

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN BARRY STANG**, on January 24, 1991, at
3:00 p.m.

ROLL CALL

Members Present:

Barry "Spook" Stang, Chairman (D)
Floyd "Bob" Gervais, Vice-Chairman (D)
Ernest Bergsagel (R)
Robert Clark (R)
Jane DeBruycker (D)
Alvin Ellis, Jr. (R)
Gary Feland (R)
Mike Foster (R)
Patrick Galvin (D)
Dick Knox (R)
Don Larson (D)
Scott McCulloch (D)
Jim Madison (D)
Linda Nelson (D)
Don Stepler (D)
Howard Toole (D)
Rolph Tunby (R)

Members Excused: Rep. Don Larson

Staff Present: Valencia Lane, Legislative Council
Claudia Johnson, Committee Secretary

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

HEARING ON HB 117

Presentation and Opening Statement by Sponsor:

REP. JAN BROWN, House District 46, Helena, presented HB 117 which deals with funeral processions. The bill allows the funeral directors to resume traditional funeral processions. The police departments in some cities no longer escort funeral processions, because of liability concerns and budgetary considerations. The funeral homes in Billings asked their City Council if they could adopt an ordinance which would allow funeral processions to disregard the red light. Billings requested the Attorney General's opinion on whether the self-governing powers of the city could allow them to do this. The Attorney General's opinion

said the definition of an emergency vehicle must be done by the Justice Department. In order to be designated an emergency vehicle, they would have to comply with certain safety requirements. To allow a funeral procession with a vehicle other than an police escort, the statute would have to be changed. The Montana Funeral Directors Association (MFDA) obtained a model bill from their national association. It was presented to the Attorney General's office who made some recommendations. The MFDA than rewrote the bill which is the bill before the committee today. Funeral directors hope to resume holding funeral processions again because it is important for many families. The police chief from REP. BROWNS'S district, called her after he saw the bill and voiced some concerns which will be heard. The people who proposed this bill have drafted some amendments for the committee. The researcher prepared copies which will help address some of these concerns.

Proponents' Testimony:

Jared Scherer, Director Funeral Chapel in Billings, said the traditional funeral processions used to be escorted by a police vehicle. As the city grew, the staff of the police department did not. As a result, fewer funeral processions were escorted. The funeral directors were responsible to get the processions through the traffic signals and to the cemetery. In 1989, the Billings funeral directors met with the assistant city attorney and the police chief with the hope of enacting an ordinance allowing vehicles in funeral processions to disregard traffic controlled devices by designating the vehicles as authorized emergency vehicles. The Billings city attorney asked the opinion of the Attorney General's office. An opinion was made which stated that a city with self-governing powers such as Billings may not make such an ordinance. A private escort service was started in Billings which did an excellent job in the escorting of the funeral processions. However, it had to cease when the Attorney General's opinion was handed down. This situation has caused a number of problems with the processions having to stop at many intersections, thus extending the procession for many blocks. Drivers in the processions didn't stop at red signals causing severe traffic hazards. Several months ago, the NFDA drafted model legislation for states with problems similar to Montana. The MFDA has used this as the basis for the proposed legislation that is before the committee. EXHIBIT 1

Neil Morris, Missoula Funeral Home, said the Attorney General's ruling basically forbid funeral processions. In counseling with families they are told that funeral processions are technically illegal, but they would do the best they could to keep the funeral procession together from the church or the funeral home to the cemetery. Two years ago the Missoula Police Department ceased giving police escorts for funeral processions. The funeral directors have tried amber lights on lead vehicles. When people see a limousine coming with amber lights and realize it is a funeral procession, they honor that right-of-way. He said an

affirmative vote from this committee would be appreciated.

Bob Happ, Director of Dahl Eureka Chapels, Billings, Red Lodge, and Bozeman, said he supports this bill. In the grieving that is experienced among families, they find it amazing that funeral processions do not have the right-of-way. He met with the Billings Ministerial Association, and they expressed concern about the general public having less and less empathy with the grieving process.

Gig Rittle, President, Montana Funeral Directors Association, said the small communities consider funeral processions an integral part of the funeral. Montana's funeral directors main goal is to provide the families with the dignity and respect they deserve. The traditional funeral procession visibly marks the passing of an individual and enables the families, as well as the people of the communities to acknowledge and participate in this loss. The passing of this bill would allow the continuation of this long-standing tradition. He asked the committee to give a "do pass" recommendation for HB 117.

Bonnie Tippey, Montana Funeral Directors Association, distributed amendments. EXHIBIT 2 She said the first time contact was made with the Attorney General's office concerning this bill was in April after they had receive the model legislation from NFDA. The Attorney General's office gave them some ideas on how to draft it. The bill can be amended so it is a safe bill and an enforceable piece of legislation. She said it is the hope in Montana that some traditional family values can still be maintained. She urged the committee to give a "do pass" recommendation.

Pat Hoffman, State Board of Morticians, spoke in favor of HB 117.

OPPONENTS' TESTIMONY:

Bill Ware, Police Chief, Helena, spoke in opposition to HB 117 as it written. He appreciated the amendments and said they clarify some of his concerns. The city of Helena has an ordinance which states it is illegal for people to drive between a funeral procession while it is in motion and the vehicles are marked. Routes which that have little or no traffic control have been established. There is a good rapport with the local people. A concern is the liability issue that faces everyone involved in a funeral procession or any escort, especially law enforcement. Mr. Ware had case histories indicating problems the law enforcement people have with liability issues. He appreciated the addition of the clause which removes the liability from them and thought the intent of the bill is good. The ability to exceed the speed limit was changed in one section but not in the other will need some work. Hopefully, they can work on this together to reach an agreement.

Col. Bob Griffith, Montana Highway Patrol, said he had some

apprehension in opposing this bill. Law enforcement has been preaching for 60 years for people to stop at red lights, go on green lights, and follow regulations. The bill calls for a Commercial Drivers License (CDL), but they don't qualify for a CDL. This has to be considered and possibly amended. The bill calls for a minimal speed of 5 MPH under the existing limit for the procession. The speed limit is 25 MPH, so they are required to go 20 MPH. This is somewhat fast for a funeral procession. Whatever form it takes, safety must be involved and cannot fly in the face of the education the police have been offering for 60 years. The Attorney General's office has worked on this bill and will continue to do so. He offered a suggestion that perhaps the proper thing to do would be to pass legislation that would authorize individual cities to pass ordinances to suit their particular needs and not blanket the state with one piece of legislation.

Questions From Committee Members:

REP. FOSTER asked how many funeral processions are there in a week in Billings. Mr. Scherer said about 10 per week.

REP. TUNBY asked Chief Ware if the stopping and trying to catch up of a procession posed a safety problem. Chief Ware said it does. Unless the procession stays together, problems ensue. There's always someone who is not going to stay together for whatever reason.

REP. TOOLE asked about the liability in section 9, if it is the only place that deals with all the liabilities? REP. BROWN said it is except for the amendments that are attached.

REP. TOOLE asked Ms. Tippey if the scheme here was to exempt the directors and the law enforcement, or at least the director or the mortician in charge from liability or bad driving by someone of the procession, unless it was an employee. Ms. Tippey said that was the general idea. However, the funeral director or the funeral home is responsible for complying with all the safety requirements in this legislation. It is not an exemption from liability; it's just a lesser standard of liability under this bill. REP. TOOLE asked if it also states that funeral directors and morticians were not liable unless the damage or injury was caused by the negligence or intentional act of the funeral director or the employee. Ms. Tippey replied that negligence is a lesser standard. If the operator of the funeral home had failed to train his employees properly and an employee made an error, than that funeral home is liable. REP. TOOLE asked if the participant who runs the red light is not an employee, and causes an accident, would that person be liable. Ms. Tippey said that is her understanding.

REP. TOOLE asked Roger Tippey, attorney with Tippey and McEwen, if it were correct that section 9 doesn't focus at all on the liability of someone who is neither an employee of the funeral

director or of the law enforcement. Mr. Tippet said that was correct. It would simply declare that the party of the funeral, or the mourner, would be responsible for their own acts. The funeral home would not be responsible for that person in the procession, unless directions have been given to all the drivers in the procession and they were not in some other area and the funeral director was negligent in informing the drivers how to drive in this funeral. The bill was drafted so with or without compensation, the local law enforcement providing escort services or assisting the conduct of the procession would enjoy the same immunity from strict liability. The funeral home itself would act as a gratuitous agent of the funeral director.

REP. LARSON asked Chief Ware if he mandated a route for the funeral procession to avoid traffic congestion. Chief Ware replied that he did not. The funeral director assigns the route and the local enforcement fills out a form indicating the day and time they would assist. He did not wish to use the word "escort", because of the liability that is attached. The directors are very good about picking routes that are less congested to the cemetery.

