

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN SHIELL ANDERSON**, on March 13, 1995,
at 3:10 p.m.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Matt Brainard (R)
Rep. Robert C. Clark (R)
Rep. Charles R. Devaney (R)
Rep. Marian W. Hanson (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Jeanette S. McKee (R)
Rep. William M. "Bill" Ryan (D)
Rep. Dore Schwinden (D)
Rep. Roger Somerville (R)
Rep. Joe Tropila (D)
Rep. Jack Wells (R)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Kim Greenough, Committee Secretary

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

Committee Business Summary:

Hearing: SB 361
SB 295

Executive Action: None

{Tape: 1; Side: A; Approx. Counter: 010; Comments: None.}

HEARING ON SB 361

Opening Statement by Sponsor:

SEN. JEFF WELDON, Senate District 35, Missoula, stated that SB 361 was part of the Governor's Task Force to Renew State Government. The bill would transfer the highway traffic safety program from the Department of Justice to the administrative division at the Department of Transportation. It would also expand the authority of the Motor Carrier Services Officers to inspect for a drivers license and a vehicle registration.

Proponents' Testimony:

Dave Galt, Administrator, Motor Carriers Services Division, Department of Transportation, stated that the Department feels the expansion of the Motor Carrier Services Officers' authority is necessary. There have been some concerns addressed that there need to be more law enforcement officers on the streets in Montana. SB 361 will solve the problem of having more officers on the streets.

Leo Giacometto, Governor's Office, stated that the Governor's Task Force was created to increase governmental efficiency throughout the State.

Dal Smilie, Chairman, Montana Motorcycle Safety Advisory Committee, stated that their program has been turned down for funds. SB 361 is advocating helmet laws.

Jill Smith, American Bikers Aiming Toward Education, spoke in support of SB 361. SEE EXHIBIT 1, 2, 3 and 4.

Albert Goke, Administrator, Highway Traffic Safety Division, stated that the "helmet bill" was introduced by the Department of Transportation.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DAN MCGEE asked if page 2, line 26 mentions the offenses Dave Galt was referring to. Mr. Galt replied yes, that they would not be stopping cars and pick-ups. Just those vehicles that pull into weigh stations.

REP. DAN MCGEE asked what title 15, chapter 70, part 2 and 3 included. Mr. Galt replied that it referred to fuel.

REP. DORE SCHWINDEN asked if SEN. JEFF WELDON had looked at the proposed amendment. SEN. JEFF WELDON replied no, and that he was reluctant to embrace the amendment, because the purpose of the bill is to address departments, not the costs of a program.

REP. DORE SCHWINDEN asked if Mr. Goke would reply to the amendment proposed. Albert Goke replied that the amendment would be repetitive.

Closing by Sponsor:

SEN. JEFF WELDON stated that the work of the Governor's Task Force was to simplify government and that is what SB 361 was trying to accomplish.

{Tape: 1; Side: A; Approx. Counter: 465; Comments: None.}

HEARING ON SB 295

Opening Statement by Sponsor:

SEN. JUDY JACOBSON, Senate District 18, Butte, stated that SB 295 was an idea brought to her by the American Disabilities Act of Butte. They had a concern about the number of handicapped permits being handed out. SB 295 would establish a physicians requirement in order to suggest a handicap permit. She said that she feels this bill will solve the handicapped permit problem.

Proponents' Testimony:

Bob McCarthy, County Attorney, Butte-Silver Bow County, spoke in support of SB 295. SEE EXHIBIT 5.

Brenda Nordland, Department of Justice, stated that SB 295 will clarify who is eligible for a handicap permit and will broaden the criteria to catch violators.

Melissa Case, Coalition of Montanans Concerned with Disabilities, stated that this problem was statewide and has caused frustration to the disabled.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. JOE TROPILA asked if there was a way to stop people who are not handicapped from using the designated parking spaces. Mr. McCarthy replied that SB 295 will address that problem to some degree.

REP. PAT GALVIN stated that the fiscal note read that the State will lose \$1200. He asked if they could assess an extra fee to cover that \$1200 loss. **SEN. JUDY JACOBSON** replied that the fiscal note was out of date and that it was not accurate.

REP. BOB CLARK asked if page 2, line 22 applied to the temporary permits or to all of the permits. **SEN. JUDY JACOBSON** replied that section would apply to all permits.

REP. BOB CLARK stated that he was concerned that in three years these people could receive another permit. **SEN. JUDY JACOBSON** stated that she feels the bill adequately covers that issue.

