

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 10, 1979

The fifty-sixth meeting of the Senate Judiciary Committee was called to order in room 331 of the capitol building by Senator Everett R. Lensink at 9:34 a.m. on the above date.

ROLL CALL:

All members were present with the exception of Senator O'Hara who was excused.

CONSIDERATION OF HOUSE BILL 699:

This is an act to revise the procedure in the small claims division of justice's court, etc. Representative Ramirez gave an explanation of this bill and said that it was requested by the justices of peace.

Jim Jensen, representing the Montana Magistrates' Association, gave a statement in support of this bill.

There were no further proponents and no opponents.

Senator Towe stated that the counter claim says if exceeds \$750.00, the action must be removed to the appropriate district court, but he said there is no determination on the part of the counter claim - this is raising counter claim whether it has any merit or not and forcing it into district court. Representative Ramirez said that if you don't have some risk attached to putting in a counter-claim that is not meritorious in order to avoid the small claims procedure, people are going to abuse the counter claim provision.

Senator Towe said you lose on counter claims or you lose on what. Representative Ramirez stated that he guessed that was ambiguous. Mr. Jensen stated that he did not think we have any abuses so far and he said they have the situation arising in Broadwater County where some were filed that should have been counter claims and it is an excellent question but one they have not discussed.

Senator Towe stated there is a small claims court separate from the district code and read from the codes. Representative Ramirez said that he did not have any problems with that kind of a change.

There were no further questions or comments and the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 701:

This is an act to provide a graduated system of fines for speeding and to provide for the disposition of the fines collected, etc. Representative Rosenthal gave an explanation of the bill, and he said that the fines were set back in 1974; the price of issuing tickets have gone up to an estimated cost of \$12.00 per situation. He passed out some handouts for the committee's consideration. (See attachments.)

He said that this bill does not address a new speed limit, but it addresses the speed limit we are using. He stated that if we do not comply with federal law, we could lose 5 per cent of our federal funding. He testified that if by September, 1980, we do not have 60 per cent of the vehicles traveling at the recommended speed, then they will lose 5 per cent of the federal matching funds.

Jim Beck, representing the Department of Highways, said that their main concern with this bill is the final outcome should the speed limit not be enforced vigorously and the speed limit violations continue to rise. He stated that 62.9 per cent of the vehicles are exceeding a 55 mile per hour limit; and if they can't reduce that to less than 60 per cent, they will be in the penalty provision.

Albert Goke, from the Highway Safety, DCA, gave a statement in support of this bill, and gave a graph to the committee, which showed the results of the speed studies. (See attachments.) He stated that a good example was the speed studies program that was undertaken during the last quarter of this year. He testified that the percentage exceeding 55 miles per hour were not below 60 per cent; and he said that it is technically very difficult to reduce the average speeds out on the highways by 2 miles per hour. He stated that they should have not more than 30 per cent exceeding 55 miles per hour by September, 1983; and they are in a very tenuous spot.

He said that the 55 mile per hour speed limit has given us lots of benefits - less deaths on the highways-he stated that it has saved at least 30 lives and that there is one chance in two of surviving at 70 miles per hour and one chance in thirty-three of surviving at 55 miles per hour.

In the matter of conservation, using simple mathematics, he figured that if you take the fuel saved under a 55 mile per hour speed against wide-open speed limit, and converted this to fuel oil, he said that you would have heat for 40,000 homes a year in Montana - he said this converts to 1.8 barrels a day compared to 16 barrels a day.

Bob Griffith, from the Montana Highway Patrol, stated that they are losing the battle. He said that many citizens are driving 55 miles per hour and they support it, but he testified that they are trying to do what they are suppose to do, they are not scaring anybody and they are losing ground.

There were no further proponents and no opponents.

Senator Towe questioned if the monitoring is done by the federal government and it was answered that the state does the monitoring and they send these reports out. Senator Towe asked how they were done and Mr. Goke stated that they are set up by traffic engineers with radar and the concept is to measure free, open, flowing speed with no impediments and under federal law the government must certify them and send them to the federal government.

Senator Towe asked if greater than 70 per cent violators of the speed limit, then the secretary shall reduce the state's funding by 5 per cent and by 1980 if we don't get it down to 60 per cent, we will lose 5 per cent. He also stated that if we had obtain below 60 per cent, this year, we would have received a 10 per cent incentive grant; in 1981, we have to get it down to 50 per cent; in 1982 to 40 per cent and by 1983 to 30 per cent. Representative Rosenthal stated that that is correct according to this law. He said that at least we have time

to change the federal law. He stated that he did not see how they were going to be able to comply with that and they are concerned about this next biennium.

Senator Towe said that he mentioned \$85 million and he wondered if that was Montana's. Mr. Beck said yes, 1981 - exclusive of the interstate money and he said this drops to \$73 million in fiscal 1982.

Senator Anderson questioned why the house bumped it back to 5 from 10 and wondered if there was a lot of sympathy for that. Representative Rosenthal stated that they had it in committee at 10, but he said that he lost the bill in the house and then he amended these figures down.

Senator Towe asked if he felt that they could do the job with that figure down to \$5.00.

Senator Anderson stated that he talked to a distributor just last night and he told him that the fuel dealers have been cut back 52 per cent by the distributors.

Senator Van Valkenburg questioned on page 2, line 19, that you are taking the money and wondered who they were going to give it to. Representative Rosenthal stated that they hoped to earmark it for federal matching fund - for every dollar we get, we get \$9.00 back.

There were no further questions or comments and the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 712:

This is an act to clarify the laws relating to the filing of liens on motor vehicles; to limit the number of liens which may be perfected against any motor vehicle, to increase the lien filing fee and fee for a copy of a lien on a title to \$5; etc. Representative Cooney stated that he introduced this bill at the request of the Department of Justice and he submitted an amendment on page 5, line 16, following "cost of" to strike "endorsing" and insert "entering". He stated in Montana, there are as many as 19 liens on one title. He stated some states only allow one lien to be put on any vehicle.

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Larry Magines, representing the Administrative Motor Vehicle Division, stated that they can only put two liens on the title for the space required and gave a statement in support of this bill.

There were no further proponents and no opponents.

Senator Towe asked why they cannot add a third security holder to the title and Mr. Magenes said that there was no room for it and stated that they were at the maximum form now to comply with postage and stated they had to go to envelope size because of postal regulations.

There were a few other questions and the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 713:

This is an act to prohibit any record of involvement in a traffic accident from being entered on or released as part of a person's driving record by the division of motor vehicles unless the person was convicted on a traffic violation relating to the accident, etc. Representative Kessler made a statement in support of this bill.

Larry Magines, representing the Motor Vehicle Division, stated that they would still maintain their files, that they would not put the accident memo into it unless accompanied by a citation.