REP. ELLIS asked if someone in the procession did not get the right instructions from the funeral director, and he is involved in a lawsuit because someone ran a green light and hit him when he was going through a red light, would the funeral director might be responsible and end up defending himself in court and be in litigation himself. Mr. Tippet said if the funeral director did not give the right instructions on how close to follow or turn on headlights, etc., than the funeral director is not free from negligence.

REP. STANG said that Chief Ware alluded to the fact that Helena currently has another statute. According to the Attorney General's ruling, isn't that ordinance null and void? Mr. Tippet said that Billings tried to draft an ordinance which would have said that the lead vehicle in a funeral procession could be classified as an emergency vehicle under the code section that is in the first section of the bill. It had to be amended to read as an emergency vehicle to disregard a red light. The Attorney General's opinion #53 issued last February, informed Billings they could not do that; a hearse cannot put a flashing bubble light on the roof and call it an emergency vehicle. There are many standards to meet in order to have an emergency vehicle, i.e. an audible siren, etc. The Attorney General's opinion supersedes the Billings City Council to reclassify a hearse as an emergency vehicle.

Mr. Tippet asked if the Helena ordinance gives the procession the right to go through the red light. Chief Ware replied it did not. Mr. Tippet said in that case, Helena does not have an ordinance which permits the procession to go through red lights to keep it together, so they are not against the Attorney General's opinion. CHAIRMAN STANG asked if amendment #3 gives

governmental immunity to people in the law enforcement agency and if there was or was not a provision in the Constitution that requires a two-thirds vote for this to happen. Mr. Tippet said there is if it was immunity from negligent acts. He was not aware if the strict liability and sticking to the negligent standard is immunity under the State Constitution. If so, then a two-thirds vote would be required.

CHAIRMAN STANG asked Ms. Tippet if it would it be better to pass a bill that gave cities and towns the authority to pass ordinances or laws governing funeral processions, rather than making it a statewide law? Ms. Tippet said that was a good question. She would have to ask her members. She said they may have to ask the cities if they would prefer that or the model bill she proposed. Many people go to areas other than their own for funerals. Going through traffic signals is not new. Her proposal attempts to make it legal again. Ms. Tippet noted there are no instances on the books of people being sued for this. **REP. STANG** questioned her concern that most of her people did not have a commercial drivers license endorsement. Ms. Tippet said that was discussed at great length. It was her understanding that they could get one under the commercial licensure. The original model legislation had language about a certain kind of certification which was very expensive and the sheriff and peace officers would be responsible for training. They tried to keep it simple.

REP. CLARK asked why there was a need for a commercial vehicle operator's license. Ms. Tippet said the committee was trying to hold the employees to a higher standard than just regular drivers in order to demonstrate to the Legislature that they had the intention of this being a safe operation.

REP. CLARK asked Chief Ware if there have been any serious problems in the past with accidents involving funeral processions, or if any city in Montana has had one. Chief Ware said there were some near misses, but was unaware of any serious accidents occurring from funeral processions in the city of Helena with the current system. **REP. CLARK** asked if he received complaints about near misses. Chief Ware said he did not.

REP. MADISON asked about the model bill, if it was for funeral directors or is it a uniform type of law; what does model mean in this case. Ms. Tippet said this bill was drafted by the National Funeral Directors Association's legal counsel. It was sent to the state late last spring, but it was changed significantly in order to answer Montana concerns. Most states do not have the problem that Montana does. She said that Montana may be the first state that enacts on this model bill.

REP. GERVAIS asked if there would be an objection to have local control. Mr. Rittle said quite a few cemeteries are in rural settings where a procession would be out of a city's jurisdiction. **REP. GERVAIS** asked Mr. Rittle if he would agree to

each city having their own ordinance. Mr. Rittle said that he couldn't see how it could be implemented in each city, because they would have no control over processions if they were between cities. REP. GERVAIS indicated that many Indian processions are a mile long and stopping at traffic lights would be disruptive.

Closing by Sponsor:

REP. BROWN thanked members of the committee for their patience with the length of the hearing. She offered assistance to work with the committee or subcommittee members to address the questions raised on the bill. REP. BROWN hoped they saw fit not to let it lay at rest in the committee.

HEARING ON HB 144

Presentation and Opening Statement by Sponsor:

REP. MIKE FOSTER, House District 32, Townsend, said this bill addresses alternate fuels. He firmly believes that the extensive use of ethanol blend motor fuel can make a significant contribution toward a goal of energy self-sufficiency. EXHIBIT 3

Proponents' Testimony:

Don Sterhan, ALCOTECH Partnership, said that Alcotech is the only ethanol producer in Montana. The ethanol industry is 10 - 12 years old and growing rapidly. Ethanol as an alternative fuel is not a competitor with gasoline; it is a fuel additive. Benzene, xylene, and toluene are known carcinogens, which would be eliminated across the country using a cleaner burning fuel (ethanol) with higher octane, the objective of an ethanol blended fuel. This industry fits well in Montana. The state has recognized this and supports the industry. This is also true on the federal level. However, from the marketing viewpoint, there must be a commitment to use ethanol blended fuels. It must be a concerted effort on the part of individuals and state vehicle programs to make more of a marketplace commitment.

Kay Norenberg, W.I.F.E. (Women Involved in Farm Economics). gave her support for HB 144. EXHIBIT 8

Bob Stephens, Montana Grain Growers Association, supports the bill because it offers another market for grain in Montana.

Shirley Ball, Nashua, said she supports the HB 144. EXHIBIT 9

Lorraine Gillies, Montana Farm Bureau, encouraged the use of gasohol. EXHIBIT 10

Van Jamison, Administrator, Energy Division, Department of Natural Resources and Conservation, spoke in favor of the bill. He said the use of gasohol makes good energy sense. It satisfies consumer's need without adding any cost and reduces the risk

created by the reliance upon petroleum fuels. It makes sense from an environmental quality perspective to reduce the amount of carbon monoxide and other hydrocarbons. The State Motor Pool tested the fuel between 1985-1987, and didn't have any problems.

Tom Breitback, farmer, Circle, MT; McCone Agricultural Protective Organization and Northern Plains Resource Council, gave his support for HB 144. He urged the committees support and hoped they would give it a do pass. EXHIBIT 11

Tom Harwood, farmer in Toole County, spoke in support of the bill. Mr. Harwood is a member of a group trying to bring business into his county. They want to build a gasohol plant, but the market is too inconsistent for the product. He believed the bill would help the market and help the economy of Montana. He showed concern for the portion of the bill which reads "competitive prices". Gasohol has been slightly higher than regular fuel, but it is an investment in the agricultural future of the state.

Col. Bob Griffith, Montana Highway Patrol, supports the use of gasohol. He would like to have the MHP use it. His only concern is if the manufacturer exceeds the volume by more than 10%, than they would have problems. He recalled using it in 1985 and 1987, his car would vapor lock in the hot weather. He urged passage of HB 144.

Opponents' Testimony: None

Technical Comments:

Bill Strizich, Chief Maintenance Engineer, Department of Highways, said he agreed with the comments made by Col. Griffith. His only technical concern with HB 144, was the requirement for recordkeeping by individual vehicles. The vast majority of the fuel purchased by the Highway Department is purchased in bulk. A small percentage of fuel is purchased at the pump. The requirement for individual record keeping for each vehicle where gasohol is used could create a record keeping burden which they are not prepared to handle.

Questions From Committee Members:

REP. ELLIS asked Mr. Sterhan concerning testimony that stated enough ethanol was produced in the state to turn 30% of our gas into gasohol. How much ethanol is produced and how much do we consume? Mr. Sterhan said that in terms of statewide ethanol production, Alcotech is the only producer at this time. Their annual capacity is 2.5 million gallons. Ethanol is typically blended with 9 gallons of gasoline and 1 gallon of ethanol for a 10% mixture. Montana, as a state, goes through approximately 450 million gallons of gasoline per year. Ten percent of that is 45 million gallons of ethanol required for 10% mixture. Montana does not have that kind of capacity at the present time. REP.

ELLIS asked if gasohol is competitive where it is available and how many places is it available. Mr. Sterhan said it is competitive where it is available. The problem they have, is there is not enough availability or access to ethanol blended fuel. Helena has one station that promotes it, and most of the areas in the eastern part of the state do. Cenex is the distributor. There is a market for it, but it needs to be expanded. REP. ELLIS asked if there is resistance to using gasohol. Mr. Sterhan said there is resistance which stem from the market and the pricing. Some are not convinced there is a market for it. Some people confuse ethanol with methanol, a poison. Big oil companies also use subtle public relations to give adverse information. Misinformation also pervades the minds of some distributors and consumers.

REP. KNOX asked about permitting requirements on the books regulating the location of an ethanol plant. Mr. Sterhan said he wasn't of any. The usual permits are needed, such as water discharge permits, construction permits, and air quality perhaps, depending which fuel is used in the plant.

REP. TOOLE asked if there were any developments in engine technology that are more favorable or unfavorable in ethanol usage. Mr. Sterhan said there are some advances being made brought on by ethanol use. In 1990, General Motors came out with a warranty for use of alcohol blended fuels. In 1991, General Motors and Chrysler recommended the use of alcohol blended fuels.

