

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

CONFERENCE COMMITTEE ON SENATE BILL 361

Call to Order: By **CHAIRMAN ARNIE MOHL**, on April 6, 1995, at 4:10 p.m.

ROLL CALL

Members Present:

Sen. Arnie A. Mohl, Chairman (R)
Rep. Marian W. Hanson, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Jeff Weldon (D)
Rep. Marian W. Hanson (R)
Rep. Joe Barnett (R)
Rep. Dore Schwinden (D)

Members Excused: none

Members Absent: none

Staff Present: Connie Erickson, Legislative Council
Tina Price, Secretary

Discussion: **CHAIRMAN ARNIE MOHL** stated the committee wished to remove the House Amendments to SB 361.

EXECUTIVE ACTION ON SB 361

Motion: **SEN. JEFF WELDON MADE THE MOTION TO REMOVE THE HOUSE COMMITTEE AMENDMENTS.**

Discussion: **SEN. JEFF WELDON** stated the Department of Transportation was primarily concerned with the placement in the statute of a spending priority and he shared their concerns. The removal of the amendments would not necessarily mean that the Motorcycle Safety Training Program would not get funded; it just simply would not be first in line by statute.

SEN. MACK COLE clarified the program would get funded but would have to be in line with every other program.

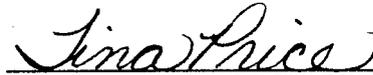
Vote: **SEN. WELDON'S MOTION TO STRIP THE HOUSE AMENDMENT CARRIED UNANIMOUSLY.**

ADJOURNMENT

Adjournment: The meeting adjourned at 4:15 p.m.



SEN. ARNIE MOHL, Chairman



TINA PRICE, Secretary

AM/tp

Conference Committee
on SB 361
Report No. 1, April 6, 1995

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 361, met April 6, 1995, and considered:

House Committee on Highways and Transportation Amendments to the third reading copy, dated March 21, 1995.

We recommend that SB 361 (reference copy - salmon) be amended as follows:

1. Title, lines 6 and 7.
Strike: "REQUIRING" on line 6 through "TRAINING;" on line 7
2. Page 2, line 19.
Following: "and"
Insert: "and"
3. Page 2, line 21.
Strike: ": AND"
Insert: "."
4. Page 2, lines 22 through 25.
Strike: subsection (d) in its entirety

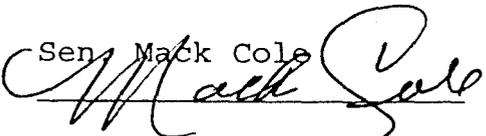
And that this Conference Committee report be adopted.

For the Senate:

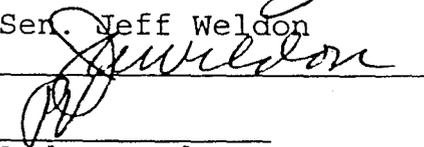
Sen. Arnie Mohl


Chair

Sen. Mack Cole


Amd. Coord.

Sen. Jeff Weldon


Amd. Coord.

Amd. Coord.

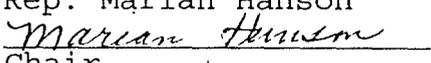

Sec. of Senate

ADOPT

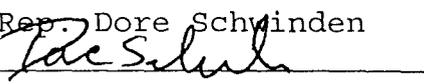
REJECT

For the House:

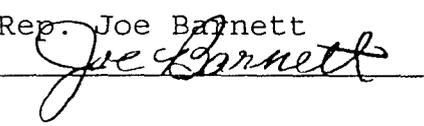
Rep. Marian Hanson


Chair

Rep. Dore Schindler


Amd. Coord.

Rep. Joe Barnett


Amd. Coord.

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Montana Department of Transportation
Helena, Montana 59620

Memorandum

To: Senator Jeff Weldon
From: Patricia Saindon, Administrator
Transportation Planning Division
Date: 27 March 1995
Subject: Senate Bill 361

The Department of Transportation does not support the amendment to SB 361 requiring MDT to use part of the federal grant money for motorcycle safety training.

1. It does not seem prudent to have state statute require MDT to "first allocate a portion of federal grant money for safety programs for federally recognized priority areas...", especially if the federal emphasis areas have not been identified as emphasis areas in Montana.
2. MDT, with the Highway Traffic Safety office, OPI, the Highway Patrol, Motor Carrier Services, and the Federal Highway Administration are currently working together to develop a Safety Management System for Montana which will be used to determine the priorities for developing programs to insure that safety is considered in all transportation decision with the goal of reducing the number and severity of highway crashes.
3. The Office of Public Instruction (OPI) currently supports a motorcycle education program in the state.

cc: Representative Shiell Anderson
Senator Larry Tveit



HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Highways and Transportation** report that **Senate Bill 361** (third reading copy -- blue) be concurred in as amended.

Signed: *Shiell Anderson*
Shiell Anderson, Chair

And, that such amendments read:

Carried by: Rep. Carey

1. Title, line 5.

Following: "TRANSPORTATION;"

Insert: "REQUIRING THE DEPARTMENT OF TRANSPORTATION TO USE PART OF THE FEDERAL GRANT MONEY FOR MOTORCYCLE SAFETY TRAINING;"

2. Page 2, line 18.

Strike: "and"

3. Page 2, line 20.

Following: "7"

Insert: "; and

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

-END-

Committee Vote:
Yes 17, No 1.