Senator Towe questioned if they would keep the files under this bill if it passes and you would have access to those. Mr. Magines stated that we would still have access to the records, but it would have to be subpoenaed or released only to the individual.

Senator Turnage said they should look at the section they struck out and to be sure of that - he thought it was subject to release still and wondered if they would be happy if they forbid them to release it to anybody. Mr. Magines said that it did not break his heart.

Senator Towe wondered about the situation of the records as they exist today if they have been entered in the past and how are they going to handle that.

Mr. Magines said that they were not being reported and that the memo will say whether there was a conviction.

Senator Turnage said that it states an act involved in the accident and wondered if they intended this to mean an act that caused the accident.

There were no further questions or comments and the hearing on this bill was closed.

DISPOSITION OF HOUSE BILL 699:

Senator Turnage moved to amend the bill on page 3, lines 5 through 9, by striking remainder of line 5 through 9 and insert "shall be (2) of 25-34-207. A counterclaim or setoff would not exceed \$750.00. If it is a counterclaim in excess of \$750.00, the jurisdiction of the court".

Senator Lensink questioned if this was really necessary.

The motion carried with Senators Anderson and Lensink voting no.

Senator Towe moved that the bill be concurred in as amended. The motion carried unanimously.

CONSIDERATION OF HOUSE BILL 701:

Senator Towe moved that section 2 be stricken in its entirety and on page 2, lines 5, 6, 7 and 8 be stricken. The motion carried unanimously.

Senator Brown questioned if there was any sense playing around with the fine figures. He stated that he would like to amend it to at least \$6.00 and he felt that the state should not lose money. Senator Turnage said that it might kill the bill.

Senator Brown moved that the bill be amended on page 1, line 17, strike the "5" and insert "6" and on line 20, strike "10" and insert "15". Senator Van Valkenburg said he wondered what people would think about a \$6.00 fine.

The motion carried unanimously.

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Senator Towe moved that the bill be concurred in, as amended. The motion carried.

DISPOSITION OF HOUSE BILL 712:

Senator Towe moved to amend the bill on page 5, line 10 by striking "5" and inserting "2" and on page 5, line 18 strike "5" and insert "2" and on page 5, line 13, strike "5" and insert "2". The motion carried with Senator Brown voting no. The question was asked if they think that they were making money at \$5.00.

Senator Towe said that it was a question of over 2 liens and Senator Turnage stated that he was concerned about it, and wondered about a fleet of trucks, logging equipment, etc. and he felt that there may be a good reason why there are more than two liens. He stated that you have made a third lien worthless because you can't file it and he said that the statement that he made that only the first lienholder has the right is ridiculous.

Senator Van Valkenburg suggested that the bill be amended so that the language does not have to be on the face of the title - he suggested a memo or something. Senator Turnage said that he thought they should do what Senator Van Valkenburg suggested and just note that there are secondary interests that are unsatisfied.

Senator Towe made a substitute motion that in all instances where they had amended the bill to show "2" that they change this to "3" in all places where it says "5". The motion carried unanimously.

Senator Turnage suggested that Joan Mayer from the Legislative Council work out the amendment proposed by Senator Van Valkenburg.

DISPOSITION OF HOUSE BILL 713:

Senator Towe moved that the bill be amended on page 2, line 9 following "convicted" insert "or forfeits bond". Senator Lensink stated that this is already in the definition of conviction. He withdrew his motion.

Senator Turnage moved that the bill be amended on page 2, line 9, by striking "involved in" and inserting "causally related to". The motion carried unanimously.

Senator Towe moved that the bill be amended by adding a new section, "Section 2. Prohibiting release of information. No information relating to an automobile accident that does not involve a conviction as defined in 61-11-203 may be released by the division unless it is required by or approved by any party involved in the accident or unless by court order or duly executed subpoena. The motion carried unanimously.

Senator Towe moved that the bill be concurred in as amended. The motion carried with Senators Olson and Van Valkenburg voting no.

DISPOSITION OF HOUSE BILL 487:

Joan Mayer from the Legislative Council offered some prepared amendments on page 13, lines 6 through 11. She went over all the amendments.

Senator Towe moved the adoption of all the amendments. The motion carried unanimously. Senator Towe moved that the bill be concurred in as amended. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 259:

Joan Mayer from the Legislative Council stated that the problem is in the superintendent's office and it is not in the hearing process but it is the final decision. She said that the federal law says she is the one to make the decision and she is really in a bind.

Senator Turnage moved to reconsider their action on this bill. The motion carried unanimously.

Senator Turnage moved that we reinsert subsection 5. Senator Brown said that he wanted to make sure he knew what this is going to mean - in a multi-board situation (such as the Board of Health) if they have disqualified themselves. Ms. Mayer stated that she thought the doctrine of necessity would apply. Senator Brown said that he knew what is going to happen - all these people are going to want to disqualify themselves.

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It was suggested that Ms. Mayer write up this amendment and this matter will not be voted on today.

There being no further business, the meeting was adjourned at 11:39 a.m.

SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

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SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Date 3/10/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)			✓
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)			

Each Day Attach to Minutes.

Please sign & return to Secretary! *Secretary*

SENATE *Indiana* COMMITTEE

BILL _____

VISITORS' REGISTER

DATE *3/12*

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT

OPPOS

Donald R. Knecht

HD 66

713

✓

James S. [unclear]

HB 701

✓

Bob Dufforth

HB 701

✓

Al Goble

HB 701 High School - DCA

701

✓

James M. Knecht

HB 701 High School

701

✓

(3)

MONTANA HIGHWAY PATROL ACTIVITY COMPARISON

1973 - 1977

	<u>1973</u>	<u>1977</u>	<u>% CHANGE</u>
UNIFORMED OFFICERS	220	220	No Change
FATALITIES	323	320	- .9%
ACCIDENTS	8,599	10,930	+ 27.1%
SUMMONSES	47,134	116,024	+146.2% X
WARNINGS	168,886	97,923	- 42.0% X
HOURS	341,951	410,063	+ 19.9% X
MILEAGE	6,478,303	6,590,378	+ 1.7%
D/L EXAMS & RENEWALS	240,736	225,265	- 6.4%
LICENSES IN EFFECT	462,047	556,403	+ 20.4%
REGISTERED VEHICLES	686,339	965,188	+ 40.6%
VEHICLE MILES DRIVEN	5,586,000,000	6,511,000,000	+ 16.6%
POPULATION	719,000	761,000	+ 5.8%

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Monitoring of Speed
(Statistical Summary)

☐ Quarterly Report--Calendar Quarter Ending _____ (to HPL-1)

or ☒ Annual Report--Year Ending October 30, 1978 (to HCC-1 as part of Annual Certification Package)

STATE Montana

Vehicles	Number of Monitor Locations	Number of Vehicles Measured	Duration of Measurement Session (Hours)	Average Speed (MPH)	Median Speed (MPH)	85th Percentile Speed (MPH)	Percent of Motorists Exceeding		
							55 MPH	60 MPH	65 MPH
Interstate Urban	25.4	4	3,089	17.0	55.7	61.3	50.8	17.2	4.1
Interstate Rural	719.4	16	6,923	54.5	58.8	64.5	72.9	34.3	11.7
Multilane, Divided	27.7	4	1,676	7.5	55.4	61.2	48.2	16.2	4.5
Multilane, Undivided	31.5	4	1,650	8.0	55.3	60.3	48.1	13.6	3.0
2-lane, Rural	5113.0	36	11,969	161.0	57.5	63.8	62.5	28.5	10.5
State Total	5927.0	64	25,307	248.0	57.4	63.5	62.0	26.9	9.2

Speed-limit Challenge out of gas?