Mr. Jamison was asked to address this question. Mr. Jamison said there is a great deal of research being done with respect to flexible fuel vehicles. In particular, work is being stimulated by the California Energy Commission (CEC). Their desire is to simultaneously clean up the air quality and enhance alternative fuel development. The CEC are ordering from Ford Motor Company and GM a run of 25,000 Chevy Lumina and Ford Taurus which are flexible fuel vehicles. These vehicles can burn 100% methanol, ethanol, any variation up to 100% gasoline. The key technological change is an optical eye which reads the fuel mixes that go through the system, and based on the color distinguishes the chemical composition through the computer system. A chip sends back to the carburetor what it needs to do to use these fuels. People that have used these cars for three or four years, state these vehicles are better performers than standard automobiles. The cost difference of conventional vehicles with the ones being purchased in California for flexible fuels is \$300. Detroit Diesel has committed all of its research efforts to develop a diesel engine which will run on alcohol fuel. These alcohol fuel diesel engines are being tested in California and the New York Transit Authority vehicles and buses. The maintenance crews on these engines are more pleased with them than with conventional machines.

REP. KNOX asked how much fuel the state vehicles burn. What would 10% of that be? Mr. Jamison said it would depend on the

price. REP. KNOX said he meant the potential market. What is 10% of the state's consumption? Mr. Jamison referred to previous comments that were made about the total consumption of the state which was 450 million gallons of gasoline.

REP. ELLIS remarked that the fiscal note says there will not be a cost because the fuel will be competitively priced, but will there be some incentive payments to the distillers that will cost the state something. REP. FOSTER said there is a Senate bill that addresses the tax credit or tax incentive that has been in existence for some years. Mr. Sterhan said there is an incentive of 30 cents a gallon that is directed to producers of alcohol. There is a cap of \$1.25 million that is reflected in the fiscal note. The Senate bill is attempting to raise that cap to stimulate and provide more production.

Closing by Sponsor:

REP. FOSTER said with the comments from Col. Griffith, he would support the deletion of subsection 6 on page 2. It exempts the Highway Patrol concerning the matter raised on recordkeeping. He is concerned about this on an agency basis. If it is unworkable on an individual vehicle basis, maybe it can be worked out with the agency as a whole. In 1990, the state consumed 4.4 million gallons of motor fuel, excluding the highway patrol that consumed approximately 450,000 gallons. Added together it approaches 5 million gallons of auto fuel consumed. He believes promoting the use of gasohol is a good idea and he hoped the bill will become law. If Montana inspires all entities that have large fleets of vehicles and all individual consumers to brave the use of gasohol, it would be a positive and responsible step for Montana and the nation.

HEARING ON HB 127

Presentation and Opening Statement by Sponsor:

REP. DICK SIMPKINS, House District 39, Great Falls, said his bill is very simple. It is an older bill that was introduced in 1987 by SEN. SHAW. It states that persons operating a motor vehicle on a public highway shall secure the load sufficiently to prevent any material from creating an obstruction dangerous to the public traveling on the highway. The basic problem is the highway patrol or any law enforcement agency does not have the authority to stop any vehicle that obviously has something that is going to fall off. They have to follow the vehicle until the item falls off. This bill is not intended to force everyone to tie down everything on a truck; hence the use of the word "secure". The load has to be secure. This is not limited to farm products; wood, chips, etc. In towns it could allude to garbage or trash. The bill is needed so the officers can do something about it before the item falls off the vehicle.

Proponents' Testimony:

Col. Bob Griffith, Montana Highway Patrol, said this is the fifth bill introduced in Legislature concerning secured loads. The Highway Patrol supported them in the past and will support this one.

Opponents' Testimony:

Tom Harwood said he did not know how to define a reasonable and prudent secured load, i.e. there might be a mechanical failure, a chain breaks; who decides if the load is secure. His next concern is with towing vehicles. The bill should be specific so there will be no harassment on what is meant by securing the load.

Questions From Committee Members:

REP. KNOX asked Col. Griffith how he would determine if a load is secure and would this be an enforcement problem for the officers. Col. Griffith said it would be a judgement call whether or not a load is secure. He receives more complaints about gravel trucks dropping gravel.

REP. TOOLE asked if this bill had been introduced five times and killed each time. Col. Griffith said that was correct.

REP. MCCULLOCH asked Col. Griffith if a highway patrol can pull a vehicle over now if the load looks dangerous to warn or assist them? Col. Griffith said they probably do every time they see them.

REP. LARSON asked REP. SIMPKINS if the point brought up by Mr. Harwood about towed loads requiring safety chains. How would he feel about that? REP. SIMPKINS said there could be an amendment, but he did not think this was the bill for that. This bill is for secure loads on vehicles. He said there is a law currently in place that chains must be used for towing.

CHAIRMAN STANG asked REP. SIMPKINS about giving the Highway Patrol some rule-making authority. REP. SIMPKINS said the bill was not intended to become a covered load bill. He did not address this problem in the formation of the bill.

REP. KNOX asked if there were concerns about ranchers making trips back and forth carrying hay to their stock in the winter. Col. Griffith said they have not received any complaints.

Closing by Sponsor:

REP. SIMPKINS said in closing that a similar bill was killed in a previous session because of an exemption for all agricultural vehicles, etc. He did not question the integrity of law enforcement agencies, but he had concerns about judgement calls.

At present they do not have any rule-making authority about secured loads; there is no law, they can only wait until something falls off the vehicle. He said the committee might want to limit the bill to primary highways, i.e., state and interstate highways. The county and rural roads would be exempt. He urged a "do pass" recommendation.

HEARING ON HB 236

Presentation and Opening Statement by Sponsor:

REP. BOB GILBERT, House District 22, Sidney, said that HB 236 would delete the 200-mile safety standard exemption for drivers who are not motor carriers. He sponsored HB 236 at the request of the Montana Highway Patrol (MHP). The bill will eliminate the current of 200-mile radius exemption for drivers to make out logbooks. Montana is about to have federal DOT rules and regulations for commercial. That law is 100 mile radius. The state receives \$500,000 per year in federal grant funds used by the MHP to administer a safety assistance program, i.e., inspects truck safety in the state of Montana. Unless the law is changed to follow the DOT law, Montana will probably lose the federal grant.

Proponents' Testimony:

Col. Bob Griffith, Montana Highway Patrol, said he supports the bill. The Patrol needs the money to continue the truck inspection program. Since 1985 when they began the inspections, truck accidents and fatalities have been greatly reduced. He said the MHP do a general inspection of the trucks and drivers and would like to continue with the inspection program.

Curt Laingen, Helena, Director of Safety for Montana Motor Carrier Association, spoke in support of HB 236 for several safety concern factors: 1) the 200-mile exemption effects not only hours of service recordkeeping requirements, but also the driver qualification standards; and 2) if a vehicle operates solely within the 200-mile radius in the state, there are no pre-qualifications for drivers. To modify REP. GILBERT'S explanation of the hours of service requirements, if the 200-mile radius is eliminated, it would require a driver to keep hours of service records inside the 100-mile radius.

Roger Tippey, Montana Beer and Wine Wholesalers Association, spoke in favor of the bill. He is concerned about the impact the bill would have on the local delivery businesses, such as beer and wine trucks. Within the circle of the 100-mile radius there is no logbook requirement for the first three days of the week.
EXHIBIT 12

Opponents' Testimony: None

Questions From Committee Members:

REP. LARSON asked Mr. Jenkins if a logger going 60 miles in one direction and 110 in the other direction in the same day be required to keep a log. Mr. Jenkins said the federal regulations require if a vehicle leaves the 100-mile radius (100 nautical air miles), than the driver of that vehicle must keep logs for that trip. A driver has to keep logs for the current day and the seven previous days. The interpretation from the federal Department of Transportation, states that one cannot require someone to keep logs if he is operating under an exemption. Therefore, a logger leaving the 100-mile radius would have to keep a log for that one trip, but not for the seven previous days if he was operating within the 100-mile radius. REP. LARSON asked how the radius is established. Mr. Jenkins said the radius starts from the base of operations. The centerpoint of the radius can shift from location to location.

REP. ELLIS asked if this applies to forest service roads as well as federally maintained highways. Mr. Jenkins said he was not sure.

REP. FELAND asked if someone is operating under the 100-mile radius is exempt from logs. Mr. Jenkins said that is correct.

Closing by Sponsor:

REP. GILBERT wished to clarify a few points in closing. Salesmen who operate trucks under 26,000 lbs GVW, are exempt from log book regulations under Montana law. In reference to a truck coming from Idaho working in Montana, constitutes interstate commerce and is required to log in any circumstance, but the 100-mile radius does not apply. REP. GILBERT urged the committee to pass the bill.

CHAIRMAN STANG asked REP. GILBERT if a truck starts in Montana and goes to Idaho, than returns to Montana, is that still interstate travel? REP. GILBERT said it is. Whenever a state line is crossed, unless the truck is under 26,000 lbs GVW.