SB361
HOUSE
651530SC.Hdh

1 SENATE BILL NO. 361

2 INTRODUCED BY WELDON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING PART OF THE HIGHWAY TRAFFIC SAFETY
5 PROGRAM FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF TRANSPORTATION;
6 REQUIRING THE DEPARTMENT OF TRANSPORTATION TO USE PART OF THE FEDERAL GRANT MONEY
7 FOR MOTORCYCLE SAFETY TRAINING; EXPANDING ARREST AUTHORITY FOR CERTAIN TRAFFIC
8 OFFENSES; AMENDING SECTIONS 2-15-2007, 61-2-102, 61-2-103, AND 61-12-206, MCA; AND
9 PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 Section 1. Section 2-15-2007, MCA, is amended to read:

14 "2-15-2007. Highway traffic safety program. ~~The~~ Except as provided in 61-2-103, the highway
15 traffic safety program provided for in 61-2-102 is attached to must be administered by the department of
16 justice for administrative purposes only as prescribed in 2-15-121. However, the program may hire its own
17 personnel, and 2-15-121(2)(d) does not apply transportation."

18
19 Section 2. Section 61-2-102, MCA, is amended to read:

20 "61-2-102. Definitions. Unless the context requires otherwise, in this part, the following definitions
21 apply:

22 (1) "Department" means the department of ~~justice provided for in Title 2, chapter 15, part 20~~
23 transportation.

24 (2) "Highway traffic safety program" means a program designed to reduce traffic accidents, deaths,
25 injuries to persons, and damage to property. The program ~~shall~~ must be in accordance with uniform
26 standards established by the secretary of commerce of the United States under Title 23, U.S.C., as
27 amended. Nothing in this part restricts or prohibits the establishment of standards ~~which~~ that enlarge or
28 implement the federal standards.

29 (3) "Political subdivisions" means ~~every~~ each county, incorporated city or town, and school district
30 within the boundaries of the state."

1 **Section 3.** Section 61-2-103, MCA, is amended to read:

2 **"61-2-103. Duties.** (1) The governor is responsible for the administration of the highway traffic
3 safety program. The governor may contract and do all other things necessary to secure the full benefits
4 available to this state under the Federal Highway Safety Act of 1966, and, in so doing, may cooperate with
5 federal and state agencies, private and public organizations, and individuals to effectuate the purposes of
6 that enactment and all amendments to it. The governor may appoint an administrator of the highway traffic
7 safety program to carry out the governor's responsibilities under this part. For purposes of participation
8 in the Federal Highway Safety Act of 1966, the governor shall designate the superintendent of public
9 instruction as the state agency responsible for all aspects of federally assisted driver education and safety
10 programs in the public schools, including the approval of the programs, certification of teachers, and the
11 acceptance, allocation, and expenditure of funds for driver education in accordance with applicable federal
12 laws and regulations. Nothing in this part interferes with the provisions of Title 20, chapter 7, part 5, or
13 20-9-603 or part 5, chapter 7, of Title 20.

14 (2) The department of justice shall:

15 (a) advise and assist the governor in all matters of highway safety and establish comprehensive
16 training programs, including establishment and regulation of driver training schools, ~~and~~ certification of the
17 schools and instructors, ~~and~~ establishment of adult training and retraining programs;

18 (b) develop and procure practice driving facilities, simulators, and other teaching aids for school
19 and driver training use; ~~and~~

20 (c) establish a continuing and adequate research program designed to determine the causes of
21 accidents and effect a program of prevention; AND

22 (D) FIRST ALLOCATE A PORTION OF FEDERAL GRANT MONEY FOR SAFETY PROGRAMS FOR
23 FEDERALLY RECOGNIZED PRIORITY AREAS, SUCH AS MOTORCYCLE SAFETY TRAINING THROUGH THE
24 MONTANA MOTORCYCLE SAFETY EDUCATION PROGRAM, UNLESS THERE IS NO DEMONSTRATED
25 NEED.

26 (3) The department of justice shall:

27 ~~(d)~~(a) establish a uniform system of driver licensing, including mental and physical standards; and

28 ~~(e)~~(b) prescribe and establish safety regulations for motor vehicles and operators."
29

30 **Section 4.** Section 61-12-206, MCA, is amended to read:

1 **"61-12-206. Offenses for which arrest authorized.** (1) Employees appointed under 61-12-201 may
2 make arrests for violations of the following statutory provisions ~~only~~:

3 (a) chapters 3 and 5, of this title, but only if the vehicle involved is subject to 61-10-141;

4 ~~(a)(b) part 1,~~ chapter 10, of this title;

5 ~~(b)(c) part 3,~~ chapter 4, of this title;

6 ~~(e)(d) sections 15-24-201 through 15-24-205;~~

7 ~~(d)(e) Title 15, chapter 70, parts 2 and 3;~~

8 ~~(e)(f) sections 15-71-101 through 15-71-105;~~

9 ~~(f) section 61-3-502(1);~~

10 ~~(g) sections 61-10-201, 61-10-203, 61-10-206, 61-10-209, and 61-10-211 through 61-10-215;~~

11 ~~(h) sections 61-10-222 through 61-10-224;~~

12 ~~(i) sections 61-10-231 through 61-10-233.~~

13 (2) These employees may not arrest for violations other than specified in this section."
14

15 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1995.
16

-END-