CHEYENNE, Wyo. (AP) — Wyoming's challenge of the federally-required 55-mph speed limit appeared doomed Monday following the state Legislature's rejection of a related measure.

Only 20 of the 62 House members rose in support of a bill to lower speeding fines in Wyoming, and sentiment appeared lopsidedly against a bill to increase the speed limit to 65 mph.

"It kills it deader 'n hell," said Rep. Charles K. Scott, R-Casper.

The action followed warnings by House Speaker Warren Morton, R-Casper, of an impending energy crisis. Morton, an oil and gas producer, predicted Monday's takeover of Iran by Ayatollah Ruhollah Khomeini

will force drastic energy conservation measures.

"We are part of the world and we cannot by legislative action withdraw from the world," Morton said. He said the 55-mph speed limit is "a sacrifice that we all must accept."

Morton said the withdrawal of 8 million barrels of Iranian oil from the daily U.S. energy supply will result in gas allocation by early summer.

"You are going to have coupon rationing by the end of the summer," Morton predicted.

Morton's speech came after the House had accepted changes in the speeding-fine bill to lower penalties. His remarks appeared to have turned sentiment against speeders.

Scott, who supported the bill to lower fines, said Morton's speech caused its defeat and doomed the speed-limit bill.

Sen. Cal S. Taggart, R-Lovell, who sponsored the speed-limit bill in the Senate, agreed the measure is dead in the House "unless they open up their eyes, their damned heads."

In apparent reference to Morton, Taggart complained about the House opposition of "oil and gas people," saying, "They don't go anywhere in the damn car. They fly."

The bill killed Monday would have lowered fines to \$5 for traveling 55-65 mph and imposed fines of at least \$30 for going faster than 65. Wyoming speeders now pay \$1 for every mile an hour faster than the speed limit, plus \$5 in court costs.

Scott said the bill would make it "relatively safe to drive between 55 and 65, but you'd better not drive over 65 or you'll have to pay a pretty sizeable fine."

In addition, the bill, patterned after a Montana law, would have fined speeders traveling below 75 for being "wasteful of a resource currently in short supply," not for speeding. Insurance companies would have been forbidden by the bill from increasing premiums of persons convicted of driving less than 75.

Wyoming would stand to lose \$51.7 million in federal highway construction money next year by raising the speed limit beyond the federally-sanctioned 55-mph limit.

2/8/79 Speed limits raised, funds lost: Adams

WASHINGTON (AP) — Any state raising the speed limit higher than 55 miles per hour will lose its federal highway funds, Transportation Secretary Brock Adams said Wednesday.

Adams said he has informed the governors of several states that "We will cut off highway funds to states that raise the speed limit past 55."

Legislators and governors in at least 14 states are discussing how to get around the 55 mph speed limit imposed on them by the federal government.

The Transportation Department identified those states as Wyoming, Washington, Texas, Oklahoma, New Mexico, Utah, North Dakota, Colorado, Montana, California, Nevada, Arizona, Oregon and Idaho.

Pol: majority behind 55 limit

By The Associated Press

While more than a dozen states are discussing abolishing the 55 mph speed limit, a new Associated Press-NBC News poll shows that a majority of Americans want to keep the "double nickel."

It's been five years since they first posted those 55 mph speed limit signs — the "double nickel" in CB slang — and anyone who drives farther than the county line knows they don't slow down a lot of folks.

So perhaps Capt. Mike Felsenhausen of the Washington state police put it best: "In the biggest survey of all, out on the highway, people don't support it with their right foot."

Nonetheless, the AP-NBC News poll last week showed that 59 percent of the public are in favor of keeping the speed limit at 55 mph. At the same time, 39 percent said the individual states should be allowed to set higher speed limits, if they so choose, and 2 percent of the 1,600 persons questioned were undecided.

Even as the debates go on in the various statehouses, Washington has warned the states they could lose millions in federal highway money if they tamper with the speed limit and state police have been ordered to crack down harder on speeders.

A breakdown of the poll by regions showed that 67 percent of the respondents in the urban East were opposed to allowing the states to increase the limit, while 31 percent were in favor. But out West it was a closer contest, with 54 percent wanting to keep the

speed limit as it is and 45 percent favoring an increase.

And it's in 14 Western states — 16 counting Indiana and Louisiana — that legislators, with varying degrees of support, are trying to get around the 55 mph limit imposed by the federal government.

"It's time we put an end to this silliness and told the federal government exactly what they can do with that double nickel," said Texas state Rep. Fred Head of Athens, who is sponsor of a bill in the Texas House to increase the speed to 70 mph.

But Gov. Bill Clements is worried about the money the state may lose.

"It is my understanding around \$300 million in highway funds will be affected," Clements said, "so it might be a case of cutting off your nose to spite your face."

Clements was reacting to a warning last week from Transportation Secretary Brock Adams. He has told the governors, "We will cut off highway funds to states that raise the speed limit past 55."

Rep. Daniel B. Crane, R-Ill., calling that threat "blackmail," on Thursday proposed federal legislation that would allow states to set any speed limit they want.

"Withholding what is rightfully their money to force the 55 mph limit is blackmail, pure and simple," Crane said.

Other states discussing changing the speed limit include Wyoming, Washington, Oklahoma, New Mexico, Utah, North Dakota, Colorado, Mon-

tana, California, Nevada, Arizona,
Oregon and Idaho.

The Department of Transportation, which says the consumption of oil would increase by 250,000 barrels a day if the speed limit were removed, also points out that thousands of lives have been saved since the limit was first imposed in January of 1974, during the Arab oil embargo.

But the department also says that the number of highway deaths climbed to 47,671 last year, as compared with 45,523 a year earlier, as driving speeds continue to creep up.

Adams said the 1980 fiscal budget provides \$40 million to help states patrol the highways and enforce the speed limit.

Col. Grover "Bo" Garrison, commander of the Louisiana state police, said that by September each state must be able to prove to the federal government that at least 70 percent of motorists are abiding by the 55 mph limit.