REP. BOB CLARK asked how many of these permits are issued in the State of Montana. **Bud Schoen, Motor Vehicles Division**, replied that he estimates an excess of 28,000.

{Tape: 1; Side: B; Approx. Counter: 010 Comments: New Side.}

REP. DAN MCGEE asked what the purpose of changing the renewal from four years to three years was. **SEN. JUDY JACOBSON** replied that they were trying to "clean-out" old permits.

REP. DAN MCGEE asked if **SEN. JACOBSON** would address the hardship for handicapped people going to get a reissuance. **SEN. JUDY JACOBSON** stated that they would have to take a form to their physician to get it signed. She also said it was a greater hardship for the handicapped to find a parking space.

REP. BOB CLARK asked if a person could receive two permits, one for each vehicle. **Mr. Schoen** replied that they would still be able to get an additional permit.

REP. LINDA McCULLOCH asked what would determine a "licensed physician." **Ms. Nordland** stated that the Department had always had a licensed physician make those determinations.

REP. JOE TROPILA asked how the Department would know who would have the old permits. **SEN. JUDY JACOBSON** replied that if the committee wanted they could take the grandfather clause out of the bill. **Buck Sullivan, Parking Attendant, Butte-Silver Bow**, replied that the decals would be different.

Closing by Sponsor:

SEN. JUDY JACOBSON closed.

{Tape: 1; Side: B; Approx. Counter: 185; Comments: None.}

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

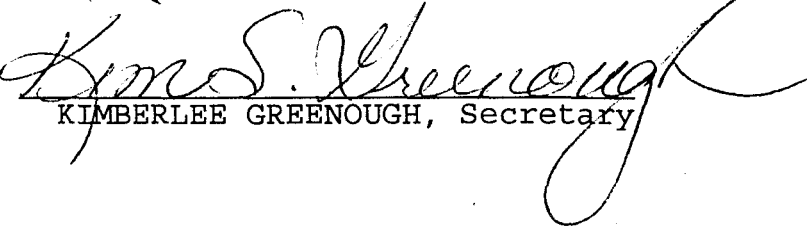
March 13, 1995

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ADJOURNMENT

Adjournment: 3:50 p.m.

