

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on February 9, 1993, at 1:05.

ROLL CALL

Members Present:

Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. John Harp (R)
Sen. Francis Koehnke (D)
Sen. Doc Rea (D)
Sen. Spook Stang (D)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: None

Members Absent: None

Staff Present: Dave Bohyer, Legislative Council
Beth Satre, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 309, SB 315
Executive Action: SB 309, SB 315, HB 96

Committee Business

CHAIRMAN WEEDING distributed copies of two memos from Steve Kologi, Department of Transportation (DOT), explaining the enhancements in the Intermodal Surface Transportation Efficiency Act (ISTEA) (Exhibit #1).

Dave Bohyer distributed copies of the proposed resolution suggesting a review of Title 60 and some other things the Committee had requested he draft (Exhibit #2).

HEARING ON SENATE BILL 309

Opening Statement by Sponsor:

SEN. STANG stated SB 309 would require the suspension of a

drivers license for a person convicted of violating a state or federal controlled substance or a dangerous drug law. He told the Committee if SB 309 was not passed, Montana could lose a substantial amount of federal highway funds. **SEN. STANG** stated there was an alternative to SB 309, and asked the Committee to table SB 309 and draft a resolution informing the U.S. Department of Transportation (USDOT) that Montana does not want any part of project. He explained such a resolution would allow Montana to keep its federal highway funds even if SB 309 was not enacted. He turned the Podium over to **Peter Funk**, Assistant Attorney General representing the Motor Vehicle Division.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony:

Peter Funk, Assistant Attorney General representing the Motor-Vehicle Division, stated the concept behind SB 309 originated out of the federal government's war on drugs and dangerous drug offenses. He explained the USDOT Appropriation Act of 1991 adopted November 1990 mandates a state shall do one of two things by October 1, 1993. A state may either pass a law embodied by SB 309 providing for the automatic six month suspension of a driver's license upon conviction for "any drug offense either state or federal". Or both chambers of a state's legislature adopt and the Governor must sign a joint resolution certifying that the state does not wish to participate in this federal program. According to **Peter Funk**, if a state fails to follow one of these two options it will lose 5% of its federal highway construction money for the first two years and 10% for the next two years. He reiterated this is an either/or situation; non-action would have expensive consequences. He said based on information he had received from the federal government, at least four states have chosen to adopt a joint resolution: Maine, New Mexico, Utah and Wyoming.

Peter Funk explained how the federal mandate is incorporated into SB 309. He emphasized SB 309 would establish a mechanism to get at a person's drivers license for activities not solely relating to the operation of a motor vehicle. **Mr. Funk** said under SB 309 a drivers license could be revoked for the conviction of any drug offense: possession, sale, etc. He stated the sanction the federal government mandates is a six-month driver's license suspension which may not provide for a restricted probationary license. He noted this sanction is established in Section 1 of SB 309. SB 309 would also cause this six-month suspension to be added to any current drivers license suspension and would be applied to minors adjudicated in youth court.

Peter Funk stated the Department of Justice had drafted SB 309 so the Committee would have the option of adopting such legislation. He also stated if the Committee would like to draft a joint resolution, the Department of Justice would provide **Dave Bohyer**

with copies of joint resolutions adopted by the four states. **Peter Funk** explained the Department of Justice's general experience has been that such federal mandates provoke a negative reaction in the Montana legislature. He stated his Department did have one concern with the law mandated by the federal government; SB 309 would establish a practice of suspending driver's licenses for non-driving behavior. Currently Montana residents have their driver's licenses suspended or revoked based on what they do in an automobile. According to **Peter Funk**, no precedent for this connection existed in the State's statutes. He emphasized, however, that the Department of Justice was not appearing before the Committee to express a preference between SB 309 or a possible joint resolution, but to urge the Committee to choose one of the two options.

Steve Kologi, Director of Planning and Programming, Department of Transportation stated his Department did not have a position on SB 309. He urged the Committee to take action, however, because the loss of highway construction funds were substantial. According to **Mr. Kologi**, Montana would lose \$6.5 million in each of the first two years which translates into 10 miles of new construction or 30 miles of overlay if one of the two proscribed actions were not taken. Inaction would cost Montana \$13 million in each of the last two years of ISTEA.

Questions From Committee Members and Responses:

SEN. REA asked **Dave Bohyer** if the Committee had enough time to request, draft, hear and adopt a joint resolution. **Dave Bohyer** stated he thought the request deadline for committee bills was Saturday, February 13. He allowed, however, it could be sooner than that. Many of the committee members expressed their belief the deadline was Thursday, February 11. **Dave Bohyer** said the time frame was tight but if **Peter Funk** could provide a draft resolution, there should not be a problem.

SEN. MCCLERNAN stated he also disagreed with the idea of trying to control non-driving behavior through the suspension of drivers licenses. He noted, however, a section of SB 309 deals with the operation of a motor vehicle under the influence of any substance which is prohibited. He asked **Peter Funk** if the current law addressed this situation. **Peter Funk** replied operating a motor vehicle under the influence of drugs is currently a crime under the Montana DUI statute.