So Garrison, who is opposed to raising the limit "as long as it saves one life," has ordered a crackdown on speeders.

Most troopers privately admit they allow most motorists a little extra speed. "Most of them are giving you 60 easy," said W.D. Mangum, a truck driver from Raleigh, N.C.

Sgt. George Whitelaw Jr., a Rhode Island state trooper, said troopers usually give motorists a leeway of 5 to 10 mph because "there's no such thing as an accurate speedometer."

UNITED STATES CODE

TITLE 23: Highways

Chapter 1.- Federal Aid Highways

June 1975

§ 154. National maximum speed limit.

(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour, or (2) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clause (2) of this subsection shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

(b) As used in this section the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(c) Notwithstanding the provisions of section 120 sums apportioned to any State under section 104 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

(d) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section.

SURFACE TRANSPORTATION ASSISTANCE ACT
OF 1978
October 1978

NATIONAL MAXIMUM SPEED LIMIT

Sec. 205. Section 154 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) Each State shall submit to the Secretary such data as the Secretary determines by rule is necessary to support its certification under section 141 of this title for the twelve-month period ending on September 30 before the date the certification is required, including data on the percentage of motor vehicles exceeding fifty-five miles per hour on public highways with speed limits posted at fifty-five miles per hour in accordance with criteria to be established by the Secretary, including criteria which takes into account the variability of speedometer readings and criteria based upon the speeds of all vehicles or a representative sample of all vehicles.

"(f) (1) For the twelve-month period ending September 30, 1979, if the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 70 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b) (1), 104(b) (2), and 104(b) (6) of this title in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1981.

"(2) For the twelve-month period ending September 30, 1980, if the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 60 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b) (1), 104(b) (2), and 104(b) (6) of this title

in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1982.

"(3) For the twelve-month period ending September 30, 1981, if the data submitted by a State pursuant to subsection (c) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 50 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1983.

"(4) For the twelve-month period ending September 30, 1982, if the data submitted by a State pursuant to subsection (c) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 40 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 10 per centum of the amount to be apportioned for the fiscal year ending September 30, 1984.

"(5) For the twelve-month period ending September 30, 1983, and for each succeeding twelve-month period thereafter, if the data submitted by a State pursuant to subsection (c) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 30 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6), of this title in an aggregate amount of up to 10 per centum of the amount to be apportioned for the fiscal year ending September 30, 1985, and for each succeeding fiscal year thereafter.

"(g) In any case where the Secretary determines, in accordance with criteria established by the Secretary, that a reduction in apportionment required by subsection (f) of this section will result in hardship to a State, the fiscal year apportionment reduced for such State shall be the apportionment for one fiscal year later than the fiscal year to which such reduction would apply under subsection (f) but for such hardship determination.

"(h) The Secretary shall promptly apportion to a State any funds which have been withheld pursuant to subsection (f) of this section if he determines that the percentage of motor vehicles in such State exceeding fifty-five miles per hour has dropped to the level specified for the fiscal year for which the funds were withheld.

"(i)(1) For the twelve-month period ending September 30, 1979, if the data submitted by a State pursuant to subsection (c) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 60 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1980.

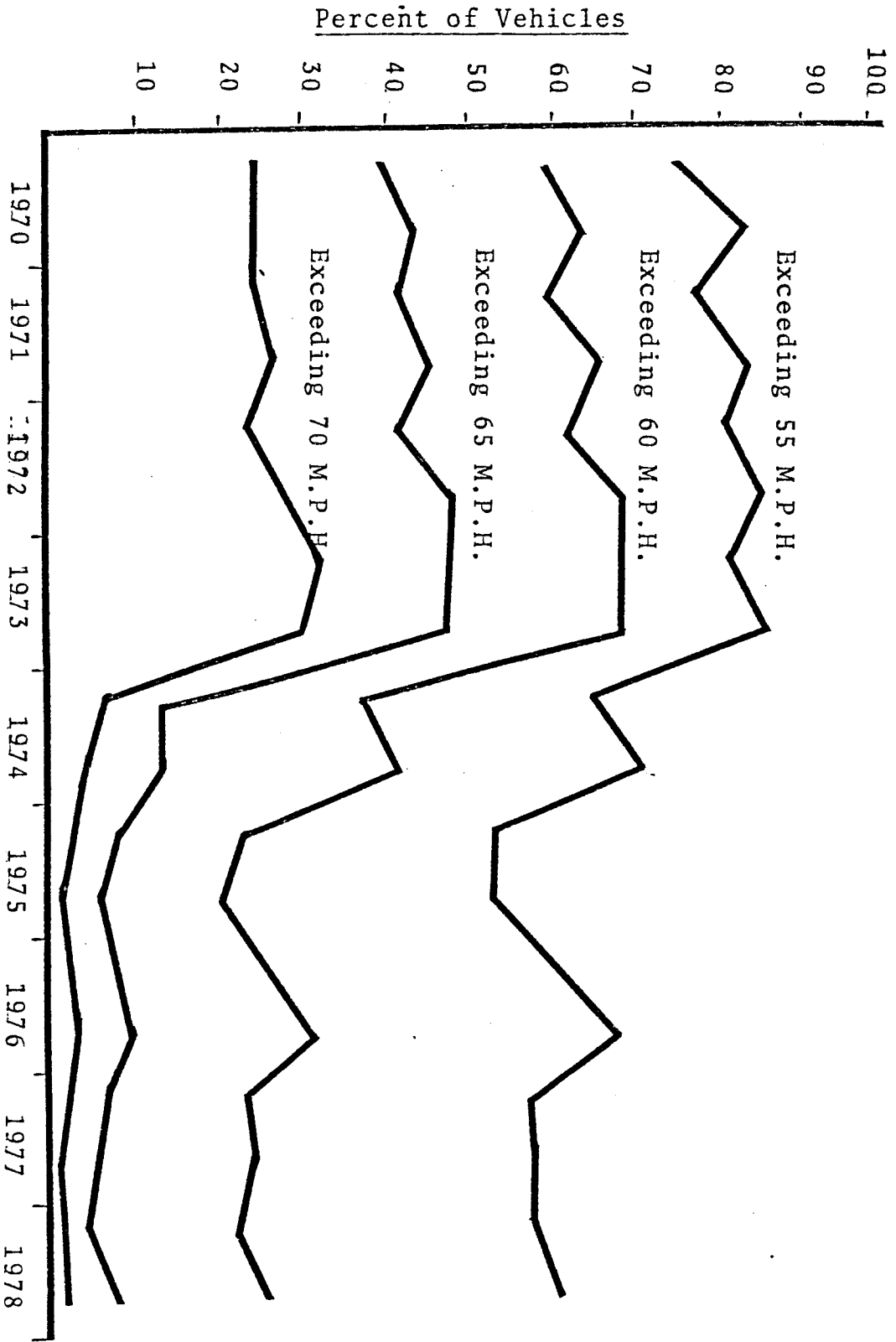
"(2) For the twelve-month period ending September 30, 1980, if the data submitted by a State pursuant to subsection (c) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 50 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1981.