CHAIRMAN STANG asked Mr. Tippey if that satisfied his questions. Mr. Tippey said it did. CHAIRMAN STANG asked what is the general weight of a beer truck. Mr. Tippey said the 26,000 lb. GVW would catch some of the bigger ones.

EXECUTIVE ACTION ON HB 62

Motion: REP. LARSON MOVED HB 62 DO PASS

Discussion: CHAIRMAN STANG distributed amendments. EXHIBIT 13 The concerns addressed were the elimination of cars and 4-wheel drive vehicles. The bill does apply to trucks and truck/trailer combinations. It recommends chains be used only on the driver wheels.

Motion: REP. CLARK moved to adopt the amendments. EXHIBIT 13

Discussion: REP. CLARK asked about page 3, line 4 "for driver wheels". Did this mean all driver wheels or one set of drivers on a tandem or triples or singles. CHAIRMAN STANG said the amendment indicates drivers wheels; it does not state specifically what kind of chains or how many driver wheels will have to be chained. He said he would have to ask REP. SWYSGOOD.

Question was called. Voice vote was taken. Motion CARRIED unanimously.

Vote: REP. CLARK MADE A SUBSTITUTE MOTION THAT HB 62 DO PASS AS AMENDED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 59

Motion: REP. TOOLE MOVED TO RECONSIDER ACTION ON HB 59 AND TAKE FROM THE TABLE.

Motion/Vote: REP. TOOLE MOVED TO ADOPT THE AMENDMENTS.

Discussion: REP. TOOLE reminded the committee that this bill was opposed by the media and the insurance industry, both of whom regularly apply for access to driving records. He amended the bill to say the department shall upon request furnish a criminal justice agency, a representative of the media, or any person having a legitimate purpose as determined by the department with individual driver record.

REP. ELLIS spoke in favor of the amendments. He was against the bill as presented. One of the biggest deterrents to crime was the information; names can be published. The media had a right to the information.

REP. CLARK believed the two amendments make good legislation whereas, the original bill was unacceptable.

REP. FELAND was concerned by the definition of legitimate purpose.

REP. LARSON said a possible employer placing a call would have a legitimate reason.

REP. CLARK spoke in response to REP. FELAND'S concern. He believed a written request is currently required. A phone call is not sufficient.

Motion/Vote: Question was called. Voice vote was taken. Motion CARRIED unanimously.

Motion/Vote: REP. TOOLE MADE A SUBSTITUTE MOTION THAT HB 59 DO PASS AS AMENDED. Roll call vote was taken. EXHIBIT 14 Motion CARRIED 11 to 6 with REP. BERGSAGEL, REP. FELAND, REP. KNOX, REP. NELSON, REP. STEPPLER, and CHAIRMAN STANG voting no.

EXECUTIVE ACTION ON HB 127

Motion: REP. LARSON MOVED HB 127 DO PASS

Discussion: REP. STEPLER had reservations about the definition of a secure load, i.e., is gravel, unless it is covered.

CHAIRMAN STANG said this is why he asked the question about rule-making authority. This bill has been proposed three time since he was on the committee. The Highway Patrol should have a carte blanche in rule-making, otherwise various exemptions crop up, i.e. the ag exemption, the truck with firewood, etc. Will they be required to tie down or put nets over everything.

REP. TOOLE said the bill as written required the driver to ensure the load is secure. The bill reads "shall secure the load sufficiently to prevent any material from creating an obstruction", i.e. from falling off. This could be changed by deleting "sufficiently" and by deleting "any". The bill would then read "shall secure the load to prevent material loaded in or on the vehicle from creating an obstruction".

REP. CLARK related personal experiences of road obstruction which could have been corrected easily and economically. With a \$20 dollar rope, three round bales of hay that fell onto the highway could have been secured. The driver lost three \$75-100/bales, and stopped traffic in both lanes. Firewood and slabs are another serious problem. A three dollar nylon tarp would solve this problem. This bill would give the law officer the authority to make a judgement call and tell the driver to secure the load before the driver drove onto the highway.

REP. LARSON said the bill as written presented no problem. He agreed with REP. CLARK. A certain amount of latitude must be given to the drivers of loads, as pointed out by Col. Griffith. The bill would allow law officers to warn drivers of insecure loading.

REP. CLARK said taking a driver to court to let him know he is not using common sense is another way to ensure secure loading. He did not believe this law would create a "gestapo" force; rather a life might be saved because of the bill.

REP. KNOX proposed an amendment for consideration to limit this bill to the primary highway system. REP. CLARK replied public roads include county roads.

CHAIRMAN STANG asked REP. KNOX to restate his position so the proposed amendment could be drafted.

CHAIRMAN STANG suggested the withdrawal of the motion until the amendment was written.

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

January 24, 1991

Page 16 of 16

Motion/Vote: REP. LARSON moved to withdraw do pass motion until the amendment is written. Question was called. Motion CARRIED unanimously by voice vote.

EXECUTIVE ACTION ON HB 236

Motion: REP. TOOLE MOVED HB 236 DO PASS

Discussion: REP. TUNBY requested a clarification on the 100 mile mandate. CHAIRMAN STANG said it is a federal mandate to which the state was conforming to.

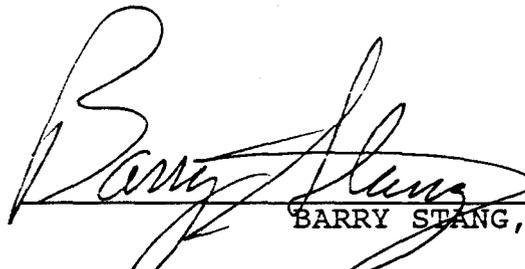
REP. BERGSAGEL asked what was the purpose of the state law if the federal law is mandated. CHAIRMAN STANG said that state law at one time superseded the federal law. In order to retain the federal funds for truck inspection, the state must conform to the federal mandate, i.e., bring the state level down to the federal level of 100-mile radius.

Motion/Vote: REP. KNOX called for the question. Voice vote was taken.

Vote: HB 236 DO PASS. Motion CARRIED 16 to 1 with REP. STEPLER voting no.

ADJOURNMENT

Adjournment: 5:40 p.m.


BARRY STANG, Chair


CLAUDIA JOHNSON, Secretary

BS/cj

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 1-24-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FLOYD "BOB" GERVAIS, V.-CHAIR	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. JANE DEBRUYCKER	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. PATRICK GALVIN	✓		
REP. DICK KNOX	✓		
REP. DON LARSON			✓
REP. SCOTT MCCULLOCH	✓		
REP. JIM MADISON	✓		
REP. LINDA NELSON	✓		
REP. DON STEPPLER	✓		
REP. HOWARD TOOLE	✓		
REP. ROLPH TUNBY	✓		
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓		

HOUSE STANDING COMMITTEE REPORT

January 25, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 62 (first reading copy -- white) do pass as amended .

Signed: Barry Stang, Chairman

And, that such amendments read:

1. Title, line 6.

Following: "EQUIPMENT"

Insert: "FOR TRUCKS AND TRUCK TRAILER COMBINATIONS"

2. Page 2, line 24.

Following: line 23

Insert: "for trucks and truck trailer combinations"

3. Page 3, line 2.

Following: "all"

Strike: "persons"

Insert: "trucks and truck trailer combinations"

4. Page 3, line 4.

Following: "recommended"

Insert: "for driver wheels"

5. Page 3, lines 5 and 7.

Following: "required"

Insert: "for driver wheels"

6. Page 3, line 15.

Following: "determined"

Insert: "for trucks and truck trailer combinations"

7. Page 3, line 20.

Following: "tires"

Insert: "on truck and truck trailer combination driver wheels"

8. Page 3, lines 21 through 23.

Following: "." on line 21

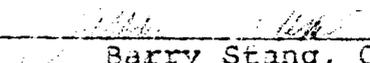
Strike: remainder of line 21 through "." on line 23

HOUSE STANDING COMMITTEE REPORT

January 25, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 59 (first reading copy -- white) do pass as amended .

Signed: 
Barry Stang, Chairman

And, that such amendments read:

1. Title, lines 5 and 6.

Strike: ", EXCEPT FOR A RELEASE TO A CRIMINAL JUSTICE AGENCY"

Insert: "; PROVIDING CERTAIN EXCEPTIONS"

2. Page 2, line 2.

Following: "agency"

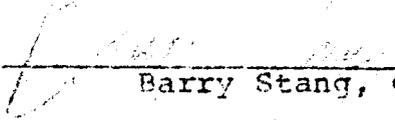
Insert: ", a representative of the media, or any person or firm having a legitimate purpose as determined by the department with"

HOUSE STANDING COMMITTEE REPORT

January 25, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation
report that House Bill 236 (first reading copy -- white) do
pass.