Closing by Sponsor: None.

EXECUTIVE ACTION ON SENATE BILL 309

Motion/Vote:

SEN. TOEWS MOVED to TABLE SENATE BILL 309. The MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON THE POSSIBLE JOINT RESOLUTIONMotion:

SEN. STANG MOVED the Committee adopt a Committee Resolution to request and draft the necessary joint resolution.

Discussion:

CHAIRMAN WEEDING requested that Dave Bohyer work with the Department of Justice to develop the resolution post haste and offered to request the joint resolution right away.

Vote:

The MOTION CARRIED UNANIMOUSLY.

EXECUTIVE SESSION ON COMMITTEE RESOLUTION DRAFTDiscussion:

CHAIRMAN WEEDING asked Dave Bohyer to summarize and clarify the Committee Resolution he had drafted (Exhibit #2).

Dave Bohyer explained the resolution contained three separate components, two of which the Committee requested at its last meeting. He said the first component asks DOT to review and rework MCA Title 60 to ensure the language comports with the ISTEA legislation adopted last year. He stated the resolution calls for DOT to present their findings in bill form to the Legislature for consideration in 1995. According to Dave Bohyer, the resolution's second part is composed of a legislative request to the DOT that it examine ways to maximize revenue from the highway logo signs. He stated SEN. STANG had questioned that the State of Montana receives only \$3.50 from a rental sign which rents for \$90 a month.

Dave Bohyer said the Committee had not requested the third component of the resolution. He stated Gary Gilmore, DOT, had requested it be included. According to Dave Bohyer, Gary Gilmore had informed him that DOT is confronted with a maintenance plan whereby they have to plow certain sections of county roads and city streets while cities and counties have to plow and maintain certain portions of public highways. Dave Bohyer said Gary Gilmore stated this maintenance could be done more efficiently if DOT were empowered to negotiate agreements with cities and counties. Dave Bohyer emphasized he had agreed to include this component in the resolution only after informing Gary Gilmore that the Committee would have the authority to remove this portion of the resolution since the Committee had not requested or even discussed this situation.

Questions From The Committee:

SEN. MCCLERNAN stated he believed Butte/Silver Bow had an

agreement with DOT a few years ago to plow at least the portions of the interstate within the city lines. He asked **Tom Barnett, DOT**, if this were still true. **Tom Barnett, DOT**, replied yes, but added that the authority for those agreements is derived from a different statute. He said that statute was passed by the Legislature about ten years ago and prompted DOT to negotiate maintenance agreements with cities and town. He stated the issue DOT wants to address with this resolution is a different issue. He explained the maintenance responsibility on some sections of roads is very piecemeal. To exhibit this problem he distributed a map of Glendive on which the streets were color-coded according to maintenance responsibility (Exhibit #3).

SEN. REA asked **Tom Barnett** why it was necessary to put this stipulation in statute instead of regulating it at the city or county level. **Tom Barnett** replied the maintenance responsibility of the Montana DOT was established by law in 1976. According to **Mr. Barnett**, that law mandated that the then Department of Highways continue to maintain anything it was maintaining as of July 1, 1975. **Tom Barnett** was of the opinion the legislature would have to act to change that maintenance responsibility. He stated since that decision should be made in two years, this session would be an opportune time for the legislature to request that such a study be done.

SEN. STANG stated he was concerned that the Montana Association of Counties (MACo) did not know the Committee was considering a request for such a study and had no opportunity to respond. He expressed his interest in their position and suggested MACo be contacted. **Dave Bohyer** reminded the Committee that this resolution had not been introduced and still had to be heard. He indicated MACo would have a chance to respond at the hearing.

SEN. STANG asked if MACo had contacted DOT about this issue. **Tom Barnett** replied he thought MACo was aware of DOT's request, but probably did not know the specifics set forth in the joint resolution. **Mr. Barnett** offered to send a copy of the draft to MACo and the Montana League of Cities and Towns after the meeting adjourned. **CHAIRMAN WEEDING** stated it was a good idea to inform both organizations and added he would also be interested in their opinion of the drafted resolution.

Motion: **SEN. STANG** moved the SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE INTRODUCE THIS RESOLUTION AS DRAFTED.

Discussion:

CHAIRMAN WEEDING verified **SEN. STANG's** intent to introduce the resolution with or without the consent of MACo's and the Montana League of Cities and Towns. **SEN. STANG** responded the hearing would give both the organizations the opportunity to express their opinion regarding the issue.

Vote: The MOTION CARRIED UNANIMOUSLY

HEARING ON SENATE BILL 315Opening Statement by Sponsor:

SEN. SWYSGOOD stated SB 315 was requested by the Department of Justice. He assured the Committee that, although SB 315 is lengthy, it was a housekeeping measure which would conform the language in the commercial drivers license section of Montana's statute with federal law. He mentioned SB 315 would define a schoolbus as a commercial motor-vehicle regardless of the number of passengers being transported. He said the state currently requires a schoolbus driver to have a commercial license. **SEN. SWYSGOOD** concluded SB 315 would provide for the clarification of Montana's statutes and bring them into conformity with the federal regulations which had been finalized.