"(3) For the twelve-month period ending September 30, 1981, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 40 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1982.

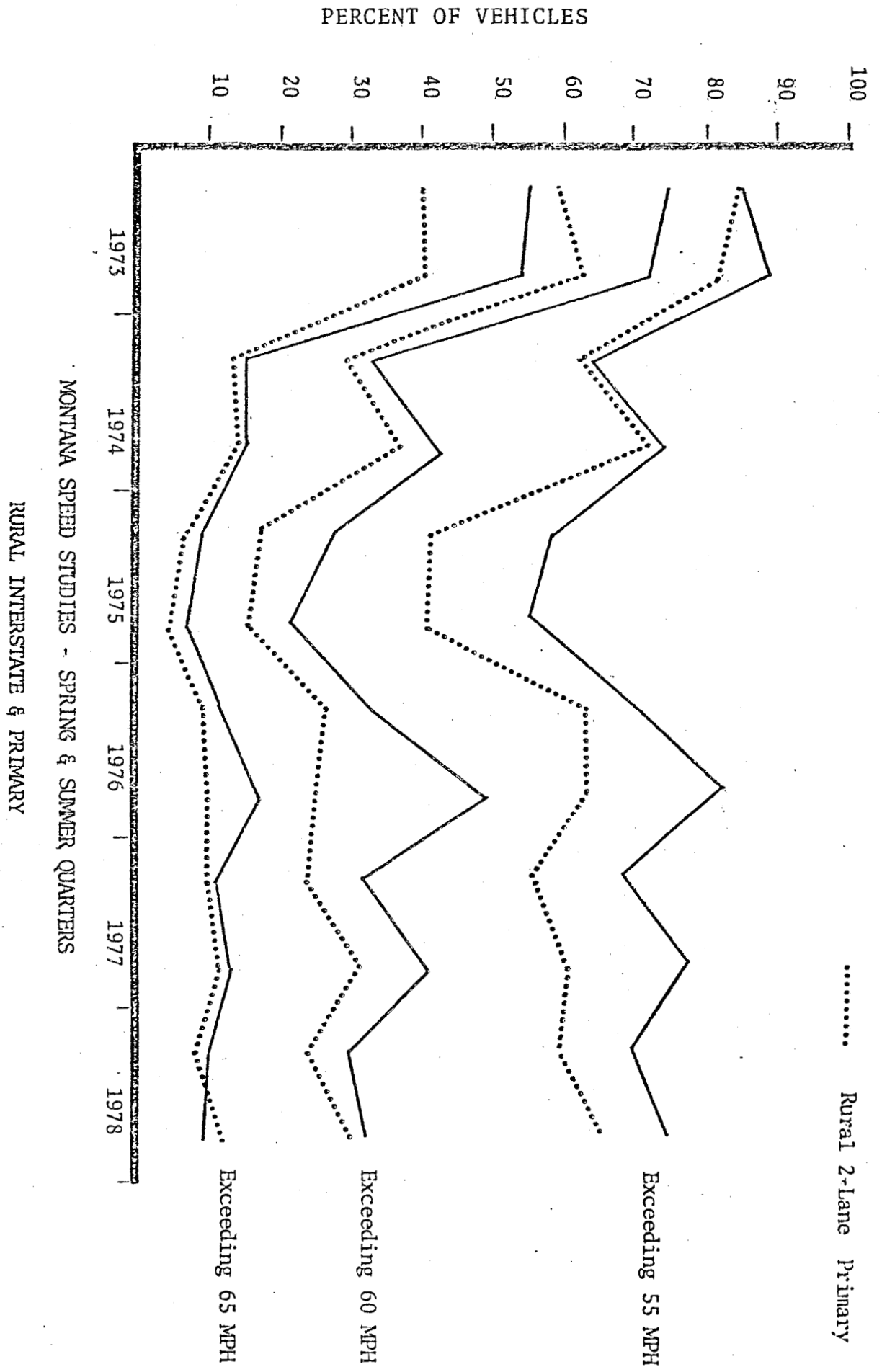
"(4) For the twelve-month period ending September 30, 1982, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 30 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1983.

"(5) For the twelve-month period ending September 30, 1983, and for each succeeding twelve-month period thereafter, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 20 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1984 and succeeding fiscal years.

"(6) An incentive grant made to a State under this subsection shall be equal to 10 per centum of the apportionment to such State for the fiscal year on the basis of the data for which such incentive grant is to be made. The apportionment on which such incentive grant is based shall be that made under section 402(c) of this title for carrying out those provisions of section 402 relating to highway safety programs administered by the National Highway Traffic Safety Administration. Incentive grants made under this subsection may be expended for carrying out any provision of section 402 of this title."



Montana Speed Studies - Spring & Summer Quarters



Highway Safety Division
Community Affairs
State of Montana
Capitol Station
Helena, MT. 59601

§ 154. National maximum speed limit.

(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour, or (2) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clause (2) of this subsection shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

(b) As used in this section the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(c) Notwithstanding the provisions of section 120 sums apportioned to any State under section 104 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

(d) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section.

NATIONAL MAXIMUM SPEED LIMIT

SEC. 205. Section 154 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) Each State shall submit to the Secretary such data as the Secretary determines by rule is necessary to support its certification under section 141 of this title for the twelve-month period ending on September 30 before the date the certification is required, including data on the percentage of motor vehicles exceeding fifty-five miles per hour on public highways with speed limits posted at fifty-five miles per hour in accordance with criteria to be established by the Secretary, including criteria which takes into account the variability of speedometer readings and criteria based upon the speeds of all vehicles or a representative sample of all vehicles.

"(f) (1) For the twelve-month period ending September 30, 1979, if the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 70 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b) (1), 104(b) (2), and 104(b) (6) of this title in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1981.

"(2) For the twelve-month period ending September 30, 1980, if the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 60 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b) (1), 104(b) (2), and 104(b) (6) of this title

in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1982.

"(3) For the twelve-month period ending September 30, 1981, if the data submitted by a State pursuant to subsection (c) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 50 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1983.

"(4) For the twelve-month period ending September 30, 1982, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 40 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 10 per centum of the amount to be apportioned for the fiscal year ending September 30, 1984.

"(5) For the twelve-month period ending September 30, 1983, and for each succeeding twelve-month period thereafter, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 30 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6), of this title in an aggregate amount of up to 10 per centum of the amount to be apportioned for the fiscal year ending September 30, 1985, and for each succeeding fiscal year thereafter.