Signed: 

Barry Stang, Chairman

EXHIBIT 1

DATE 1-24-91

HB 117

Amend HB 117, first reading bill, as follows:

1. Page 3, line 10
following: pedestrian.
insert: "The funeral lead vehicle must comply with the requirements of any official traffic-control device,; right-of-way provision of this chapter, or local ordinance when it arrives at an intersection."
2. Page 3, line 20
following: device
strike: A funeral escort vehicle may exceed the speed limit by 15 miles per hour when overtaking the funeral procession to direct traffic at the next intersection."
3. Page 7, line 3
following: contract
insert: "; or (c) is a member of a local law enforcement agency furnishing escort services with or without compensation from the funeral director or mortician."

EXHIBIT 2
DATE 1-24-91
HB 117

Testimony Regarding House Bill 117

House Highways Committee

January 24, 1991

Submitted by: The Montana Funeral Directors Association

Contact: Bonnie Tippy or Margaret Richardson, 449 7244

Many members of the House Highways committee have expressed surprise that funeral directors currently have a problem regarding funeral processions. At first glance, it is surprising, because we all know that the traditional Montana funeral includes a procession of family and friends to the cemetery. The progression of the need for this bill is as follows:

- 1) Police departments have by and large stopped providing escorts for funerals because of liability and budget considerations, and that means that a processions' ability to delay red lights or have a police escort has been lost.
- 2) The Billings area funeral homes asked the City Council to adopt an ordinance allowing funeral processions to "escort themselves" and to disregard red lights and stop signs with proper precautions.
- 3) The City of Billings requested an Attorney General's opinion on the subject of the self-governing powers regarding these processions. The Attorney General's opinion basically said that th designation of what is an "emergency vehicle" must be done by the Justice Department taking into account certain provisions within current law. In order to be designated an emergency vehicle, vehicles must comply with certain safety requirements. In other words, a change in statute was necessary in order to allow funeral processions.
- 4) The Montana Funeral Directors Association obtained a very recently drafted model funeral procession bill from the National Funeral Directors Association, which was presented to the Attorney General. Upon the recommendations of that office last June, MFDA has reworked the National associations' model bill to adapt to Montana concerns. Section 1 of the bill deals with the Attorney General's opinion, and the rest is the modified model bill.

The Montana Funeral Directors Association has presented this bill to the Sheriff's and Peace Officers Association, the Police Chiefs Association and, again, the attorney general. The amendments submitted to you today we believe cover the major concerns of the police chiefs. The bill has strict safety requirements that funeral directors must meet in order to direct processions, and the amendments also add still more strict safety requirements.

EXHIBIT 2
DATE 1-24-91
HB 117

One of the goals of Montana's funeral directors is to maintain for the families they serve the traditional funeral. They believe that the traditional procession rightly marks the passing of loved ones and helps to enable families to work through the grieving process. This will allow the tradition to continue in a safe and legal fashion.

Another important aspect of this bill limits funeral directors liability regarding the processions. Amendment three as submitted by Representative Brown also includes paid and nonpaid escorts in this liability limitation. This takes care of another major concern of police chiefs.

We ask that this committee give a do pass recommendation to House Bill 117.

EXHIBIT 3
DATE 1-24-91
HB 144

HOUSE BILL NO. 144
"BILL REQUIRING STATE AGENCIES TO USE GASOHOL"
TESTIMONY BY REP. MIKE FOSTER, H.D. #32
JANUARY 24, 1991

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD, I AM MIKE FOSTER OF HOUSE DISTRICT NO. 32.

HOUSE BILL NO. 144 REQUIRES STATE AGENCIES TO USE GASOHOL WHERE THIS MOTOR FUEL IS "REASONABLY AND COMMERCIALY AVAILABLE." FIRST OF ALL, I WOULD LIKE TO DEFINE GASOHOL AS I INTEND IT TO MEAN IN THIS BILL, WHICH LEADS ME TO A PROPOSED AMENDMENT FOR THE COMMITTEE TO CONSIDER. THIS AMENDMENT CLARIFIES GASOHOL TO MEAN A BLENDED MOTOR FUEL CONSISTING OF NO MORE THAN 10% ETHANOL AND NO LESS THAN 90% GASOLINE. THIS AMENDMENT RESULTS FROM LEGITIMATE CONCERNS WHICH HAVE BEEN RAISED BY A COUPLE OF LEGISLATORS DURING OUR DISCUSSIONS ABOUT THIS BILL.

IN SPEAKING IN SUPPORT OF THE USE OF GASOHOL AS A VIABLE ALTERNATE FUEL, I AM NOT GOING TO DWELL ON THE SITUATION IN THE PERSIAN GULF OR THE LACK OF A BROAD-SCOPE ENERGY POLICY IN MONTANA AND THE U.S. SINCE THE EARLY 1970'S. LET IT SUFFICE TO SAY THAT THE TIME IS EXTREMELY RIPE TO TAKE AFFIRMATIVE STEPS TO BECOME MORE SELF-SUFFICIENT ON ENERGY MATTERS. ONE OF THE MAJOR ASPECTS IN BECOMING LESS DEPENDENT ON IMPORTED OIL IS THE INCREASED USE OF VIABLE AND ECONOMICAL ALTERNATE FUELS. I FIRMLY BELIEVE THAT THE EXTENSIVE USE OF ETHANOL-BLEND MOTOR FUEL CAN MAKE A SIGNIFICANT CONTRIBUTION TOWARD A GOAL OF ENERGY SELF-SUFFICIENCY.

~~NEED TO BE CLEARLY DEFINED AS A BLENDED MOTOR FUEL CONSISTING OF NO MORE THAN 10% ETHANOL AND NO LESS THAN 90% GASOLINE. THE USE OF THIS FUEL IS THE ONLY WAY TO ACHIEVE ENERGY SELF-SUFFICIENCY.~~

~~REDACTED~~. THERE ARE PROBABLY A LOT OF REASONS WE MONTANANS HAVE NOT YET EMBRACED GASOHOL AS OUR MOTOR FUEL OF CHOICE, BUT I THINK THAT CAN ALL CHANGE IF THE INDUSTRY IS JUST GIVEN A JUMP-START BY THIS LEGISLATURE. BY THIS BILL, I INTEND TO SEND A SIGNAL TO THE PRIVATE SECTOR THAT IF GASOHOL CAN BE PROVIDED AT THE GAS PUMP AT A COMPETITIVE PRICE, THEN THE LEGISLATURE WILL PROVIDE A BASE OF SUPPORT FOR THE INDUSTRY BY REQUIRING STATE-OWNED VEHICLES TO USE THIS ALTERNATE FUEL. BEYOND THAT, IT WILL BE UP TO THE DRIVERS IN MONTANA TO DECIDE WHETHER OR NOT TO FILL UP WITH GASOHOL.

PURSUANT TO MY REQUEST, THE LEGISLATIVE AUDITOR PROVIDED ME WITH A BREAKDOWN OF THE AMOUNT OF MOTOR FUEL CONSUMPTION BY INDIVIDUAL AGENCY FOR THE FISCAL YEAR ENDED JUNE 30, 1990. THOSE FIGURES SHOW A TOTAL ANNUAL MOTOR FUEL CONSUMPTION BY STATE ENTITIES TO BE APPROXIMATELY 4.4 MILLION GALLONS, EXCLUDING THE HIGHWAY PATROL, WHICH WOULD ADD ABOUT ANOTHER 450,000 GALLONS IF INCLUDED IN THOSE FIGURES.

YOU WILL NOTICE THAT THE PROVISIONS OF THIS BILL SPECIFICALLY EXCLUDE THE HIGHWAY PATROL, WHICH WAS THE DESIRE OF THE LEGISLATIVE COUNCIL. I DO NOT ADVOCATE INCLUDING THE HIGHWAY PATROL IF THE SPECIAL EQUIPMENT ON THEIR CARS WOULD NOT ADAPT WELL TO GASOHOL. HOWEVER, I HAVE RECENTLY SPOKEN TO COL. GRIFFITH, AND HE MAY HAVE AN ANSWER TODAY AS TO WHETHER OR NOT THE PATROL COULD BE INCLUDED AS AN AGENCY THAT WOULD USE GASOHOL. IF THE PATROL CAN USE GASOHOL, THEN I WOULD PROPOSE TO DELETE SUBSECTION 6 ON PAGE 2 OF THIS BILL.

LADIES AND GENTLEMEN, I DO NOT PURPORT TO BE AN EXPERT ON ETHANOL OR GASOHOL, BUT I BELIEVE THERE ARE PEOPLE HERE TODAY THAT ARE QUITE ABLE TO ANSWER ANY QUESTIONS YOU MIGHT HAVE CONCERNING MATTERS SUCH AS EXPECTED ENGINE PERFORMANCE, POLLUTION, CORROSIVENESS, TAX CREDITS, PRODUCTION, OR ANY OTHER ASPECT OF THIS INDUSTRY.