Proponents' Testimony:

Peter Funk, Attorney General's Office, said SB 315 is so long because it changes the phrase "commercial vehicle operator's endorsement" to "commercial driver's license" throughout Montana statutes. He said the change is necessary to comply with the final federal rules issued under the Commercial Motor-Vehicle Safety Act of 1986. **Mr. Funk** said this Act requires commercial motor-vehicle authorizations to be single driver's licenses and not endorsements to a driver's license. **Mr. Funk** stated SB 315 would modify existing law in two other ways: First, SB 315 would provide for the suspension of a commercial driver's license upon conviction of violating an "out-of-service order"; Second, SB 315 would also define all school buses as commercial vehicles.

Peter Funk informed the Committee that federal rules require a commercial driver's license ~~should~~ be suspended for some period of time if the holder is convicted of violating an "out-of-service order". He defined an "out-of-service order" as a citation issued when an inspection reveals that either the commercial vehicle or the driver of that vehicle is in a condition making it unsafe to continue operating that vehicle. He explained an "out-of-service order" would usually apply until the vehicle is repaired. He stated SB 315 would allow Montana law to reflect federal laws.

Peter Funk stated SB 315 would expand the definition of a commercial vehicle to include all school buses. He explained that currently only buses "designed to transport 15 or more passengers including the driver" are commercial vehicles. He assured the Committee that SB 315 would not require a large group of drivers to go out and get a commercial license because existing law requires the driver of any size school bus to have a commercial license.

Peter Funk also alerted the Committee to two instances in SB 315 where the Legislative Council had struck a sentence referring to the appropriation of funds to the Highway Patrol Pension Trust Fund. He said **Greg Petesch** had assured him this sentence was redundant and its striking would not affect the Trust Fund in any

way.

Ben Havdahl, Montana Motor Carriers Association (MMCA), expressed MMCA's support of SB 315.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. MCCLERNAN asked **Peter Funk** if the vans routinely used by colleges and universities for field trips, would be commercial vehicles and if faculty members or employees who drove such vans would be required to have commercial licenses if SB 315 were approved. **Peter Funk** replied he could not recall the specifics of the definition of a school bus, but thought it was possible that SB 315 would affect such vans and their drivers. He stated if the Title 20 definition fits a university's use of that type, then the driver would be required to have a commercial driver's license and comply with all other commercial motor-vehicle regulations.

SEN. HARP stated he was curious how the agricultural community was exempted from the commercial motor-carrier regulations. **Peter Funk** explained that throughout the course of the commercial motor vehicle debate starting in 1986, the question of exemptions was a major battle on both the federal and state level. He stated both the Montana language and language in federal statutes and rules reveal the power of the agricultural lobby. He said the agricultural lobby is one of the few groups that have been successful in getting themselves exempted from this entire process.

SEN. HARP asked if agricultural carriers have been successful in excluding themselves from commercial carrier regulations on both the federal and state level. **Peter Funk** replied **SEN. HARP** was correct.

SEN. REA asked, in reference to **SEN. MCCLERNAN's** question, if he would need a commercial driver's license to ferry a bunch of kids to the ski slope. **Peter Funk** replied the driver would definitely need one if the vehicle used was classified as a school bus.

SEN. HARP, after stating his opposition to the Certified Driver's License (CDL) program, asked **Ben Havdahl** if the program had been beneficial in any way. **Ben Havdahl** replied it was too soon to tell since CDL has only recently been in place nation-wide. He stated one of the first apparent benefits of this program was to eliminate multiple driver's licenses available to truck drivers all over the country. He explained that truckers often had a dozen different driver's licenses and whenever they were cited, they would tender the driver's license that could stand the infraction. He stated the elimination of this possibility will

eventually have a tremendous safety impact. Mr. Havdahl admitted the program has had some drawbacks because it has cut into the quantity of available drivers around the country, but stated his belief that this effect would be mitigated in time.

CHAIRMAN WEEDING asked if drug-testing was part of the CDL program. SEN. SWYSGOOD replied drug-testing was a separate program.

SEN. TVEIT asked if drivers with commercial licenses you are restricted on a .04 blood alcohol level instead of the .10 for a regular driver. Peter Funk stated that was a federal mandate and the implied consent level for a commercial motor carrier is .04 and not .10.

SEN. TVEIT asked if the legal consequences outlined on page 41 of SB 315 dealt solely with haulers of hazardous material or if they applied to all commercial carriers. Peter Funk responded SB 315 would apply across the board to alcohol related commercial vehicle violations. He stated the statutory scheme indicated the period of discipline or suspension may be extended if the driver has a hazardous endorsement.

Close:

SEN. SWYSGOOD addressed SEN. MCCLERNAN's concern by reading from the Montana law that a school bus is defined as an "over-the-road passenger vehicles used to haul pupils to activities". He stated the vans colleges and universities used probably would not fit into this category. In conclusion he showed the Committee his commercial motor-vehicle driver's license and referred to the stringent rules the CDL program place on DUI for commercial carriers.