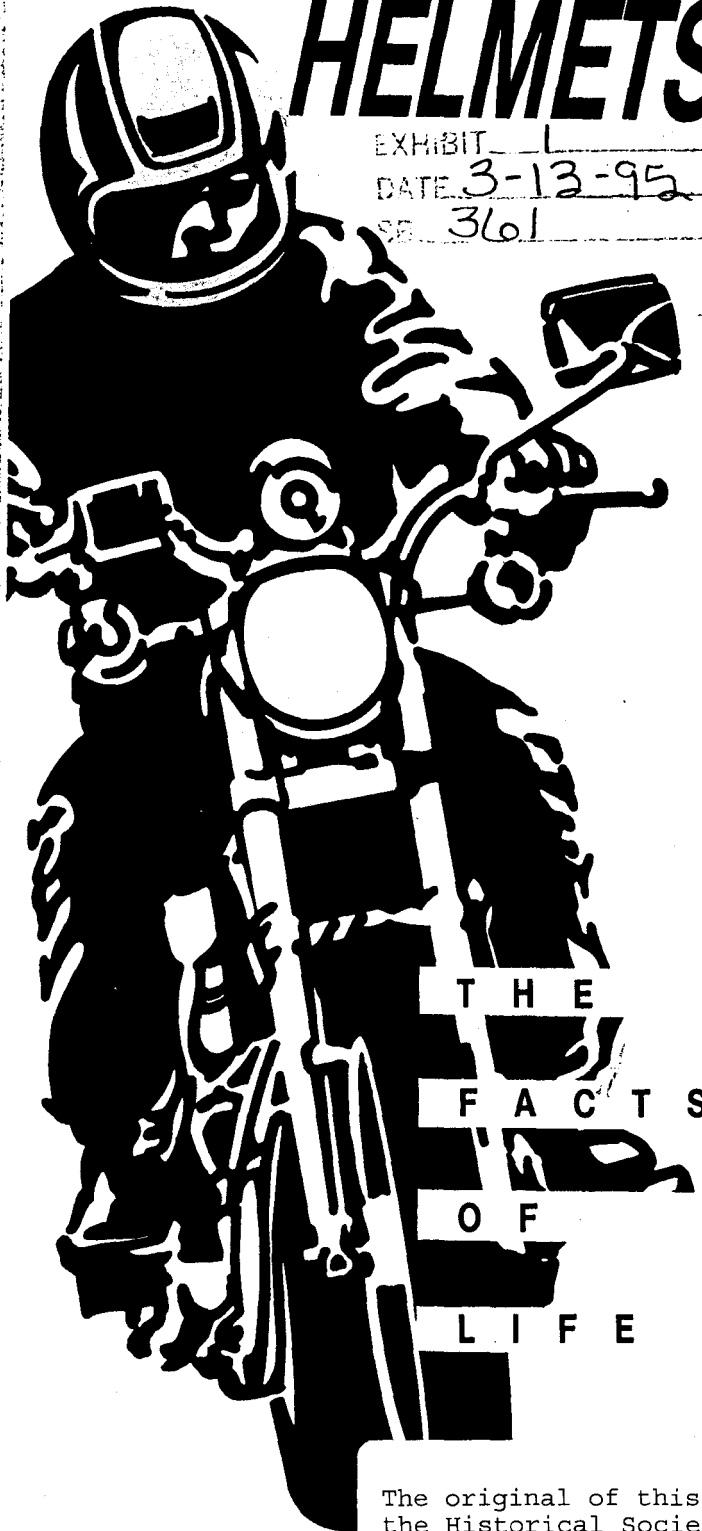

REP. SHIELL ANDERSON, Chairman


KIMBERLEE GREENOUGH, Secretary

SA/ksg

MOTORCYCLE HELMETS

EXHIBIT L
DATE 3-13-95
BY 361



T H E
F A C T S
O F
L I F E

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

(pamphlet)

HOUSE OF REPRESENTATIVES

Highways

ROLL CALL

DATE 3-13-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman	✓		
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Matt Brainard	✓		
Rep. Bob Clark	✓		
Rep. Charles Devaney	✓		
Rep. Marian Hanson	✓		
Rep. Don Larson	✓		
Rep. Rod Marshall	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden	✓		
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	✓		

ABATE OF MONTANA



2
2-13-95
SB 361

• AMERICAN BIKERS AIMING TOWARD EDUCATION •

TO: HOUSE HIGHWAYS COMMITTEE
FROM: JILL Z. SMITH-McGUIRE
A. B. A. T. E. OF MONTANA LOBBYIST
DATE: 3/13/95
RE: SB-361

Mr Chairman, members of the Committee, Good Afternoon. For The Record, my name is Jill Z. Smith-McGuire. I am a volunteer Lobbyist for ABATE of Montana. ABATE is American Bikers Aiming Toward Education: what we are is a Non-Profit Organization Dedicated to the Promotion of Motorcycle Safety in Montana. We currently have approximately 1100 members Statewide. I speak for those members today.

SB-361 is basically a housekeeping bill. We have our own reasons for wanting to see this Legislation succeed. In our many dealings over the years with Mr. Goke's office, it has never been clear to us just who his program was responsible to report to. Every time our Safety Program (MMSEP) has been turned down for 402 (safety) funds, or in several cases, our requests were completely ignored, we were left wondering just where to turn to get a responsible answer as to why. Letters to the Attorney General' and Governor' office still never seemed to explain just who Mr Goke was responsible to. This legislation would provide an answer to those questions.

Whenever a mandatory helmet bill was introduced before the legislature, Mr Goke would be there, testifying for the bill, and we were always left wondering "was this the position of the Attorney General/and /or The Governor?" not as far as we knew.

The last session when the mandatory headgear bill was heard, Mr Goke testified that he could not possibly use the 1.5 million dollars that would be transferred to his Safety Funds as a result of the helmet law not going into effect. The Committee asked Mr Goke if he had turned down funding The Montana Motorcycle Safety and Education Program in the past, and the reply was yes, he had, and couldn't he then provide this program with some funding?

LET THOSE WHO RIDE DECIDE

I have provided you with a proposed Budget for the 1.5 million, and as you can see, the MMSEP was again excluded, and Mr Goke instead included the creation of an off-road safety program.

Once again, who can we turn to?? There seems to be no one responsible.

Motorcycling was identified as a priority area under ISTEA. Mr Goke tells us that "We are not on his Radar" as a priority. We would like to offer an amendment to SB-361 that makes the Department responsible to identified priority areas, unless there is no demonstrated need.

The Department of Highways seems to be a positive, people oriented, planner, always having sought community input to projects. We believe this would be a productive move for Mr Goke's office.

Please vote "do-pass" on SB-361, and consider the amendment we have offered.

Thank You.