FROM MY PERSPECTIVE, I VIEW THIS PROPOSAL AS BENEFICIAL TO MONTANANS IN SEVERAL AREAS:

- 1.) AGRICULTURE, WHICH PROVIDES THE RAW MATERIAL TO PRODUCE THE ETHANOL AND WILL LIKELY HAVE A USE FOR ETHANOL BY-PRODUCTS;
- 2.) JOBS, WHICH WILL NATURALLY RESULT FROM AN EXPANDING INDUSTRY;
- 3.) INCREASED TAX BASE, WHICH WILL BENEFIT OUR COMMUNITIES;
- 4.) THE ENVIRONMENT, DUE TO THE CLEAN-BURNING QUALITIES OF ETHANOL; AND
- 5.) ENERGY INDEPENDENCE AND A LONGER LASTING SUPPLY OF OIL.

THERE ARE NO DOUBT OTHER BENEFITS I HAVE OMITTED DUE TO MY LACK OF EXPERTISE, BUT I AM SURE THAT OTHERS FOLLOWING ME WILL BE ABLE TO FILL IN THE GAPS.

I HAVE BEEN CONTACTED BY SOME CONCERNED CITIZENS WHO HAVE ASKED ME TO HAVE THEIR WRITTEN TESTIMONY ENTERED INTO THE RECORD, AND I WOULD LIKE TO DO SO AT THIS TIME.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I ASK FOR YOUR SUPPORT OF HB144, AND RESERVE THE RIGHT TO CLOSE. THANK YOU.

EXHIBIT 3
DATE 1-24-91
HB 144

CLOSING REMARKS - HB144

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I MAY NOT BE THE FIRST PERSON TO EVER HAVE GOTTEN THIS IDEA, BUT I CAN TELL YOU THAT WHEN THIS THOUGHT FIRST STRUCK ME WHILE I WAS RIDING DOWN A BUMPY ROAD CAMPAIGNING BETWEEN FARMHOUSES LAST OCTOBER, I THOUGHT AT THE TIME THAT IT WAS A GOOD IDEA. MY ONLY CONCERN WAS THAT IT SEEMED SO SIMPLE I WONDERED WHY IT HAD NOT BEEN DONE BEFORE.

WELL, I STILL BELIEVE THAT PROMOTING THE USE OF GASOHOL IS A GOOD IDEA, AND I REALLY HOPE THAT, AFTER THIS BILL BECOMES LAW, MONTANA INSPIRES ALL ENTITIES HAVING A LARGE FLEET OF VEHICLES AND ALL OF US INDIVIDUAL CONSUMERS TO EMBRACE THE USE OF GASOHOL AS A POSITIVE AND RESPONSIBLE STEP FOR OUR STATE AND NATION.

THANK YOU.

Amendments to House Bill No. 144
First Reading Copy

Requested by Representative Foster
For the Committee on Highways and Transportation

Prepared by Susan Fox
January 22, 1991

1. Title, line 5.

Following: "THAT"

Insert: "ETHANOL-BLEND MOTOR FUEL, ALSO KNOWN AS"

2. Title, line 6.

Following: "GASOHOL"

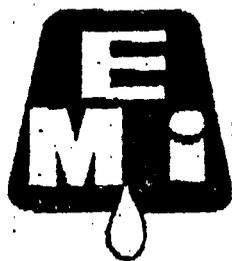
Insert: ", "

3. Page 1, line 25.

Following: line 24.

Strike: "gasoline blended with ethanol"

Insert: "a motor fuel blend of up to 10% ethanol and 90%
gasoline"



ETHANOL MARKETING INC.

P.O. BOX 7485

BOISE, IDAHO 83707

PHONE (208) 322-8288

January 23, 1991

Rep. Mike Foster
Capitol Bldg
Helena, MT 59620

Dear Representative Foster,

I have been contacted by Don Sterhan of Alcotech and asked to write you concerning some of the technical aspects of using alternate fuels, specifically ethanol.

By way of background, I have been employed by Ethanol Marketing Inc. in Boise since 1985 and have been its Technical Director for the past two years. Prior to that I was employed by several companies as a mechanic and have had my own shop. During the past five years I have privileged to attend many technical conferences which have included extensive training on emission controls and preventative maintenance.

Specifically, there are two varieties of fuel injection systems i.e., the throttle body injectors and the port fuel injectors. General Motors employs the throttle body injectors in most of their vehicles and have encountered no problems with 10% ethanol blended fuel and in fact, in the 1991 Owners Manuals, recommends "oxygenated" fuels such as 10% ethanol blends and MTBE blends not to exceed 11-15%.

Ford Motor Co. generally uses the port fuel injector system. Ford has experienced injector clogging particularly in their "hot" cars like the 5.0 liter Mustang. Experience has shown that the clogging has been linked to the olefins in gasoline and not to the ethanol.

Here again, ethanol or ethyl alcohol is a solvent and logically would not clog these port fuel injectors but on the contrary would help to unclog them. Further, the use by gasoline marketers of good quality detergent such as the Chevron Techron or the DuPont DMA67Z detergent commonly used in ethanol, greatly reduces the chance of clogging port fuel injectors.

It is my understanding that the Montana Highway Patrol has objected to the use of ethanol enhanced gasoline on the recommendation of the GM dealer in Helena. Our experience has shown that, without exception, the General Managers of GM dealerships are cognizant of the changes in gasoline make-up and the effect on their particular lines but the Service Managers, Service Writers and Mechanics still dwell on

Oil company representatives have, over the past few years, blamed ethanol for drivability problems which were directly related to 1) high olefin content, 2) high RVP gasoline (Reid Vapor Pressure is the volatility index of gasoline) and in Idaho, 3) low octane and all of this simply because, by using ethanol, marketers reduce by 10% the amount of gasoline purchased from them.

One can hardly blame the oil company field men but it would seem that "Mr. Goodwrench" should be aware of GM's policy both on new and older cars.

In older cars, ethanol enhanced gasoline will replace the lost octane when lead was removed. You know that 10% ethanol increases the octane by three (3) points. Those who say it will harm the plastic parts in carburetors probably do not realize that since 1976 all spare parts including those branded NAPA, have been ethanol resistant.

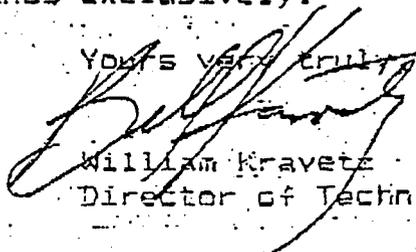
Finally, I would like to point out that ethanol is also a victim of those who cannot spell. Methanol is an alcohol which is 1) hydrocarbon based being generally made from natural gas, 2) poisonous (less than two ounces to death), 3) highly corrosive thus harmful to internal parts, 4) seldom used in automotive gasoline other than racing vehicles such as those used in the Indy 500.

In the case of the later, methanol is used because it is cheap, it is less volatile than gasoline, and in case of fire can be extinguished by water, and it's corrosiveness is not a factor in a car designed to perform brilliantly for a couple of thousand miles.

Ethanol on the other hand is organic in nature being made from agricultural products generally, it is environmentally benign i.e., it evaporates or is absorbed into the earth without polluting anything, it is potable but intoxicating, and it is non-corrosive. Thus the difference between an "M" and an "E" is substantial and critical but commonly confused to the detriment of ethanol.

I hope this has clarified the problem somewhat. We have experienced no drivability problems nor technical problems directly related to the effects of blending 10% ethanol. Our State Government uses the product as does our Highway Patrol. The Nebraska Highway Patrol has logged several million high speed highway miles using ethanol blends exclusively.

Yours very truly,



William Kravetz
Director of Technical Services

EXHIBIT 6
DATE 1-24-91
HB 144

January 23, 1991

Janet Stocks
P.O. Box 71
Townsend, MT 59644

Montana State Legislature
Helena MT 59604

REGARDING: HOUSE BILL NUMBER 144

Dear Committee Members:

At a time when our country is engaged in a war that involves freedom and oil it would seem appropriate for our country and state to move toward alternate fuels. This Bill #144 would improve our local economy and increase energy independence. I support this bill.

Sincerely



Janet Stocks

EXHIBIT 7
DATE 1-24-91
HB 144

January 23, 1991

Jaquie Swenson
P.O. Box J
Townsend, Montana, 59644

Montana State Legislature
Helena, Montana, 59604

Regarding: House Bill Number 144

Dear Committee Members:

It is time for America to become independent in energy production. We in Montana have the capability of using our grain to help produce gasahol. Let's encourage the use of this fuel and stop our dependence on foreign oil.

Sincerely,

Vernon L Swenson
Jaqueline B Swenson

Vernon L. and Jaqueline B. Swenson

Jan. 24, 1991
HB 144 & SB 109
Kay Norenberg

EXHIBIT 0
DATE 1-24-91
HB 144

Mr. Chairman, and members of the committee. My name is Kay Norenberg representing WIFE (Women Involved In Farm Economics).

We would like to go on record in support of this bill. Wife has been involved with trying to promote ethanol since WIFE's inception in 1977.