"(g) In any case where the Secretary determines, in accordance with criteria established by the Secretary, that a reduction in apportionment required by subsection (f) of this section will result in hardship to a State, the fiscal year apportionment reduced for such State shall be the apportionment for one fiscal year later than the fiscal year to which such reduction would apply under subsection (f) but for such hardship determination.

"(h) The Secretary shall promptly apportion to a State any funds which have been withheld pursuant to subsection (f) of this section if he determines that the percentage of motor vehicles in such State exceeding fifty-five miles per hour has dropped to the level specified for the fiscal year for which the funds were withheld.

"(i) (1) For the twelve-month period ending September 30, 1979, if the data submitted by a State pursuant to subsection (c) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 60 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1980.

"(2) For the twelve-month period ending September 30, 1980, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 50 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1981.

"(3) For the twelve-month period ending September 30, 1981, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 40 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1982.

"(4) For the twelve-month period ending September 30, 1982, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 30 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1983.

"(5) For the twelve-month period ending September 30, 1983, and for each succeeding twelve-month period thereafter, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 20 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1984 and succeeding fiscal years.

"(6) An incentive grant made to a State under this subsection shall be equal to 10 per centum of the apportionment to such State for the fiscal year on the basis of the data for which such incentive grant is to be made. The apportionment on which such incentive grant is based shall be that made under section 402(c) of this title for carrying out those provisions of section 402 relating to highway safety programs administered by the National Highway Traffic Safety Administration. Incentive grants made under this subsection may be expended for carrying out any provision of section 402 of this title."

(32) administer the traffic education program in accordance with the provisions of 20-7-502;

(33) administer the school food services program in accordance with the provisions of 20-10-201, 20-10-202, and 20-10-203;

(34) review school building plans and specifications in accordance with the provisions of 20-6-622;

(35) prescribe the method of identification and signals to be used by school safety patrols in accordance with the provisions of 20-1-408; and

(36) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education.

History: En. 75-5707 by Sec. 16, Ch. 5, L. 1971; amd. Sec. 2, Ch. 137, L. 1973; (amd. Sec. 16, Ch. 434, L. 1975 — [unconstitutional, 32 St. Rep. 670]; Sec. 16, Ch. 434, L. 1975 repealed by Sec. 1, Ch. 4, L. 1977); amd. Sec. 3, Ch. 266, L. 1977; amd. Sec. 1, Ch. 277, L. 1977; R.C.M. 1947, 75-5707.

20-3-107. Controversy appeal. (1) The superintendent of public instruction shall decide matters of controversy when they are appealed from:

(a) a decision of a county superintendent rendered under the provisions of 20-3-210; or

(b) a decision of a county transportation committee rendered under the provisions of 20-10-132.

(2) The superintendent of public instruction shall make his decision on the basis of the transcript of the fact-finding hearing conducted by the county superintendent or county transportation committee and documents presented at the hearing. The superintendent of public instruction may require, if he deems necessary, affidavits, verified statements, or sworn testimony as to the facts in issue. The decision of the superintendent of public instruction shall be final, subject to the proper legal remedies in the state courts. Such proceedings shall be commenced no later than 60 days after the date of the decision of the superintendent of public instruction.

(3) In order to establish a uniform method of hearing and determining matters of controversy arising under this title, the superintendent of public instruction shall prescribe and enforce rules of practice and regulations for the conduct of hearings and the determination of appeals by all school officials of the state.

History: En. 75-5709 by Sec. 18, Ch. 5, L. 1971; amd. Sec. 1, Ch. 300, L. 1974; R.C.M. 1947, 75-5709.

Part 2

County Superintendent of Schools

20-3-201. Election and qualifications. (1) A county superintendent shall be elected in each county of the state unless a county manager form of government has been organized in the county. The county superintendent shall be elected at the general election preceding the expiration of the term of office of the incumbent.

(2) Any person shall be qualified to assume the office of the county superintendent who:

(a) is a qualified elector;

(b) holds a valid teacher certificate issued by the superintendent of public instruction; and

(c) has not less than 3 years of successful teaching experience.

History: En. 75-5802 by Sec. 20, Ch. 5, L. 1971; amd. Sec. 29, Ch. 100, L. 1973; R.C.M. 1947, 75-5802.

HB ~~3000~~ 487

1. Title, line 14.

Following: "AND"

~~Insert:~~ Strike: "53-21-187"

Insert: "53-20-164"

2. Page 13, line 3.

Following: "ailments"

Strike: ", "

Insert: "or"

Following: "injuries"

Strike: ", "

3. Page 13, line 6.

Following: "SUBSECTION"

Strike: "SHALL"

Insert: "may"

4. Page 13, line 7.

Following: "IMPAIR"

Strike: "THE RIGHT"

Insert: "other rights"

5. Page 13, line 10.

Following: "OF"

Insert: "such"

6. Page 13, lines 10 and 11.

Strike: "BY A RESIDENT"

7. Page 16, line 8.

Following: "SECTION"

Strike: "SHALL"

Insert: "may"

8. Page 24, lines 23 and 24.

Following: "facility"

Strike: "may release information as"

Insert: "whenever release is"

9. Page 24, line 24.

Following: "federal"

Strike: "and"

Insert: "or"

Following: "law"

Strike: "and"

Insert: "or"

10. Page 25, line 12.

Following: "TO"

Insert: "subsection"

Following: "(1)(G),"

Strike: "AND"

Insert: "or"

11. Page 25, line 16.

Following: "INFORMATION"

Strike: "SHALL"

Insert: "may"

NEW SECTION. Section 12. Clothing for residents discharged or conditionally released. A resident may not be discharged or conditionally released from a residential facility for the developmentally disabled without suitable reasonable clothing that will allow the resident to make a normal appearance in the community.

Section 13. Codification. Section 12 is intended to be codified as an integral part of Title 53, Chapter 20, part 1, and the provisions of Title 53, Chapter 20, part 1, apply to section 12."