Julie McGuire

EXHIBIT 3
DATE 3-13-95
SB 361PROPOSED FEDERAL FUNDING
FEDERAL FISCAL YEAR 1995 (10/1/1994-9/30/95)

AMOUNT	LOCAL BENEFIT	PROBLEM AREA
		TRAFFIC RECORDS - \$985,000
\$110,000	\$60,000	Montana Highway Patrol accident records automation
75,000		Accident records equipment and software (MHP)
60,000		Digitize Motor Vehicle Driver Records (Motor Vehicle Div)
121,222	60,611	Mobil data plan and demo. Montana Highway Patrol in conjunction with a local law enforcement agency.
650,000	155,000	Montana Department of Trans- portation developing a Geographic Information System to upgrade the Highway Information System used now.
		ALCOHOL \$565,000
175,000		Montana Highway Patrol in-car video
390,000	390,000	Local law enforcement in-car video
		MOTORCYCLE SAFETY \$50,000
50,000		Fish, Wildlife & Parks Dept. Off-Road Vehicle Training
1,631,222	665,611	TOTALS

EXHIBIT 4
DATE 3-13-95
SB 361

AMEND SB 361 AS FOLLOWS:

1. Page 2, line 20.

Following: "prevention,"

Insert: "(d) utilize a portion of federal grant money for safety programs first for federally recognized priority areas, such as motorcycle safety training through the Montana motorcycle safety education program, unless there is no demonstrated need."

Monday, March 13, 1995
House Highways and Transportation Committee
Room 420

Senate Bill No. 295
Amending Section 49-4-301, et seq., MCA
Handicapped Parking Permit Eligibility

Senate Bill No. 295 would change the procedure used in Montana to determine when a person meets minimum disability standards to be eligible for a Handicapped Parking Permit. At present, an individual simply needs "a certificate for a licensed physician describing the extent of the applicant's disability," without any criteria being presented to the physician to use in evaluating the extent of the person's disabling condition. The not-surprising result is that an excessive number of Handicapped Parking Permits have been issued, particularly in Butte-Silver Bow County. Much to the amazement of the Butte-Silver Bow ADA Advisory Committee, it was discovered that over 1,900 Handicapped Parking Permits have been issued (and are in effect) in Butte-Silver Bow. We do not have 1,900 parking spaces available in uptown Butte. While we do not have any figures for any other cities/counties in the state, it is likely that other communities have similar experience.

SB 295 is modeled after Handicapped Parking Permit Eligibility provisions

which are in effect in the State of Washington. SB 295 would amend Sections 49-4-301, 302 and 305, MCA. Section 49-4-301, MCA (Eligibility Provisions) would be amended to require that the physician make a number of specific physical disability determinations, which deal with the ability to walk a short distance; Section 49-4-302, MCA (Privileges of Permitholder), would be amended to make it clear that the permit is only to be used when the person to whom the permit is issued is actually using the special parking space; and Section 49-4-305, MCA (Expiration of Permit) would be amended to reduce the permit period from 4 to 3 years.

While it is recognized that there will be some inconvenience in requiring renewal every 3 years instead of every 4 years for those persons who truly require special parking access, the feeling of the disabled members themselves was that a shorter permit period may help to cull some of the excess permits from the rolls.

As a result of some minor changes to Senate Bill No. 295 made in the Senate, there were no opponents to these proposed amendments to the Handicapped Parking Permit process.

We feel that the proposed amendments are a significant improvement over the existing Montana permit system, and will help to reduce the number of permits

EXHIBIT 5
DATE 3-13-95
SB 295

approved each year. Thank you.

ROBERT M. McCARTHY
BUTTE-SILVER BOW COUNTY ATTORNEY
COUNTY ATTORNEY
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COURTHOUSE BUILDING
155 WEST GRANITE STREET
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BUTTE-SILVER BOW ADA ADVISORY
COMMITTEE

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways & Trans.

COMMITTEE

BILL NO. SB295 & SB36

DATE 3-13-95

SPONSOR(S) Sen. Jacobsen & Sen. Weldon

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bud Schoen	Motor Vehicle Dept.	SB295 ✓	
DAL Smilie	AMA mmsac	SB361	
Albert Goffe	High Traffic Safety	Enfr. SB361	
DAVE GALT	MDT	SB361	
Jill Z McGuire	ABATE of Mt	SB361	
Brenda Nord	DOJ	SB295	
Dave Ashler		SB361	
Bob McCAFFHY	Bette-Silver Bow County	SB995	
Beth Sullivan	Bette-Silver Bow	SB295	
Melissa Case	Coalition of Mtns Concerned w/ Disabilities	SB295 ✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.