We feel that ethanol is environmentally sound and economically smart. It will reduce the dependence on foreign oil and is a renewal source of energy

Ethanol is a superior, high octane fuel, and can provide good performance for the vehicles.

Please give this bill a do pass. Thank you.



WIFE Women Involved in Farm Economics

SHIRLEY BALL

Phone 406-785-4731

South Route 206
Nashua, MT 59248

Testimony on HB 144 Shirley Ball

This letter is in support of HB 144. I apologize that a conflict will keep me from testifying in person. I would like to enter as testimony the attached copy of a letter I sent to Governor Stephens as a recommendation that Montana state vehicles use ethanol blended fuel whenever possible. The USDA and the US Department Of Energy have made that a requirement of their vehicles and the press release from the USDA is also attached.

I would like to recommend that the wording in HB 144 be changed by substituting the words "ethanol blended fuel" for "gasohol". The term gasohol is no longer used by most of the industry. When it was used, it had a legal definition consisting of 10% 200 proof (pure) ethanol, and 90% unleaded gasoline. My reason for making this recommendation is that "gasohol" could be restrictive and could eliminate the chance to use a regular gasoline blended with ethanol if the "legal definition" were still being adhered to. The definition in (2) may take care of that worry, but I feel that using the term "ethanol blended fuel" cleans up the language.

I would also recommend eliminating (6), as the highway patrol does successfully use ethanol blended fuel in other states.

I urge you to adopt ^{HB}~~HB~~ 144.

Thank you

Shirley Ball



WIFE Women Involved in Farm Economics

SHIRLEY BALL

Phone 406-785-4731

South Route 206
Nashua, MT 59248

January 3, 1991

Governor Stan Stephens
Capitol Station
Helena, MT 59620

Dear Governor Stephens,

The organization of Women Involved in Farm Economics (WIFE) is extremely interested in ethanol fuel. Increased production and use are goals WIFE members have continuously worked towards, at both federal and state level.

Studies have backed up WIFE's belief that ethanol production will provide markets that will increase the prices farmers receive for their commodities by 10¢ to 20¢. Those studies also prove that farm communities and states will benefit through jobs and increased tax base if ethanol facilities are located in rural areas. In the "added value" category, ethanol production is considered one of the best.

Ethanol is a renewable, clean fuel. Recent Federal legislation will require that clean fuels such as ethanol be used in highly polluted areas as a means of cleaning up the air. The good Lord willing, feedstock for ethanol can be produced year after year on America's farms.

WIFE supports a requirement that government cars run on ethanol blended fuel whenever possible. Ethanol is a superior, high octane fuel, and can provide good performance for the vehicles.

A survey of WIFE members and spouses participating in the 1987 convoy to Denver in vehicles powered by ethanol blended fuel, showed the cars ran great, and good mileage was reported. Many of those farmers use ethanol blend on their farm operations as they see it as a quality fuel that could increase the life and performance of their gas powered farm machinery. Documented fleet studies in other states show positive results.

On a personal note, ethanol blended fuel has been available in our community for many years and we have used it exclusively. It is delivered in bulk for farm use, and we buy it through the pumps for our road vehicles. The "Super unleaded" is sold at the same price as the "unleaded regular".

This price is possible due to the Federal Excise tax incentive. In 1987, I was a member of a seven person national panel appointed by USDA Secretary Lyng to study the "Cost Effectiveness of Ethanol". That study, and others since, have looked at the tax incentive issue, and agree that ethanol could not compete at the market place without incentives. However, an in-depth look found that the benefits mentioned above, as well as savings in the cost of the farm program more than offset the expenses incurred by the incentives.

EXHIBIT 9
DATE 1-24-91
HB 144

A further look at the incentives has shown that virtually every form of energy, including nuclear, gas, coal, oil, hydro, and solar has had, and continues to receive some form of government support that lowers costs or encourages production and distribution.

Oil production, for instance, has been supported by a host of policies including expensing of exploration and development costs, percentage depletion allowances on producing wells, stripper well price incentives, and federal research and development activities. Indirectly, the federal government supports the petroleum industry infrastructure by providing funds for the construction and maintenance of ports and waterways to handle oil tankers, tanker construction and operation, and pipeline construction and maintenance

It has been estimated that the true price of gasoline is over \$5.00 a gallon if you take into account the Persian Gulf activity. I imagine, if environmental cleanup were also considered, it would be much more than that.

I have copies of the studies mentioned above and would be pleased to make them available to you. Ethanol is a part of the solution to many things, including farm economy, energy security, and environment.

The Secretaries of the U.S. Department of Agriculture and the U.S. Department of Energy have recently announced department policy that requires the use of ethanol or ETBE (Ethyl tertiary butyl ether) an ethanol derivative, in their vehicles. I have enclosed a copy of the USDA press release.

I encourage you to join with them by requiring state vehicles to also use the fuel whenever possible .

Sincerely,

Shirley Ball
National WIFE Energy Chairman

EXHIBIT 9
DATE 1-31-91
HB 144

NEWS

United States
Department of
Agriculture

Office of Press and Media Relations
News Division, Room 404-A
Washington, D.C. 20250

Office of
Public Affairs

Kelly Shipp (202) 447-4623

YEUTTER POLICY PROMOTES ETHANOL USE IN USDA VEHICLES

WASHINGTON, Sep. 13--Following President Bush's initiative to reduce America's dependency on foreign oil, Secretary of Agriculture Clayton Yeutter today announced a new departmental policy that requires employees to use ethanol or ETBE-blended gasoline in all U.S. Department of Agriculture-owned and leased vehicles when such fuels are available at prices comparable to regular unleaded gasoline.

"Using ethanol-blended gasoline in USDA cars and trucks is an opportunity to promote a 'win-win' situation," Yeutter said. "Ethanol is produced from American corn and other agricultural products, and that's good for American farmers. But it also helps reduce our dependency on foreign oil; and, as the president pointed out in his address to Congress Tuesday night, that's especially critical right now."

Gasolines blended with ethanol or ETBE (ethyl tertiary butyl ether) have been shown to reduce carbon monoxide emissions by as much as a third, depending on the vehicle make and model, and are a major component of the president's Clean Air initiative.

USDA operates a fleet of over 33,000 sedans, station wagons and light trucks in all 50 states. Though actual usage will be less because availability varies from state to state, if all of these vehicles were fueled with ethanol-blended gasoline, they would consume about 1.7 million gallons of ethanol per year, requiring 680,000 bushels of corn.

Noting that the use of ethanol and ETBE-blended gasoline has been approved by all automobile manufacturers, Yeutter went on to urge all USDA employees to use ethanol-based fuel in their personal vehicles.

"This is a great way for each of us, as individuals and as members of USDA, to demonstrate our commitment to America's farmers, America's environment and America's future," Yeutter said.



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

EXHIBIT 10
DATE 1-24-91
HB 144

BILL # HB 144 ; TESTIMONY BY: Lorraine Gillies
DATE 1/24 ; SUPPORT Support ; OPPOSE _____

Mr. Chairman, Members of the Committee, for the record, my name is Lorraine Gillies, and I'm here on behalf of the Montana Farm Bureau.

We have for some time advocated promoting gasanol as a prudent use of a renewable resource. HB 144 is particularly relevant these days of uncertain oil supplies and prices. Using a product produced by Montana's largest industry in State tax-supported vehicles is a concept long over-due.

We ask this Committee to give this bill a due-pass.

Thank you.

SIGNED: _____

Lorraine Gillies

Northern Plains Resource Council

EXHIBIT 11
DATE 1-24-91
HB 144

My name is Tom Breitbach and I live and farm northwest of Circle, Montana. I am also a member of McCone Agriculture Protective Organization and a member of NPRC and am testifying in that capacity. I would like to thank this committee for the opportunity to testify on ~~this~~ House Bill 144.

I think it is good that the State of Montana makes a positive and definite statement regarding a state energy policy. Hopefully, if enough agricultural states do the same, a federal energy policy will be considered and approved. The federal energy policy is nonexistent and somewhat follows the thinking of the Federal farm bill. The support price of grains are frozen for the next five years and with the hostilities in the middle east, the costs of fuels has increased the overall costs of agriculture between 7 and 25%, depending on the specific style of production, with no increase in support prices. Bad farm policy will do more to create a "Buffalo Commons" in this state than anything else. This does not mean that I am satisfied with the present prices of agriculture production or programs, but rather ethanol production is a means of utilizing that farm production and increase prices.

There was a day-long meeting on the 16th of January in Helena to provide information on alternate fuel from agriculture and much information is available, and even though we do not have enough production of ethanol to provide all fuel used in Montana to be in the form of gasahol. According to the report of DNRC dated Sept. 13, 1990, there is enough ethanol production to make 30% of Montana's gas used to be gasahol, and production is increasing.