HB ~~487~~ 487

1. Title, line 14.

Following: "AND"

~~Insert:~~ Strike: "53-21-187"

Insert: "53-20-164"

2. Page 13, line 3.

Following: "ailments"

Strike: ","

Insert: "or"

Following: "injuries"

Strike: ","

3. Page 13, line 6.

Following: "SUBSECTION"

Strike: "SHALL"

Insert: "may"

4. Page 13, line 7.

Following: "IMPAIR"

Strike: "THE RIGHT"

Insert: "other rights"

5. Page 13, line 10.

Following: "OF"

Insert: "such"

6. Page 13, lines 10 and 11.

Strike: "BY A RESIDENT"

7. Page 16, line 8.

Following: "SECTION"

Strike: "SHALL"

Insert: "may"

(56)

8. Page 24, lines 23 and 24.

Following: "facility"

Strike: "may release information as"

Insert: "whenever release is"

9. Page 24, line 24.

Following: "federal"

Strike: "and"

Insert: "or"

Following: "law"

Strike: "and"

Insert: "or"

10. Page 25, line 12.

Following: "TO"

Insert: "subsection"

Following: "(1)(G),"

Strike: "AND"

Insert: "or"

11. Page 25, line 16.

Following: "INFORMATION"

Strike: "SHALL"

Insert: "may"

12. Page 27, line 24 through line 11 on page 28.

~~Following: line 23 on page 27~~

Strike: sections 11 and 12 in their entirety

Insert: "Section 11. Section 53-20-164, MCA, is amended to read

"53-20-164. Resident labor. The following rules shall govern resident labor:

(1) No resident shall be required to perform labor which involves the operation and maintenance of the facility or for which the facility is under contract with an outside organization. Privileges or release from the facility shall not be conditioned upon the performance of labor covered by this provision. Residents may voluntarily

engage in such labor if the labor is compensated in accordance with the minimum wage laws of the Fair Labor Standards Act, 29 U.S.C., sec. 206, as amended.

(2) No resident shall be involved in the care (feeding, clothing, bathing), training, or supervision of other residents unless he:

- (a) has volunteered;
- (b) has been specifically trained in the necessary skills;
- (c) has the humane judgment required for such activities;
- (d) is adequately supervised; and
- (e) is reimbursed in accordance with the minimum wage laws of the Fair Labor

Standards Act, 29 U.S.C., sec. 206, as amended.

(3) Residents may be required to perform vocational training tasks which do not involve the operation and maintenance of the facility, subject to a presumption that an assignment of longer than 3 months to any task is not a training task, provided the specific task or any change in task assignment is:

(a) an integrated part of the resident's habilitation plan and approved as a habilitation activity by a professional person responsible for supervising the resident's habilitation;

(b) supervised by a staff member to oversee the habilitation aspects of the activity.

(4) Residents may voluntarily engage in habilitative labor at nonprogram hours for which the facility would otherwise have to pay an employee, provided the specific labor or any change in labor is:

(a) an integrated part of the resident's habilitation plan and approved as a habilitation activity by a professional person responsible for supervising the resident's habilitation;

(b) supervised by a staff member to oversee the habilitation aspects of the activity; and

(c) compensated in accordance with the minimum wage laws of the Fair Labor Standards Act, 29 U.S.C., sec. 206, as amended.

(5) If any resident performs habilitative labor which involves the operation and maintenance of a facility but due to physical or mental disability is unable to perform the labor as efficiently as a person not so physically or mentally disabled,

such resident

then ~~the patient~~ may be compensated at a rate which bears the same approximate relation to the statutory minimum wage as his ability to perform that particular job bears to the ability of a person not so afflicted.

(6) Residents may be required to perform tasks of a personal housekeeping nature, such as the making of one's own bed.

(7) Deductions or payments for care and other charges shall not deprive a resident of a reasonable amount of the compensation received pursuant to this section for personal and incidental purchases and expenses.

(8) Staffing shall be sufficient so that the facility is not dependent upon the use of residents or volunteers for the care, maintenance, or habilitation of other residents or for income-producing services. The facility shall formulate a written policy to protect the residents from exploitation when they are engaged in productive work. "

NEW SECTION. Section 12. Clothing for residents discharged or conditionally released. A resident may not be discharged or conditionally released from a residential facility for the developmentally disabled without suitable reasonable clothing that will allow the resident to make a normal appearance in the community.

Section 13. Codification. Section 12 is intended to be codified as an integral part of Title 53, Chapter 20, part 1, and the provisions of Title 53, Chapter 20, part 1, apply to section 12."

HB 699

1. Page 3, lines 5 through 9.

Following: "(2)" on line 5

Strike: remainder of line 5 through "fee" on line 9

Insert: "A counterclaim ~~or setoff~~ or setoff may not exceed \$750. If a counterclaim or setoff is asserted in excess of \$750, the jurisdiction of the small claims court over the plaintiff's claim is not defeated, but the court shall limit its determination of the counterclaim or setoff to the question of whether the plaintiff's claim is discharged thereby, leaving the defendant to prosecute the balance of his claim in an appropriate district court action."

HB 701

Public (701)

1. Title, lines 6 and 7.

Title: "AND TO PROVIDE FOR THE
DISPOSITION OF THE REAR COUNCIL"

2. Title, line 7.

Following: "AMENDMENT"
Title: "SECTIONS"
Insert: "SECTION"

3. Title, line 8.

Title: "AND 61-12-701"

4. Page 1, line 17.

Following: "H-10-"
Title: "H-5"
Insert: "H-6"

5. Page 1, line 20.

Following: "H-20-"
Title: "H-10"
Insert: "H-15"

(H-3-6)

6. Page 2, lines 5 through 8.

Title: subsection (4) in its
entirety

7. Page 2, line 9 through line 1 on page 3

Title: section 2 in its entirety

HB 713

3. Page 2, line 9.

Following: "act"

Strike: "involved in"

Insert: "casualty related to"

~~2. Page 2, line 6.~~

1. Title, line 6.

Strike: "OR RELEASED AS PART OF"

2. Title, line 8.

Following: "ACCIDENT;"

Insert: "NOTO RESTRICT RELEASE OF INFORMATION REGARDING INVOLVEMENT IN A TRAFFIC ACCIDENT;"

4. Page 3.

Following: line 5

Insert: "NEW SECTION. Section 2. Restrictions on release of information. No information relating to a traffic accident that did not involve a conviction, as defined in 61-11-203, may be released by the division unless the release is requested or approved by any party involved in the accident or is required by court order or a duly executed subpoena."

Section 3. Codification. Section 2 is intended to be codified as an integral part of Title 61, chapter 11, part 1, ~~and the following section is hereby repealed~~

STANDING COMMITTEE REPORT

March 12 19 79

MR. President

We, your committee on Judiciary

having had under consideration House Bill No. 487

Respectfully report as follows: That House Bill No. 487

third reading bill, be amended as follows:

1. Title, line 14.

Following: "AND"

Strike: "53-21-187"

Insert: "53-20-164"

2. Page 13, line 3.

Following: "ailments"

Strike: "I"

Insert: "or"

Following: "injuries"

Strike: "I"

3. Page 13, line 6.

Following: "SUBSECTION"

Strike: "SHALL"

Insert: "may"

ENCLAS

(Continued)

March 12

19 79

4. Page 13, line 7.

Following: "IMPAIR"

Strike: "THE RIGHT"

Insert: "other rights"

5. Page 13, line 10.

Following: "OF"

Insert: "such"

6. Page 13, lines 10 and 11.

Strike: "BY A RESIDENT"

7. Page 16, line 3.

Following: "SECTION"

Strike: "SHALL"

Insert: "may"