Further Discussion on SB 315:

CHAIRMAN WEEDING asked how long these rules had been incorporated into the law in Montana. Peter Funk replied at least four or five years. He said the overall federal statute had been adopted in 1986, but the federal government has continued to fill in the gaps of this statute with various levels of rule making. As a result, applicable Montana statutes had been adopted at different times over the past three sessions.

EXECUTIVE ACTION ON SENATE BILL 315

Motion:

SEN. HARP moved SB 315 DO PASS.

Discussion:

SEN. SWYSGOOD stated the concern Peter Funk had expressed about the language struck by the Legislative Council could be addressed in the House if a problem were to arise.

Dave Bohyer introduced a necessary technical amendment to SB 315 (Exhibit #4).

Motion/Vote:

SEN. SWYSGOOD moved the amendment (Exhibit #4). MOTION CARRIED UNANIMOUSLY.

Motion/Vote: **SEN. HARP** made the substitute motion SB 315 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HOUSE BILL 96

Discussion:

SEN. STANG said he had asked **Dean Roberts**, Department of Justice, to clarify the language in HB 96. **Dean Roberts** verified that the problematic language was "numbered in sets of two, with a different number on each set". He stated the original language was "license plate", but the House Highways and Transportation Committee did not think the language meant clearly two plates per set. He stated he did not understand the problem. **SEN. STANG** replied the language seemed to indicate that if an individual had two sets of plates those sets would have to be numbered in consecutive order. **Dean Roberts** stated he did not understand that to be the case.

SEN. TVEIT stated what the people sponsoring HB 96 want is another set of license plates. **Dean Roberts** stated HB 96 would allow these people to get more than one set of plates. After discussion it was established that each set of license plates included two license plates and that each set would have a different number.

SEN. HARP asked if it were possible to amend HB 96 to reorder the numbers assigned to the various counties to make the numbers on the license plates more reflective of the actual population in each county. It was suggested that **SEN. HARP** pursue that amendment on the Senate floor. **SEN. HARP** requested that **Dave Bohyer** prepare such an amendment for him.


Motion/Vote:


SEN. TVEIT moved HB 96 DO PASS. The MOTION CARRIED UNANIMOUSLY.

SEN. TVEIT will carry HB 96 on the Senate Floor.

ADJOURNMENT

Adjournment: 1:59 p.m.



SENATOR CECIL WEEDING, Chair


BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE FEB. 9, 1993

[illegible]

F08

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 10, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 315 (first reading copy -- white), respectfully report that Senate Bill No. 315 be amended as follows and as so amended do pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

That such amendments read:

1. Title, line 12.
Following: "SECTIONS"
Insert: "17-7-502,"

2. Page 2.
Following: line 7
Insert: " Section 2. Section 17-7-502, MCA, is amended to read:
"17-7-502. Statutory appropriations -- definition --
requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.
(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:
(a) The law containing the statutory authority must be listed in subsection (3).
(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.
(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; ~~61-5-121~~; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)""

Renumber: subsequent sections

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 10, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 96 (first reading copy -- blue), respectfully report that House Bill No. 96 be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair



October 5, 1992

City Commissioners & Mayors
County Commissioners and
Other Interested Parties

Subject: Community Transportation Enhancement Program

The Intermodal Surface Transportation Efficiency Act (ISTEA) was signed into law on December 18, 1991. The ISTEA requires a Transportation Enhancement set-aside which can only be used to fund the category of projects shown on the first page of the following attachment.

These federal funds come to Montana through the Montana Department of Transportation (MDT). Working with the League of Cities and Towns and the Montana Association of Counties, the Montana Highway Commission designed the Community Transportation Enhancement Program which allocates the majority of the enhancement set-aside funds to all 56 counties and to those incorporated municipalities with populations over 1000. These local governments will select and prioritize eligible projects for the use of these funds. Counties should also consider input from municipalities under 1000 when establishing local priorities for funding under this program.

The fiscal year 1992 allocation of enhancement funds is shown on pages 2-4 of the attachment. For planning purposes, each community can expect to receive about six times this amount for the known six years of the program (FY '92 - FY '97). The agreement which created the program and the associated program guidelines are provided on the attachment following the allocation tables.

As noted in Item 4 of the agreement, local governments are required to provide the matching share for these projects. Currently, the matching ratio is 13.42 percent. While the agreement mentions the possibility of utilizing "soft matches", the Federal Highway Administration discourages non-cash match and may not allow such a matching technique. Local governments are therefore strongly encouraged to provide a cash match. However, we are willing to work with any local governments who are not able to provide hard (cash) matches by trying to find other acceptable means of matching the federal funds.