The processing of ethanol has not changed much in the last

EXHIBIT 11
DATE 1-24-91
HB 144

number of years and it would be hoped that our grain production taxes and state supported colleges would research and develop new and better processes and technologies. Having built and operated a small still, which was certified by the Federal Government, I can identify some of those problems. Better strains of yeast, more heat efficient processes for converting the starches to sugars, faster or continuous fermentation of sugars to alcohol and more efficient distillation of the liquid mixture. We also need development of the solids into a predictable form for use in livestock and human feed use. These distillers products are actually a better feed for rumen type livestock than soybean or other high protien feeds.

I would support this legislation with ammendments that required use of gasohol as much as possible at the present time , and requiring use of gasohol in all state vehicles within a specified period, three or four years. I also think that the Highway Patrol should not be exempted, except in an emergency.

Thank you for this opportunity.

EXHIBIT 12
DATE 1-24-91
HB 236

WITNESS STATEMENT

NAME ROGER TIPPY BILL NO. 236
ADDRESS TIPPY & McCUE, P.O. Box 543, HELENA. DATE 1/24/91
WHOM DO YOU REPRESENT? MT BEER & WINE WHOLESALERS ASSN
SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:
Understand that the federal DOT requires elimination of this exemption.
Also understand that 100-mile radius still applies to exemption of log book requirement - that a beer truck driver who only goes more than 100 miles from warehouse on some occasions need only keep log on those occasions.

Amendments to House Bill No. 62
First Reading Copy (White)

Requested by Representative Stang
For the Committee on Highways and Transportation

Prepared by Valencia Lane
January 23, 1991

1. Title, line 6.
Following: "EQUIPMENT"
Insert: "FOR TRUCKS AND TRUCK TRAILER COMBINATIONS"

2. Page 2, line 24.
Following: line 23
Insert: "for trucks and truck trailer combinations"

3. Page 3, line 2.
Following: "all"
Strike: "persons"
Insert: "trucks and truck trailer combinations"

4. Page 3, line 4.
Following: "recommended"
Insert: "for driver wheels"

5. Page 3, lines 5 and 7.
Following: "required"
Insert: "for driver wheels"

6. Page 3, line 15.
Following: "determined"
Insert: "for trucks and truck trailer combinations"

7. Page 3, line 20.
Following: "tires"
Insert: "on truck and truck trailer combination driver wheels"

8. Page 3, lines 21 through 23.
Following: "." on line 21
Strike: remainder of line 21 through "." on line 23

EXHIBIT 13
DATE 1-24-91
HB 102

52nd Legislature

HB 0062/01

HB 0062/01

HOUSE BILL NO. 62
INTRODUCED BY STANG

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE REQUIREMENT OF PARTICULAR TIRES, CHAINS, OR TRACTION EQUIPMENT ON A DESIGNATED DANGEROUS OR UNSAFE HIGHWAY; AND AMENDING SECTION 61-9-406, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-406, MCA, is amended to read:

"61-9-406. Restrictions as to tire equipment --
Particular tires, chains, or traction equipment. (1) A solid rubber tire on a vehicle must have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.

(3) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange, cleat, or spike, or other protuberance of a material other than rubber which that projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances which that will not injure the highway. It is also permissible to use tire

chains of reasonable proportions or pneumatic tires, the traction surfaces of which have been embedded with material, such as wood, wire, plastic or metal, which that may not protrude more than one-sixteenth of an inch beyond the tire tread, upon a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. The use of pneumatic tires embedded as provided in this section is permitted only between October 1 and May 31 of each year, except that one of those tires may be used for a spare in case of tire failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through the following June 15.

(4) The department of highways and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of farm tractors or other farm machinery or of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks, the operation of which upon the highway would otherwise be prohibited under this section.

(5) If the department of highways determines at any time that dangerous or unsafe conditions on a highway require particular tires, tire chains, or traction equipment for trucks and truck trailers combinations in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following



1 recommendations or requirements with respect to the use of
2 the equipment for all ~~parts~~ ^{TRUCKS and TRUCK TRAILER combinations} using the highway;

3 (a) chains or other approved traction devices

4 recommended; ^{for driver wheels}

5 (b) chains or other approved traction devices required; ^{for driver wheels}

6 or

7 (c) chains required; ^{for driver wheels}

8 (6) Equipment required by subsection (5)(b) or (5)(c)

9 must conform to rules established by the department of
10 justice.

11 (7) The department of highways shall place and maintain
12 signs and other traffic-control devices on a highway
13 designated under subsection (5) that indicate the tire, tire
14 chain, or traction equipment recommendation or requirement
15 determined. ^{for trucks and truck trailer combinations}
16 Prohibit the use of pneumatic tires embedded as provided in

17 subsection (3) between October 1 and May 31 of each year,
18 but when the department of highways determines that chains
19 are required and that no other traction equipment will
20 suffice, the requirement is applicable to all tires; ^{ON truck and truck trailer combination}
21 including embedded tires. ^{driver wheels}
22 ~~devices may differentiate in recommendations or requirements~~

23 ~~for four-wheel-drive vehicles in gear."~~

-End-

EXHIBIT 14
DATE 1-24-91
HB 59

Amendments to House Bill No. 59
First Reading Copy (White)

Requested by Representative Toole
For the Committee on Highways and Transportation

Prepared by Valencia Lane
January 23, 1991

1. Title, lines 5 and 6.

Strike: ", EXCEPT FOR A RELEASE TO A CRIMINAL JUSTICE AGENCY"

Insert: "; PROVIDING CERTAIN EXCEPTIONS"

2. Page 2, line 2.

Following: "agency"

Insert: ", a representative of the media, or any person or firm
having a legitimate purpose as determined by the department
with"

HOUSE BILL NO. 59
INTRODUCED BY HARRINGTON

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING RELEASE OF
A PERSON'S DRIVING RECORD WITHOUT THAT PERSON'S APPROVAL;
~~PROVIDING CERTAIN EXCEPTS~~
~~EXCEPT FOR A REBARS FROM A CRIMINAL JUSTICE AGENCY; AND~~
AMENDING SECTION 61-11-105, M.C.A."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-11-105, MCA, is amended to read:

"61-11-105. Release of information -- Fees. (1) The
Except as provided in subsection (2), the department shall,
upon request and with the licensee's approval, furnish a
person the individual driving record of a licensee showing
the following:

- (a) licensee identification data and address;
- (b) driver's license status and expiration date;
- (c) convictions of the licensee; and
- (d) traffic accidents in which the licensee was involved.

(2) Information relating to a traffic accident that did
not involve a conviction as defined in 61-11-2037 may not
be released by the department unless the release is
requested or approved by a party involved in the accident or
is required by court order or a duty executed subpoena. The

*, a representative of the media,
or any person or firm having a
legitimate purpose as determined by
the department with*

department shall, upon request, furnish a criminal justice
agency the individual driving record of a licensee showing
the items listed in subsections (1)(a) through (1)(d).
(3) A fee of \$3 must be paid for each record requested.
A fee of \$10 must be paid if a certified record, as provided
in 61-11-102(6), is requested as provided in 61-11-102(6).
Individual driving records must be provided without charge
to any criminal justice agency, as defined in 41-5-103, or
other state or federal agency."

-End-



EXHIBIT 15
DATE 1-24-91
HB 59

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 1-24-91 BILL NO. 59 NUMBER _____

MOTION: Do Pass As Amended

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK	✓	
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND		✓
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN	✓	
REP. DICK KNOX		✓
REP. DON LARSON	✓	
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON	✓	
REP. LINDA NELSON		✓
REP. DON STEPPLER		✓
REP. HOWARD TOOLE	✓	
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN		✓
TOTAL	11	6

EXHIBIT 16
DATE 1-24-91
HB 127

WITNESS STATEMENT

NAME Tom HARWOOD BILL NO. HB127
ADDRESS Box 62 GALATA, MT. 59444 DATE 1/24/91
WHOM DO YOU REPRESENT? SELF
SUPPORT _____ OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: If a Vehicle has the capability to tow another Vehicle or trailer with a fixed hitch and ^{Ball} as full and ample evidence of such capability, the driver of that Vehicle shall have a trailer license and all drivers of such Vehicles shall take the written test portion of the drivers Examination every 4 years at the time of renewal.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

DATE 1-24-91 COMMITTEE Highways BILL NO. 144
 SPONSOR(S) Rep. Foster

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Jim Jensen	MBTC	HB 144		✓
ak ck				
Kay Norenberg	Wife	HB 144		✓
Don Stehan	Alcotech	HB #144		✓
Bob Stephens	MT Grain Growers Assn	144		✓
Tom Bruthack	NPRC - MFAPO	144		✓
Van Jamison	DNCC	144		✓
Horraine Gillies	MT Farm Bureau	HB 144		✓
BILL STRIZICH	MT Dept of Highways	HB 144		✓

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

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

DATE 1-24-91 *Hiway* COMMITTEE Rep. Gilbert BILL NO. 236

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
CURT LAINGEN HELENA	MT MOTOR CARRIERS ASSN			X
ROGER TIPPY	MT BEER + WINE WHOLESALER		X	

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