8. Page 24, lines 23 and 24.

Following: "facility"

Strike: "may release information as"

Insert: "whenever release is"

9. Page 24, line 24.

Following: "federal"

Strike: "and"

Insert: "or"

Following: "law"

Strike: "and"

Insert: "or"

10. Page 28, line 12.

Following: "TO"

Insert: "subsection"

Following: "(1)(G),"

Strike: "AND"

Insert: "or"

11. Page 25, line 16.

Following: "INFORMATION"

Strike: "SHALL"

Insert: "may"

12. Page 27, line 24 through line 11 on page 28.

Following: line 23 on page 27

Strike: sections 11 and 12 in their entirety

Insert: "Section 11. Section 53-20-164, MCA, IS AMENDED TO READ:

"53-20-164. Resident labor. The following rules shall govern
resident labor: (1) No resident shall be required to perform

(Continued)

labor which involves the operation and maintenance of the facility or for which the facility is under contract with an outside organization. Privileges or release from the facility shall not be conditioned upon the performance of labor covered by this provision. Residents may voluntarily engage in such labor if the labor is compensated in accordance with the minimum wage laws of the Fair Labor Standards Act, 29 U.S.C., sec. 206, as amended.

(2) No resident shall be involved in the care (feeding, clothing, bathing), training, or supervision of other residents unless he:

- (a) has volunteered;
- (b) has been specifically trained in the necessary skills;
- (c) has the humane judgment required for such activities;
- (d) is adequately supervised; and
- (e) is reimbursed in accordance with the minimum wage laws of the Fair Labor Standards Act, 29 U.S.C., sec. 206, as amended.

(3) Residents may be required to perform vocational training tasks which do not involve the operation and maintenance of the facility, subject to a presumption that an assignment of longer than 3 months to any task is not a training task, provided the specific task or any change in task assignment is:

(a) an integrated part of the resident's habilitation plan and approved as a habilitation activity by a professional person responsible for supervising the resident's habilitation;

(b) supervised by a staff member to oversee the habilitation aspects of the activity.

(4) Residents may voluntarily engage in habilitative labor at nonprogram hours for which the facility would otherwise have to pay an employee, provided the specific labor or any change in labor is:

(a) an integrated part of the resident's habilitation plan and approved as a habilitation activity by a professional person responsible for supervising the resident's habilitation;

(b) supervised by a staff member to oversee the habilitation aspects of the activity; and

(c) compensated in accordance with the minimum wage laws of the Fair Labor Standards Act, 29 U.S.C., sec. 206, as amended.

(5) If any resident performs habilitative labor which involves the operation and maintenance of a facility but due to physical or mental disability is unable to perform the labor as efficiently as a person not so physically or mentally disabled, then the patient such resident may be compensated at a rate which bears the same approximate relation to the statutory minimum wage as his ability to perform that particular job bears to the ability of a person not so afflicted.

(6) Residents may be required to perform tasks of a personal housekeeping nature, such as the making of one's own bed.

(7) Deductions or payments for care and other charges shall not deprive a resident of a reasonable amount of the compensation received pursuant to this section for personal and incidental purchases and expenses.

(Continued)

(8) Staffing shall be sufficient so that the facility is not dependent upon the use of residents or volunteers for the care, maintenance, or habilitation of other residents or for income-producing services. The facility shall formulate a written policy to protect the residents from exploitation when they are engaged in productive work."

"Section 12. THERE IS A NEW MCA SECTION THAT READS:
Section 12. Clothing for residents discharged or conditionally released. A resident may not be discharged or conditionally released from a residential facility for the developmentally disabled without suitable reasonable clothing that will allow the resident to make a normal appearance in the community.

Section 13. Codification. Section 12 is intended to be codified as an integral part of Title 53, chapter 20, part 1, and the provisions of Title 53, chapter 20, part 1, apply to section 12."

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 12

19 79

MR. **President**

We, your committee on **Judiciary**

having had under consideration **House** Bill No. **699**

Respectfully report as follows: That **House** Bill No. **699**,

third reading bill, be amended as follows:

1. Page 3, lines 5 through 9.

Following: "(2)" on line 5

Strike: remainder of line 5 through "fees" on line 9

Insert: "A counterclaim or setoff may not exceed \$750.

If a counterclaim or setoff is asserted in excess of \$750, the jurisdiction of the small claims court over the plaintiff's claim is not defeated, but the court shall limit its determination of the counterclaim or setoff to the question of whether the plaintiff's claim is discharged thereby, leaving the defendant to prosecute the balance of his claim in an appropriate district court action."

And, as so amended,

BE CONCURRED IN

COMPASS

STANDING COMMITTEE REPORT

March 12

19 79

MR. President

We, your committee on Judiciary

having had under consideration House Bill No. 701

Respectfully report as follows: That House Bill No. 701,

third reading bill, be amended as follows:

1. Title, lines 6 and 7.

Strike: "AND TO PROVIDE FOR THE DISPOSITION OF THE FINES
COLLECTED"

2. Title, line 7,

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

3. Title, line 8.

Strike: "AND 61-12-701"

4. Page 1, line 17.

Following: "\$10"

Strike: "\$5"

Insert: "\$6"

EX-111

(Continued)

March 12

19 79

5. Page 1, line 20.

Following: "\$29"

Strike: "\$10"

Insert: "\$15"

6. Page 2, lines 5 through 8.

Strike: subsection (4) in its entirety

7. Page 2, line 9 through line 1 on page 3.

Strike: section 2 in its entirety

And, as so amended,
BE CONCURRED IN

H.C.

STANDING COMMITTEE REPORT

March 13

1979

MR. President

We, your committee on Judiciary

having had under consideration House Bill No. 713

Kessler (Turnage)

Respectfully report as follows: That House Bill No. 713,

third reading bill, be amended as follows:

1. Title, line 6.

Strike: "OR RELEASED AS PART OF"

2. Title, line 8.

Following: "ACCIDENT;"

Insert: "AND TO RESTRICT RELEASE OF INFORMATION REGARDING
INVOLVEMENT IN A TRAFFIC ACCIDENT;"

3. Page 2, line 9.

Following: "act"

Strike: "involved in"

Insert: "causally related to"

DOUGLAS

(Continued)

March 13 19 79

4. Page 3.

Following: line 5

Insert: "Section 2. ~~THERE~~ IS A NEW MCA SECTION THAT READS:

"Section 2. Restrictions on release of information. No information relating to a traffic accident that did not involve a conviction, as defined in 61-11-203, may be released by the division unless the release is requested or approved by a party involved in the accident or is required by court order or a duly executed subpoena."

Section 3. THERE IS A NEW MCA SECTION THAT READS:

"Section 3. Codification. Section 2 is intended to be codified as an integral part of Title 61, chapter 11, part 1."

And, as so amended,
BE CONCURRED IN