EXHIBIT 1
DATE 2/9/93
N/A

Community Transportation Enhancement Program

Only the following are eligible for funding in this program:

- Facilities for pedestrians and bicycles;
- Acquisition of scenic easement and scenic or historic sites;
- Scenic or historic highway programs;
- Landscaping and other scenic beautification;
- Historic preservation;
- Rehabilitation and operation of historic transportation buildings, structures or facilities including historic railroad facilities and canals;
- Preservation of abandoned railway corridors including the conversion and use thereof for pedestrian or bicycle trails;
- Control and removal of outdoor advertising;
- Archaeological planning and research; and
- Mitigation of water pollution due to highway runoff.

Community Transportation Enhancement Program Fiscal Year 1992 Allocation

A. Points

- An amount is reserved for programs department will administer
- Remainder is allocated directly to municipal areas over 1000 population and counties based on per capita distribution
- Local governments will provide matching share (about 13% for '92 and '93)

B. City/County enhancement distribution based on FY '92 enhancement funds and 1990 state population (U.S. Bureau of Census)

1. FFY '92 federal funds-transportation enhancements = \$5,337,954 *
2. Reserved for MDT use (-) \$900,000 *
3. Remaining for City/County distribution = \$4,437,718 *
4. Divided by 1990 state population 799,065
5. Yields per capital distribution rate = \$5.554

*'92 levels are less than anticipated six year averages of \$6 million per year for enhancements and \$1 million per year for MDT programs.

County	Co. Population (not in cities of > 1,000)	City (with > 1,000)	City Pop.	Distribution (Pop. X \$5.554)
Beaverhead	4,433			\$24,621
		Dillon	3,991	\$22,166
Big Horn	8,397			\$46,637
		Hardin	2,940	\$16,329
Blaine	5,216			\$28,970
		Chinook	1,512	\$8,398
Broadwater	1,683			\$9,347
		Townsend	1,635	\$9,081
Carbon	6,122			\$34,002
		Red Lodge	1,958	\$10,875
Carter	1,503			\$8,348
Cascade	22,594			\$125,487
		Great Falls	55,097	\$306,009
Chouteau	3,792			\$21,061
		Fort Benton	1,660	\$9,220
Custer	3,236			\$17,973
		Miles City	8,461	\$46,992
Daniels	1,112			\$6,176
		Scobey	1,154	\$6,409
Dawson	4,703			\$26,120
		Glendive	4,802	\$26,670

Phillips	2,823			\$15,679
		Malta	2,340	\$12,996
Pondera	3,542			\$19,672
		Conrad	2,891	\$16,057
Powder River	2,090			\$11,608
Powell	3,242			\$18,006
		Deer Lodge	3,378	\$18,761
Prairie	1,383			\$7,681
Ravalli	21,052			\$116,923
		Hamilton	2,737	\$15,201
		Stevensville	1,221	\$6,781
Richland	5,499			\$30,541
		Sidney	5,217	\$28,975
Roosevelt	8,119			\$45,093
		Wolf Point	2,880	\$15,996
Rosebud	8,327			\$46,248
		Forsyth	2,178	\$12,097
Sanders	7,350			\$40,822
		Thompson Falls	1,319	\$7,326
Sheridan	2,596			\$14,418
		Plentywood	2,136	\$11,863
Silver Bow-Butte	33,941			\$188,508
Stillwater	4,963			\$27,565
		Columbus	1,573	\$8,736
Sweet Grass	1,597			\$8,870
		Big Timber	1,557	\$8,648
Teton	4,530			\$25,160
		Choteau	1,741	\$9,670
Toole	2,283			\$12,680
		Shelby	2,763	\$15,346
Treasure	874			\$4,854
Valley	4,667			\$25,921
		Glasgow	3,572	\$19,839
Wheatland	1,197			\$6,648
		Harlowton	1,049	\$5,826
Wibaux	1,191			\$6,615
Yellowstone	26,582			\$147,636
		Billings	81,151	\$450,713
		Laurel	5,686	\$31,580

File:TRENDIST

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MONTANA DEPARTMENT OF TRANSPORTATION

AND

THE MONTANA LEAGUE OF CITIES AND TOWNS

AND

THE MONTANA ASSOCIATION OF COUNTIES

The original is located at the Historical Society at
225 North Roberts Street, Helena, MT 59620-1201. The
phone number is 444-2694.

SENATE HIGHWAYS
EXHIBIT NO. 2
DATE Feb. 9, 1993
BILL NO. _____

_____ JOINT RESOLUTION NO. _____ INTRODUCED BY _____
BY REQUEST OF THE SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ASSESS THE NEED FOR REVISIONS TO MONTANA'S STATUTES AND ADMINISTRATIVE RULES AS A RESULT OF CHANGES IN FEDERAL LAW AND TO PROPOSE TO THE 54TH LEGISLATURE, IN BILL FORM, RECOMMENDED REVISIONS; REQUESTING THE DEPARTMENT OF TRANSPORTATION TO RESEARCH METHODS THAT WILL ALLOW THE STATE OF MONTANA TO MAXIMIZE REVENUE TO THE STATE FROM THE LEASE OR RENTAL OF HIGHWAY INFORMATION SIGNS; REQUESTING THE DEPARTMENT OF TRANSPORTATION TO COLLABORATE WITH LOCAL GOVERNMENTS IN STUDYING THE CURRENT RESPONSIBILITIES FOR MAINTAINING PUBLIC HIGHWAYS AND TO WORK TOWARD MORE EFFICIENT ALLOCATION OF RESPONSIBILITIES FOR MAINTAINING THE PUBLIC HIGHWAYS; AND REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT ALL OF ITS FINDINGS, RECOMMENDATIONS, AND OPTIONS FOR FURTHER CONSIDERATION TO THE 54TH LEGISLATURE.

