, recreation, and other tourist services that are conveniently accessible from the interstate and primary highways within the state. Such rules should supplement and interpret the provisions of [this act].

In adopting rules, the department should develop a policy for installation of motorist information signs. At a minimum, this policy should include criteria for:

- (1) standards of service for business eligibility for placement of a logo sign;
- (2) distances to eligible services;
- (3) selection of eligible businesses for motorist information signing;
- (4) location of motorist information signs at interchanges or intersections, in accordance with federal standards;
- (5) standards for the size, design, installation, and maintenance of motorist information signs; and
- (6) the costs to businesses for installation, annual maintenance, and repair of business signs.

It is intended that the department establish service eligibility requirements with the knowledge that in the rural vastness of this state it is important for a traveler to obtain information about available services, even if the full range of services contemplated by federal guidelines is not available. The department may provide a method for the substitution or replacement of services that are not available at a location, and it may establish some method of signing to indicate to the traveler that a particular service category is not available at the signed businesses.

It is intended that the department may require additional terms and conditions relating to issuance of a franchise for operation of the motorist information sign program. Such additional requirements may relate to termination of a franchise agreement and to the posting of a

contractor's bond for sign construction and maintenance.

Finally, the department should consider the success of the motorist information sign programs established in the states of Idaho and Washington and the logo sign franchise program established in the state of Minnesota."

2. Page 5, line 7.

Strike: "to ensure"

Insert: "in"

Strike: "23 CFR 655.307"

Insert: "the Manual on Uniform Traffic Control Devices, as amended"

3. Page 5, line 23.

Strike: "the" on line 23 through "facilities." on line 25 of page 6

Insert: "standards for "GAS", "FOOD", "LODGING", and "CAMPING" services in rules adopted by the department pursuant to guidelines in the Manual on Uniform Traffic Control Devices, as amended."

4. Page 7, line 20.

Strike: "A"

Insert: "Except as provided by rule, a"

5. Page 8, line 21.

Following: "restaurants,"

Insert: "campgrounds,"

6. Page 10, line 2.

Strike: "adequate public"

Insert: "a"

7. Page 10, line 3.

Following: "facilities"

Insert: "available for public use"

8. Page 11, line 13.

Strike: "established"

Insert: "to be operated by a franchisee"

Amendments to Senate Bill 123
Introduced Bill

At the Request of the Department of Justice

Prepared by Peter Funk
Assistant Attorney General
February 1, 1989

1. Page 1, line 7

Following: "JUSTICE;"

Insert: "AND CREATING A MISDEMEANOR OFFENSE FOR
FAILING TO RETURN SUCH A CERTIFICATE FOLLOWING
ACTUAL NOTICE OF THE DEPARTMENT'S DEMAND FOR THE
RETURN;"

2. Page 6, line 3

Following: "certificate."

Insert: "provided the owner has returned the
certificate to be cancelled."

3. Page 6, line 3

Following: (change made in No. 2 above)

Strike: (all language through line 11)

4. Page 6, line 3

Following: (change made in No. 2 above)

Insert: "Any person who fails to return a certificate
of ownership issued with an error caused by the

department after receiving actual notice of the department's demand for the return of the certificate is guilty of a misdemeanor and shall be fined in an amount not to exceed \$500.

Amendments to Senate Bill No. 123
First Reading Copy

Requested by Department of Justice
For the Committee on Highways and Transportation

Prepared by Peter Funk, Assistant Attorney General
February 2, 1989

1. Title, line 7.

Following: "JUSTICE;"

Insert: "CREATING A MISDEMEANOR OFFENSE FOR FAILING TO RETURN A
CERTIFICATE FOLLOWING ACTUAL NOTICE OF THE DEPARTMENT'S
DEMAND FOR THE RETURN;"

2. Page 5, line 25.

Following: "(8)"

Insert: "(a)"

3. Page 6, lines 3 through 11.

Strike: ". The" on line 3 through "department." on line 11

Insert: "if the owner has returned the certificate to be
cancelled.

(b) Any person who fails to return a certificate of
ownership issued with an error caused by the department
after receiving actual notice of the department's demand for
the return of the certificate as required by subsection
(8)(a) is guilty of a misdemeanor and upon conviction may be
fined an amount not to exceed \$500."