WHEREAS, in 1991 the United States Congress enacted Public Law 102-240, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), that made substantial changes to the procedures by which the construction and maintenance of public highways are funded and in the ways in which public highways are designated; and

WHEREAS, Montana's statutes and administrative rules rely on federal restrictions, requirements and guidelines that existed prior to the enactment of ISTEA, which reliance becomes confusing within the context of the current federal restrictions, requirements, and guidelines; and

WHEREAS, Montana has enacted laws allowing the lease or rental of highway information signs; and

WHEREAS, the lease or rental of highway information signs is becoming an increasingly lucrative endeavor; and

WHEREAS, the state of Montana, through the Department of

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Transportation, should do everything within its authority to maximize the income to Montana from the lease or rental of highway information signs; and

WHEREAS, the responsibility for maintaining various highways and streets was established by statute in 1977; and

WHEREAS, over the years inefficiencies have developed whereby counties and cities are maintaining sections of highways that could be more efficiently maintained by the Department of Transportation; and

WHEREAS, the Department of Transportation maintains sections of highways that could be more efficiently maintained by counties or cities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Transportation is hereby requested to review, prior to October 1, 1994:

(1) the federal restrictions, requirements, and guidelines resulting from the enactment of ISTEA and prepare recommendations to the 54th Legislature for revising Montana's statutes and administrative rules to comport with ISTEA;

(2) the manner in which the State of Montana currently participates in the proceeds from the lease or rental of highway information signs and prepare recommendations to and options for consideration by the 54th Legislature for maximizing the financial return to the State of Montana from the lease or rental of highway information signs; and

(3) the responsibilities of the state, counties, and cities for maintaining the various sections of public highways throughout the state and, after consultation and collaboration with representatives of counties, cities, and towns, report its findings and recommendations to the 54th Legislature.

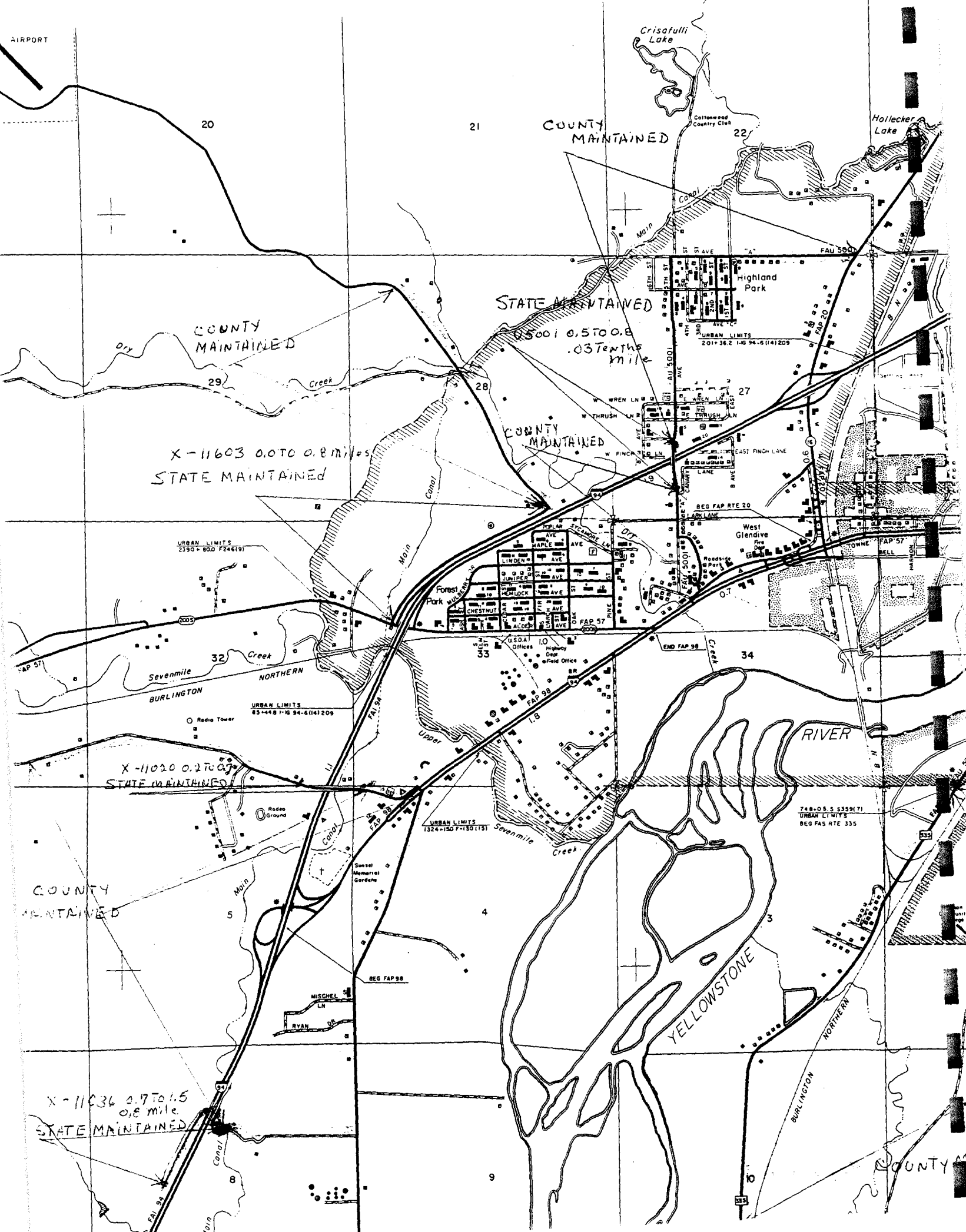
BE IT FURTHER RESOLVED, that the Department of Transportation is hereby further requested, in making recommendations to the 54th Legislature and where appropriate, to have legislation prepared to implement the Department's recommendations.

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BE IT FURTHER RESOLVED, that the Department of Transportation is further requested to recommend implementing legislation, which is to be initially prepared by the Department and formally requested before October 1, 1994, for introduction in the 54th Legislative Session.

-End-

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AIRPORT

20

21

COUNTY MAINTAINED

22

Hallock Lake

COUNTY MAINTAINED

STATE MAINTAINED

0.5001 0.5000.8
.03 Tenth mile

X-11603 0.0 TO 0.8 miles
STATE MAINTAINED

COUNTY MAINTAINED

URBAN LIMITS
2390 + 800 F246(9)

URBAN LIMITS
85 + 448 1-K 94-6 (14) 209

URBAN LIMITS
1324 + 150 F-150 (175)

748 + 0.5.5 535(7)
URBAN LIMITS
BEG FAP RTE 335

X-11020 0.2 TO 0.7
STATE MAINTAINED

COUNTY MAINTAINED

X-11036 0.7 TO 1.5
0.8 mile
STATE MAINTAINED

Crisafulli Lake

Cottonwood Country Club

Highland Park

URBAN LIMITS
201 + 36.2 1-K 94-6 (14) 209

WREN LN

W THRUSH LN

W FINCH LN

W BAY LN

W BAY LN

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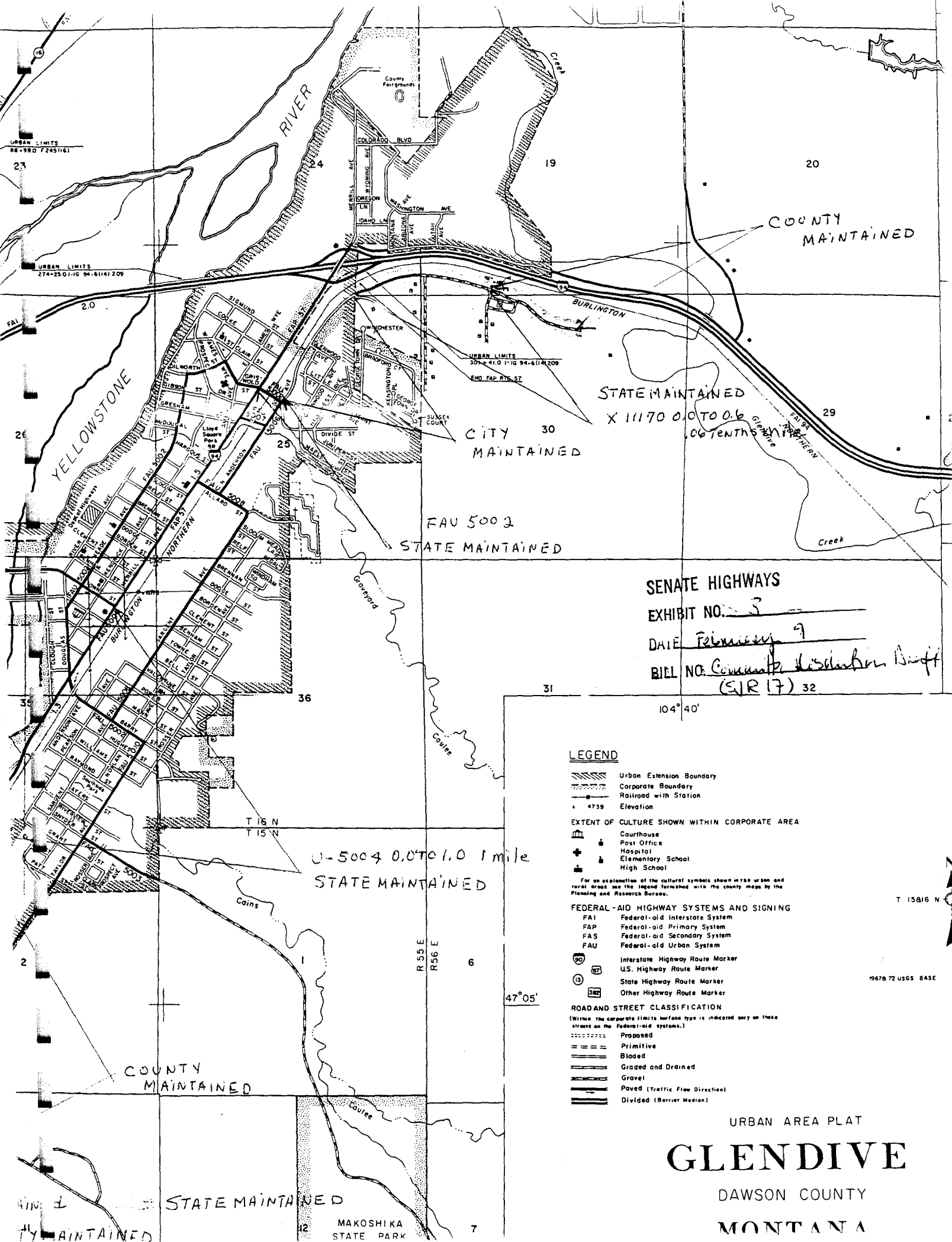
W BAY LN

W BAY LN

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W BAY LN



URBAN LIMITS
88-990 F245(161)
23

URBAN LIMITS
274-250-1-10 94-6(14) 209

CITY
MAINTAINED

FAU 5002
STATE MAINTAINED

U-5004 0.0 TO 1.0 1 mile
STATE MAINTAINED

STATE MAINTAINED
X 1170 0.0 TO 0.6
0.6 TENTHS MILE

SENATE HIGHWAYS

EXHIBIT NO. 3

DATE February 9

BILL NO. Comm. Resolution Draft
(SIR 17) 32

LEGEND

- Urban Extension Boundary
- Corporate Boundary
- Railroad with Station
- Elevation

EXTENT OF CULTURE SHOWN WITHIN CORPORATE AREA

- Courthouse
- Post Office
- Hospital
- Elementary School
- High School

For an explanation of the cultural symbols shown in the urban and rural areas see the legend furnished with the county maps by the Planning and Research Bureau.

FEDERAL-AID HIGHWAY SYSTEMS AND SIGNING

- FAI Federal-aid Interstate System
- FAP Federal-aid Primary System
- FAS Federal-aid Secondary System
- FAU Federal-aid Urban System

- Interstate Highway Route Marker
- U.S. Highway Route Marker
- State Highway Route Marker
- Other Highway Route Marker

ROAD AND STREET CLASSIFICATION

(Within the corporate limits surface type is indicated only on those streets on the Federal-aid systems.)

- Proposed
- Primitive
- Bladed
- Graded and Drained
- Gravel
- Paved (Traffic Flow Direction)
- Divided (Barrier Median)

URBAN AREA PLAT

GLENDIVE

DAWSON COUNTY

MONTANA

STATE MAINTAINED

MAKOSHICA
STATE PARK

Amendments to Senate Bill No. 315
First Reading Copy

For the Committee on Highways and Transportation

Prepared by Dave Bohyer
February 9, 1993

SENATE HIGHWAYS

EXHIBIT NO. 4

DATE February 9, 1993

BILL NO. SB 315

1. Title, line 12.
Following: "SECTIONS"
Insert: "17-7-502,"

2. Page 41.
Following: line 13
Insert: " **Section 34.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition --
requisites for validity.** (1) A statutory appropriation is an
appropriation made by permanent law that authorizes spending
by a state agency without the need for a biennial
legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be
effective, a statutory appropriation must comply with both
of the following provisions:

(a) The law containing the statutory authority must be
listed in subsection (3).

(b) The law or portion of the law making a statutory
appropriation must specifically state that a statutory
appropriation is made as provided in this section.

(3) The following laws are the only laws containing
statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-
203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-
23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-
121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-
5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-
5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205;
19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-
12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111;
20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-
409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-
12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-
102; 53-6-150; 53-24-206; ~~61-5-121~~; 67-3-205; 75-1-1101; 75-
5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-
215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the
principal, interest, premiums, and costs of issuing, paying,
and securing all bonds, notes, or other obligations, as due,
that have been authorized and issued pursuant to the laws of
Montana. Agencies that have entered into agreements
authorized by the laws of Montana to pay the state
treasurer, for deposit in accordance with 17-2-101 through
17-2-107, as determined by the state treasurer, an amount
sufficient to pay the principal and interest as due on the
bonds or notes have statutory appropriation authority for

the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)""

Renumber: subsequent section

DATE February 9, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: SB 309, SB 315

Name	Representing	Bill No.	Check One	
			Support	Oppose
James Beck	MDT	309	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Doreen Beck's team	MDT	309 315	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hardman	MIT Motor Car Assn	309	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Funk	Ass. Attorney General, M-V div	315 309	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
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			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY