

**MINUTES**

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

**COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By CHAIRMAN BARRY STANG, on March 15, 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)

**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 SB 319**

**Presentation and Opening Statement by Sponsor:**

SEN. LORENTS GROSFIELD, Senate District 41, Big Timber, said SB 319 is basically a clean-up bill. It will clarify the exemptions that are granted to tax-exempt organizations. Under section 15-6-201, certain vehicles are granted an exemption from property taxes i.e., government owned vehicles, vehicles owned by churches and other non-profit organizations. For a number of years, the GVW has exempted these vehicles from the GVW fees. However, there is no authority in the statutes for that exemption and has been based on legal opinions. So SB 319 will clarify that exemption that is there.

Proponents' Testimony:

Gary Gilmore, Montana Department of Highways, said the department supports SB 319, because it clarifies which vehicles are exempt from GVW fees. For years the GVW division took a lot of charitable vehicles and exemptions for GVW fees. If an charitable organization asked for an exemption and had received an exemption for taxes from the Department of Revenue, the GVW division granted that vehicle the exemption from GVW fees. This exemption has been given based on a policy decision made by GVW management in the 1970s. The majority of vehicles the department exempt are non-profit, or church owned busses transporting people on behalf of their own organization. These vehicles also include small group delivery trucks owned by organizations such as the Salvation Army. Passage of SB 319 would give the GVW some clear direction on this issue.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. GROSFIELD thanked the committee for a good hearing and urged their support for SB 319.

HEARING ON SB 329Presentation and Opening Statement by Sponsor:

SEN. BOB PIPINICH, Senate District 33, Missoula, said this bill is at the request of the GVW officers. This bill authorizes the state to furnish the officers who want to wear soft body armor. The body armor will not be furnished for part-time employees, and only to full-time GVW officers that have been appointed as peace officers. If all 91 GVW officers request the body armor, it will cost the state \$37,046. This is very cheap if it saves one officer's life. He passed around about 3 different styles for the committee members to view.

Proponents' Testimony:

Tom Snyder, Montana Public Employees Association, said he and the MPEA want to go on record in support of SB 329. He said that currently, the peace officers' status in Montana is the same as a highway patrolman and fish and game wardens. Both of the these entities currently have the option to wear the soft body armor. He said it is very important that these officers wear these armor suits for protection.

Dolan Duffy, Self, said he is a GVW officer, said he trained to be an officer and attended the 5 week training course in the police academy. It cost the department \$3,400 to train him along with his wages. His training knowledge entailed a total of 3

months. His life insurance policy, if he were killed on the job through the state would amount about \$232,000. His children would receive from Social Security between \$350 to \$450 every month until they reached the age of 18 or 23 if they went to college. The federal government gives their peace officer families \$114,000, if the peace officer is killed in the line of duty. He urged the committee to support this bill.

Bill Arnott, GVW officer, Department of Highways, said he is in support of SB 329. As a GVW compliance officer for the Department of Highways, the wearing of soft body armor by any uniformed officer is important in the preservation of their lives. He distributed information on statistics. EXHIBIT 1

Jim Racicot, GVW officer, stated his support for SB 329. He said on February 16, a Missoula Deputy Sheriff was saved from serious injury when involved in a head-on collision. The impact was so great that his seat belt over his shoulder left the imprint of his badge in the soft body armor he was wearing. Another officer was shot 4 times in the chest, but is alive today because he was wearing a vest. The International Associations of Chiefs of Police and the DuPont Kevlar's Survival Club, state that since they have been keeping records, between 1200 to 1400 officers have been saved by soft body armor, 38% of these officers were saved in vehicle accidents, which amounts to 456 to 530 officers lives that have been saved while driving patrol vehicles for their departments. In the past 10 years, 713 officers have been accidently injured, and 312 were accidently killed in vehicle accidents. EXHIBIT 2, 3, 4, 5, 6, and 7

Gerald L. Mattila, GVW Officer, Troy, said there was some confusion in the Senate hearing as to whether or not GVW officers were sworn peace officers. They are peace officers, they serve warrants, issue citations and collect money and non-sufficient funds checks, prepare for and appear in court, and if requested, assist other enforcement agencies if they should need help. In addition, the GVW officers are required to attend the peace officers training courses. The potential cost to the state in the loss of life far outweighs any costs in purchasing the armor. He said if this legislation authorizes the use of these vests, he will wear it at all times.

Paul Ferda, Security, Great Falls, passed around another type of body armor. He offered to answer any questions the committee may have and distributed information. EXHIBIT 10

Opponents' Testimony: None

Questions From Committee Members:

REP. ELLIS wanted to know how many threatening situations do the GVW officers face. Mr. Duffy said he has as many as 2 a week. He receives threatening phone calls and a few of those were to blow up the building. He said the armor may not save him in that

type of situation, but he wouldn't want to be without one.

REP. BERGSAGEL said he did not think that GVW officers were harassed that bad and couldn't understand why they would need this body armor. Mr. Duffy informed him of a situation where a trucker was ticketed in Montana and drove on into Wyoming and stopped at a weigh station and unloaded a shot gun into the window of the GVW station, if the officer hadn't been wearing a vest he probably would have died. His face and chest was shot, but the vest saved him. With more restrictions on the trucking industry, there are more threatening situations and that is why this bill is needed.

Closing by Sponsor:

SEN. PIPINICH said the GVW officer that was shot in Missoula had worn his vest for the first time in a month on that day, and said he will never take the vest off again. He urged the committee for a do concur on SB 329.

EXECUTIVE ACTION ON SB 319

Motion: REP. FELAND MOVED SB 319 BE CONCURRED IN.

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

Vote: SB 319 BE CONCURRED IN. Motion CARRIED unanimously.

HEARING ON SB 322

Presentation and Opening Statement by Sponsor:

SEN. HARRY FRITZ, Senate District 28, Missoula, said this bill provides for non-profit organizations that provide transportation for handicapped and elderly citizens, from the certification rules of the Public Service Commission (PSC). It adds non-profit organizations to the list of carriers that do not need to obtain certification.

Proponents' Testimony:

Patricia Saindon, Department of Commerce, said the transportation division is the designated agency that provides passenger transportation planning. As a result of that function, administers several grants from the Urban Transportation Administration. Those grants provide operating planning and equipment subsidies for people who provide transportation. There is a federal program that provides subsidies for non-profit organizations to purchase vehicles that provide transportation to the elderly and disabled. Non-profit organizations feel they have to compete for those funds. The demands for those funds far exceeds the amount of money that is available. Because of the great demand for these funds, it is required that the agencies on the local level coordinate their services. In 1981, the

Department of Commerce and the Department of Social Rehabilitation Service's directors, signed a joint policy statement that states that anyone filing for these funds through the Department of Commerce and coordinated their services, it would enhance their application for these funds. As a result of that, many agencies on the local level do provide the coordinated services. The types of agencies that are involved are: Senior Citizens Centers, Developmentally Disabled group homes, work centers, nursing and retirement homes, mental health centers. All of those agencies coordinate their services on the local level. Under the current PSC regulations, Senior Citizens Centers who provide services just to senior citizens can do that without having PSC authority, etc. She said they have worked with the PSC to resolve this problem, but it can only be carried out through Legislature to enforce. This bill is to help exempt the people who are trying to provide services on the local level, in a coordinated fashion, to save costs and deliver a more effective and efficient service to this very special segment of people. EXHIBIT 8

Kay Norenberg, WIFE, said it their policy that all citizens should have access to adequate passenger and freight transportation. It appears that Montana's present laws, preclude the use of non-profit transportation by more than one entity. It makes it more difficult for the small communities to access transportation for the senior citizens and developmentally disabled handicap. She urged passage of SB 322.

Sue Jackson, Department of SRS/Developmental Disabilities Division (DDD), said they contract non-profit corporations all over the state of Montana to provide services to people with developmental disabilities. The bill will allow them to continue this type of transportation for over the 1,200 people. There are 34 non-profit corporations throughout the state provide this service. It is provided in conjunction with other services, i.e., group homes, day services, etc. EXHIBIT 9

Larry Noonan, AWARE Inc., Anaconda, said in October 1988, AWARE Inc. was awarded a contract from the DDD to provide transportation to Montana developmentally disabled population. They bid on this contract, because the previous provider had abandoned services in July of 1988, leaving over 100 disabled Montanans to fend for themselves and find their own transportation. Some of these individuals that are incapable of fending for themselves were unable to receive services from July until November. The previous provider demanded more money from SRS, and when denied, forced SRS to contract competitively. He urged the committee for a do concur on SB 322.

Mary Miller, representing Randy Barrett, Aging Services, Black Eagle, MT said the federal government has increased the rights to handicapped individuals so may lead as normal a life as possible. In Montana this was dealt a severe blow by the PSC by no longer allowing the public transportation to sign contracts with other

non-profit agencies. EXHIBIT 12

John Phils, Hamilton, said since 1976, he has provided group homes and work activities to individuals that have developmental disabilities. He said they essentially provide personal transportation to individuals with disabilities. Many communities like Hamilton, do not have public or private options, their service is the only way many of these people get around. Without this exemption, will place all non-profit organization in a position that would force them to through the process in obtaining a license from the PSC which takes dollars and time away from services that are supposed to be provided to enhance the quality of life for people with disabilities. He urged the committee to pass this bill.

Greg Olsen, DDD Advisory Council, said he supports SB 322. The council is a governor appointed council board, whose primary interest is to monitor and insure the advocacy for persons of developmental disabilities.

Tim McCully, Rocky Mountain Development Council, Helena, said they operate local programs and transportation services for the developmentally disabled. He is involved with the local planning committee and coordinating committee to coordinate their services with the other services, i.e., the city bus service, taxi services, and developmental disabling services in the community. He supports passage of SB 322 to provide these services and operate the best way they can.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. FRITZ said this bill is not meant as competition for gray hound or for any profit bus line. With all the exceptions from the PSC requirements, this bill is the most worthy and hoped the committee saw it that way also.

#### EXECUTIVE ACTION ON SB 322

Motion: REP. NELSON MOVED SB 322 BE CONCURRED IN.

Discussion: CHAIRMAN STANG asked Wayne Budt, PSC, to explain this as compared to the private carriers that may have a problem with this. Mr. Budt said the bill will place an exemption into their statute that states "if they are a non-profit organization set up under the IRS code, section 501 C", elderly and handicap can be transported in the state of Montana. This bill will allow corporations to haul within cities and between cities. CHAIRMAN STANG asked if he knew of any private companies this would affect. Mr. Budt said it would effect the cab companies.

REP. GALVIN said that one gentleman testified that only the Legislature can change the PSC laws and regulations, and another one testified that he could not receive a license, can the license process that is now in place be rectified by this committee with this procedure include such entities such as Roberts Trucking and the garbage haulers as far as the license are concerned come into play. Mr. Budt said the license in the Robert's case was for transportation under contract with the state for moving a commodity. The same statute used there could possibly be used for this bill for the SRS. He said SRS contract for movement of the disabled and handicap people, but didn't think it would work for the elderly through commerce, because commerce doesn't contract for the movement of the elderly, they contract and help the people buy the vehicles.

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

Vote: SB 322 BE CONCURRED IN. Motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 297

Motion: REP. CLARK MOVED SB 297 BE CONCURRED.

Discussion: CHAIRMAN STANG informed the committee this is SEN. NOBLE'S bill regarding the truck trailer-trailer combinations that need to be grandfathered in for the four firms that purchased this special equipment to haul talc, etc.

REP. LARSON said he spoke with one of his constituents who informed him the reason these configurations are needed is for navigational purposes on the mountain roads.

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

Vote: SB 297 be concurred in. Motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 329

Motion: REP. CLARK MOVED SB 329 BE CONCURRED IN.

Discussion: REP. CLARK said he had problems with the fiscal note. He did some checking on the cost of the soft body armor for the highway patrol and was informed they cost \$250 per unit. He wanted to know why it would cost an extra \$13,000. Gary Gilmore, Department of Highways, said they had a package price quoted on one certain type of vest, and that is the reason for the amount on the fiscal note. He said it would go out for bids and than go from there.

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

**Vote:** SB 329 BE CONCURRED IN. Motion CARRIED 16 to 1 with REP. BERGSAGEL voting no.

**EXECUTIVE ACTION ON SB 295**

**Motion:** REP. LARSON MOVED SB 295 BE NOT CONCURRED IN.

**Discussion:** REP. LARSON spoke to his motion. He thought it would be a real problem for the employees to adjust their schedules to accommodate a weekend schedule. Once the public is trained to come between the hours of 8:00 a.m. and 5:00 p.m., there would be very few people it would be accommodating.

REP. FOSTER said he would like to make a motion to have the committee send a letter to the Driver's License Bureau to try the early morning hours again to better handle this situation. He did not feel that legislation was needed.

**Motion/Vote:** REP. NELSON MADE A SUBSTITUTE MOTION THAT SB 295 BE TABLED. Question was called. Voice vote was taken.

**Vote:** SB 295 BE TABLED. Motion CARRIED 16 to 1 with REP. TOOLE voting no.

**HEARING ON SB 356**

**Presentation and Opening Statement by Sponsor:**

SEN. TOM BECK, Senate District 24, Deer Lodge, said this bill will require the state of Montana to meet the federal requirement and regulations for the placement and structure of mailboxes. He said mailboxes can be a severe traffic hazard if not constructed properly. There are methods and ways for the mailboxes to be structured to be safe along the highways/roads. This bill will require the Department of Highways to draw up rules and regulations in support of the postal service to address this problem.

**Proponents' Testimony:**

Dick Bauman, Postmaster, Deer Lodge, said this is a safety bill. He said there are approximately 50,000 mailboxes located on the rural roads and highways of Montana. This bill will assist the department to remove those hazards from the motoring traffic. He asked the committee to concur on SB 356. EXHIBIT 18

Ben Harris, Mail Carrier, Helena, said the placing of mailboxes on the highways and by-ways of Montana as it is allowed now, is a hazard to both the public and the carriers delivering the mail. He urged the committee to concur on SB 356. EXHIBIT 13

James Perhay, U.S. Postal Service, Missoula, said he is a safety specialist for all of western Montana's 108 offices and 1,000 employees. He urged a do concur on SB 356.



**Gordon Larson, Department of Highways**, said he supports SB 356. He said the department feels this bill will clarify the question of whether or not the mailboxes are encroachments. It will allow the department to take care of the mailboxes that are a safety hazard now instead of being in conflict to have the mailboxes removed. It will provide the department the opportunity to work with the U.S. Postal Service to develop an overall mailbox policy for the state. He urged passage of SB 356.

**Earl Dorsey, Postmaster, Helena**, said there are many safety problems locally and statewide. In 5 years there have been 555 vehicle accidents in the delivering of mail in Montana. He urged passage of SB 356.

**Carol Loushin, U.S. Postal Service, Anaconda**, urged the committee's support for SB 356, not only for the carriers of the mail but for the safety of those driving the public highways.

**EXHIBIT 14, 15 and 16**

**Opponents' Testimony:** None

**Questions From Committee Members:**

**REP. LARSON** asked **SEN. BECK** if there would be an effective date for this bill. **SEN. BECK** said the rules will have to be taken care of before anything can be implemented. It is the intention of the Highway Department and the Postal Service not to rapidly go out and force everyone to move mailboxes. As construction and repairs are done on the roads, than implement the rules.

**REP. ELLIS** asked **Mr. Larson** what expectations did he envision to put this bill into effect. **Mr. Larson** said the department's concern is the size, type of mailbox and location. The department would like to have the mailboxes placed in such a manner where they do not create a safety hazard to the motoring public. He said the department has a "clear zone" which is 25' to 30', and would like to see the mailboxes placed beyond that zone.

**CHAIRMAN STANG** asked if the Postal Service doesn't have the right at this time to ask certain people to move or fix their mailboxes or the mail carriers will not deliver their mail. **Mr. Larson** said on a new delivery they do, but on an established delivery, they can ask to have the mailbox moved or whatever needs to be done and the people have the option of writing their congressman and if the Postal Service receives a congressional waiver, the box stays where it is.

**Closing by Sponsor:**

**SEN. BECK** said that most of the problem is with the heavy traffic on the highway system. The rules and regulations need to be set now for the highways, and maybe further down the road they will look at the rural and county areas.

EXECUTIVE ACTION ON SB 356

Motion: REP. GALVIN MOVED SB 356 BE CONCURRED IN.

Discussion: REP. LARSON spoke in favor of SB 356. The highway in his area, Seeley Swan, is a very dangerous road for the mail carriers and school busses. REP. LARSON said he would like to make a motion to have the mailboxes as high as taxes and as low as wages.

REP. TUNBY said he is concerned about what highways this bill is talking about. In section 1, it is under the jurisdiction of the highways commission. In section 2, it says public highway right-of-ways, does this bill cover county and rural roads too. Ms. Lane said it related to highways that were controlled under the jurisdiction of the commission. Subsection 1, is highways under the jurisdiction of the commission, and should be interpreted to mean only highways under the jurisdiction of the commission. By definition, the highway commission does not have jurisdiction over the rural and county highways.

CHAIRMAN STANG said the committee could amend this bill to state "only those highways under jurisdiction of the commission".

REP. ELLIS asked Ms. Lane if the highway commission had any jurisdiction over county and rural roads. Ms. Lane didn't think so.

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

Vote: SB 356 BE CONCURRED IN. Motion CARRIED 13 to 4 with REP. ELLIS, REP. DEBRUYCKER (Jane), REP. BERGSAGEL and REP. NELSON voting no.

EXECUTIVE ACTION ON SB 121

Motion: REP. FELAND MOVED SB 121 BE NOT CONCURRED IN.

Discussion: REP. FELAND spoke to his motion. If special exemptions are handed out, why is it any different for a bus to fill out the fuel report, etc., than a diesel truck. If one person receives an exemption for using diesel fuel, than everyone should be exempted that use a diesel vehicle. The busses hire out the same as trucks do. He thought the special reports altogether.

Norris Nichols, Administrator, Motor Vehicles, said that any person currently operating a diesel truck for commercial use, has to have a permit issued annually, file quarterly reports to the Department of Revenue stating the miles traveled, and the amount of fuel used. If fuel is bought at a service station, the tax is paid and so indicates than there is no liability. If it is bulk storage, and the fuel is purchased without tax, which a person

has a right to do under the statute, than that person owes tax on the number of gallons of fuel that was used that quarter. What this bill does, if a person has a small diesel car or pickup that is used for personal use, and buys oil tax paid fuel at the service station, that person is exempt from the International Fuel Tax Agreement. If that passenger vehicle or pickup is used for transportation for hire, than they are required to file the special reports. He understood what the school busses want to do is to acheive the same status as a person with a small vehicle.

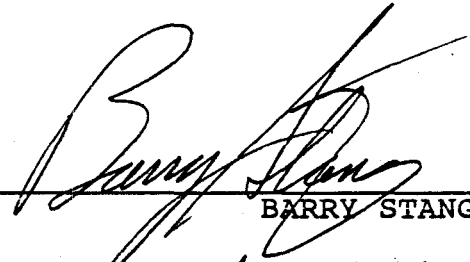
CHAIRMAN STANG asked how will the department know if this bill is passed, that 9 busses are purchasing their fuel and paying the taxes at the pumps and not from bulk storage where a special permit has been obtained for 1 vehicle. Mr. Nichols said there would be an audit. CHAIRMAN STANG asked if more audits would be required for those busses if this bill was passed. Mr. Nichols said they would find out by auditing the dealers, and it should show if the busses are buying the fuel from them. Mr. Nichols said this bill is for private contracted busses. There isn't a problem with the busses that are owned by the schools.

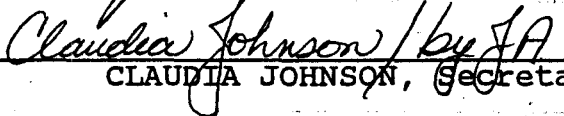
Motion/Vote: REP. TUNBY called the question. Roll call vote was taken. EXHIBIT 17

Vote: SB 121 BE NOT CONCURRED IN. Motion CARRIED 9 to 8.

ADJOURNMENT

Adjournment: 5:30 p.m.

  
BARRY STANG, Chair

  
CLAUDIA JOHNSON, Secretary

BS/cj

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 3-15-91

NAME	PRESENT	ABSENT	EXCUSED
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓		
REP. FLOYD "BOB" GERVAIS, V. 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	✓		

10:05  
3-18-91  
TDB

HOUSE STANDING COMMITTEE REPORT

March 18, 1991  
Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 319 (third reading copy -- blue) be concurred in .

Signed:   
Barry Stang, Chairman

Carried by: Rep. McCulloch

10:08  
3-18-91  
JDB

HOUSE STANDING COMMITTEE REPORT

March 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 322 (third reading copy -- blue) be concurred in .

Signed: \_\_\_\_\_  
Barry Stang, Chairman

Carried by: Rep. Nisbet

1003  
3-18-91  
JDB

HOUSE STANDING COMMITTEE REPORT

March 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 297 (third reading copy -- blue) be concurred in .

Signed: \_\_\_\_\_  
Barry Stang, Chairman

Carried by: Rep. Hoffman

10195  
3-18-91  
JDB

HOUSE STANDING COMMITTEE REPORT

March 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation  
report that Senate Bill 329 (third reading copy -- blue) be  
concurrent in .

Signed: \_\_\_\_\_  
Barry Stang, Chairman

Carried by: Rep. Larson



10-09  
3-18-91  
JDR

HOUSE STANDING COMMITTEE REPORT

March 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 356 (third reading copy -- blue) be concurred in .

Signed: \_\_\_\_\_  
Barry Stang, Chairman

Carried by: Rep.Larson

10-11-91  
3-18-91  
TDR

HOUSE STANDING COMMITTEE REPORT

March 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 121 (third reading copy -- blue) be not concurred in.

Signed: \_\_\_\_\_  
Barry Stang, Chairman

March 12th, 1991

The Honorable Barry Stang  
Chairman, Highways and Transportation Committee  
Capital Station  
Helena, Mt. 59620

Chairman Stang and Committee,

I would like to present this letter in support of Senate Bill No.329, a bill (Authorizing The Department Of Highways To Issue Soft Body Armor To Employees Upon Appointment As Peace Officers).

As a G.V.W. Compliance Officer for the Department of Highways, I feel the use of Soft Body Armor by any uniformed Officer is important in the preservation of their lives. I would like to share with you a few well documented facts gathered from the Vested Interested Program, a Ladies Auxiliary from the Fraternal Order of Police, and the Mineral Independent a newspaper in Mineral County.

*---->In 1989, 163 law enforcement officers died either accidentally or feloniously in the line of duty. Of that figure, nearly half lost their lives through accidental action.*

*---->Every 57 hours a officers life is lost.*

*---->There were 118 lives saved in 1989 by the use of VESTS*

*---->Soft Body Armor is not just a "Bulletproof Vest", it's use has been credited for saving the lives of over 1100 law enforcement officers since their implementation.*

*---->F.B.I. records show that most law enforcement officers are killed during UNEXPECTED ASSAULTS, those associated with ROUTINE DUTY ASSIGNMENTS.*

**---->On the morning of April 14th, 1990 Mineral County Deputy Mark Chosa while on routine patrol, Responded to a disabled vehicle call near Haugan, Montana. While rendering assistants to the vehicle passengers, his patrol car was struck from behind, pinning them in the demolished vehicle. All involved were taken to the Mineral County Hospital for treatment of their injuries. Officer Chosa was hospitalized and released the following day with internal bruises and other various injuries. He credits his not being more seriously injured when he hit the steering wheel, on the Soft Body Armour he was wearing. As it is designed to disperse the impact over the whole chest portion. His testimony alone has convinced me that **SOFT BODY ARMOR SAVES LIVES.****

I believe every field of endeavor has its occupational risk, but law enforcement is one of the few that while in the performance of his or her duties an officer is expected to perform above and beyond the call of that of a normal citizen. Whether an officer wears a star or a badge, the shield I ask that you consider today is the shield, of **SOFT BODY ARMOUR.** Thank you.

Sincerely,

William L. Arnott  
30 Loop Road  
Superior, MT 59872

SUPPORT OF: SB 329  
Evidence

EXHIBIT 2  
DATE 3-15-91  
HB SB 329

**SECOND CHANCE**



...more "saves" than any other body armor company in the world!

Second Chance Body Armor, Inc. • 7919 Cameron Street • Post Office Box 578 • Central Lake, Michigan 49622-0578  
in Michigan: 616-544-5721 • National: 800-253-7090 • TWX: 810-291-1950 • FAX: 616-544-9824

June 26, 1990

Mr. Jim Racicot  
6766 Pipe Creek Road  
Libby, MT 59923

Dear Mr. Racicot:

It is my experience that any law enforcement officer wearing a uniform is in danger of being shot to death in the line of duty. The vast majority of police shootings are not premeditated, but spontaneous, what I call: "the cornered rat syndrome". In most cases, the shooting makes little sense when looked at objectively and rationally by sane people afterwards.

Policemen have been shot for incredibly trivial matters just because the man who did it was "mad at the world". I really feel that any officer in uniform should be armed and armored to perform their jobs.

Sincerely,

*R. C. Davis*  
Richard C. Davis  
President

RCD/dk  
Enc.  
cc: file

Support of SB 379 Evidence

EXHIBIT 3  
DATES 3-15-91  
# SB 329

## NATIONAL

10-7-90 MISSOURIAN

# Drug runners take to highway

By **Ronald L. Sobie**  
Los Angeles Times

**LOS ANGELES** — An investigation into last year's record cocaine seizure at a Los Angeles warehouse shows that Colombian drug cartels have shipped vast quantities of cocaine along America's interstate highway system despite law enforcement efforts to choke off the traffic, according to U.S. Drug Enforcement Administration.

In the past two years, Operation Pipeline, a joint DEA-state-and-local program assigned to interdict drug-laden vehicles traveling coast-to-coast, has netted about 5 tons of cocaine annually, according to DEA figures.

However, the Los Angeles raid revealed that 77 tons of the drug were shipped to the warehouse in the three months prior to the seizure. Of that amount, only 21 tons was confiscated.

In the fiscal year ending Sept. 30, 1989, the DEA said 10,113 pounds of cocaine was seized on the nation's interstate highways as a result of Operation Pipeline. That figure represents approximately 5.6 percent of all the cocaine seizures reported to the DEA by federal, state and local agencies for that year.

**DEA investigators believe that big-rig trucks have become the vehicle of choice for drug cartels ...**

DEA investigators believe that big-rig trucks have become the vehicle of choice for drug cartels that are shipping cocaine from Mexico into the U.S. and say Operation Pipeline cannot completely shut down the massive flow.

"I don't expect, or in any way consider, Operation Pipeline to be the panacea of the cocaine problem," said Charles Gutensohn, chief of cocaine investigations for the DEA. "It's one part of a strategy that goes from the hills of Bolivia to the streets of Boston. Each part of the strategy makes the transport (of cocaine) to the streets of the U.S. more difficult."

On Thursday night, in a case not connected to Operation Pipeline, U.S. Customs and DEA agents found a propane tanker truck "stacked to the gills" with cocaine that was trying to cross the Olay Mesa border crossing 10 miles east of San Diego.

The truck had been filled with nearly four tons of cocaine with an estimated street sale value of more than \$262 million. The cocaine was wrapped in roughly 2-pound plastic packets and was the largest ever seized along the U.S.-Mexico border.

By comparison, the Los Angeles raid represented the world's largest cocaine seizure. A total of 21.4 tons of the drug was found in the San Fernando Valley warehouse. Six men subsequently were indicted in connection with the cache and are currently on trial in federal court in Los Angeles.

One law enforcement source said the Los Angeles operation sent much of its cocaine to New Jersey hidden inside tractor-trailers.

Assistant U.S. Attorney Joseph P. Walsh, Jr., who is prosecuting the Los Angeles defendants, told jurors in his opening statement that "unimaginable quantities" of cocaine had been arriving at the warehouse for about two years.

What the operation underscored, according to government sources, is that Los Angeles has become the cocaine shipping center for the country. In years past, most of the drug was shipped to Miami from South America.

SUPPORT OF: 5B 329

EXHIBIT 4

Evidence DATE 3-15-91  
NB 5B 329



# NATIONAL ASSOCIATION OF CHIEFS OF POLICE

1000 Connecticut Ave., N.W.  
Suite 9  
Washington, D.C. 20036  
(202) 293-9088

- NATIONAL PRESIDENT**  
Col. Robert Ferguson Chief (Ret.)  
Salt TWP, OH
- 1st VICE PRESIDENT**  
Lt. Col. Ian M. Shipley, Jr.  
Chesapeake, VA
- 2nd VICE PRESIDENT**  
Maj. Louis S. Cuiperper, Jr. (USAF)  
Alexandria, LA
- 3rd VICE PRESIDENT**  
Chief John M. Simpson  
Marysville, CA
- 4th VICE PRESIDENT**  
Chief James J. Kouri  
New York Hall of Science
- NATIONAL CHAPLAIN**  
Bob A. Meador  
Tucson, AZ
- SERGEANT-AT-ARMS**  
Insp. Andrew W. Carrano (Ret.)  
Cuyahoga Falls, OH
- STANDING NATIONAL COMMITTEES**  
VICE PRESIDENT FOR:
- MEMBERSHIP**  
Dep. Chief Anthony M. Corbo  
Summit, IL
- FIREARMS**  
Lt. David M. Grossi  
Irondequoit Police, NY
- TRAINING**  
Chief Jesse W. Brooks  
Berry Hill, TN
- COUNTER-TERRORISM**  
Roger A. Hermes, Jr. S/A  
Illinois, IL
- CORRECTIONS & JAILS**  
Dir. John R. VanNatta  
Greenfield, IN
- ORGANIZED CRIME**  
Dale C. Jenkins, Jr.  
Everett, MA
- DRUGS & NARCOTICS**  
Chief Sam K. Heath, Jr.  
Indian Rocks Beach, FL
- PUBLIC RELATIONS**  
Chief David B. Swafford  
Randome, AL
- CAMPUS POLICE**  
Chief Donnie Garrison  
Itawamba Jr. College, MS
- PRIVATE SECURITY**  
William A. Sharp  
New York, NY
- TRAFFIC SAFETY**  
Col. Richard E. Howard  
St. Petersburg, FL
- PROFESSIONAL STANDARDS**  
Thomas Logan Mower  
Upper Darby, PA
- POLICE HALL OF FAME**  
Steven L. Labov  
Philadelphia, PA
- ARMED FORCES LIAISON**  
Maj. Thomas E. Baker  
Scranton, PA
- PROBATION & PAROLE**  
Edward M. Eisenmenger  
East Rochester, NY
- YOUTH DRUG REDUCTION**  
Lt. Donald G. Jones (Ret.)  
Canton, Police, OH
- CONGRESSIONAL LIAISON**  
Col. Fred Pearson  
Bethesda, MD

21st November 1989

Mr. Jim Racicot  
6766 Pipe Creek Road  
Libby, Mont. 59923

Dear Mr. Racicot:

I have read your letter and enclosures regarding the arming of GVW Enforcement Officers.

We know that any officer in uniform is a target for any criminal and we also know several officers who hold the same role as you have have been shot and killed during routine truck stops.

We are by law (IRS Charter) an educational organization and we are limited as to trying to influence legislation or officials.

The problem is that most "directors" are appointed and have little knowledge of what it is like to enforce the law without the ability of defend yourself against some hidden danger.

Common sense would require agents to be armed and to be trained in arrest and use of lethal force. While I am very much on your side we are not permitted to do more than respond to your letter in this general manner. We cannot step over the line.

Most state officials are protected from lawsuits by the very fact they are state officials and "the king can do no wrong".

Sincerely,

*Robert Ferguson*  
ROBERT FERGUSON  
President

Support of: SB 329

Evidence  
DATE 3-15-91  
RE SB 329  
Trieweiler Law Firm

Terry N. Trieweiler

Diplomate:  
National Board of Trial Advocacy  
Civil Trial Specialist

233 Second Street  
Whitefish, Montana 59937

(406) 862-4597

August 24, 1990

James V. Racicot  
V.W. Enforcement Officer  
Route 2, P. O. Box 374  
Libby, MT 59923

Re: Arming of GVW Officers

Dear Mr. Racicot:

I believe that it is as important for GVW enforcement officers to be armed for their self-protection as it is for highway patrolmen, county sheriffs, or city police officers.

Any time a person is charged with the responsibility of enforcing the law and given the authority to arrest others, he or she should be armed for their self-protection.

GVW officers are certainly trained and qualified for side-arm use. It's my understanding that they complete academy training like other peace officers.

Furthermore, past history demonstrates all too clearly the danger that uniformed law enforcement officers face in the course of their duties.

For these reasons, GVW inspection officers should be provided with the same opportunity for self-protection that other law enforcement officers are given.

If you have any other questions regarding my feelings on this issue, please feel free to call me at any time.

Very truly yours,

TRIEWEILER LAW FIRM

By Terry N. Trieweiler  
Terry N. Trieweiler

TNT:bjs

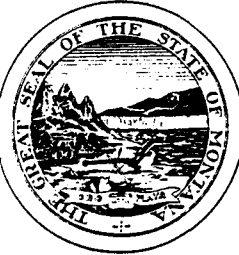


Support of: SB 329

DEPARTMENT OF HIGHWAYS

EXHIBIT 6  
DATE 3-15-91  
HEH SB 329

*wid*



STAN STEPHENS, GOVERNOR

2701 PROSPECT AVE.

STATE OF MONTANA

HELENA, MONTANA 59620

June 20, 1990

Jim Racicot  
GVW Compliance Officer  
6766 Pipe Creek Road  
Libby, MT 59923

Subject: Concealable Soft Body Armor

This is to acknowledge receipt of your letter dated May 31, 1990 to Ed Gaetzmeiter, Safety Bureau Chief, via Jon Gates, District Supervisor. I have reviewed your letter and attachments, along with the memorandum your district supervisor forwarded to you June 4, 1990.

Your request to have the department issue protective body armor is denied. The department does not require nor does it encourage the use of protective body armor for GVW officers. There are no plans to consider body armor a required safety device.

H. E. Hudson, Chief  
Compliance Bureau  
Gross Vehicle Weight Division

HEH:by:1E/1

*Why we need SB329 to obtain  
Self Protection Safety Equipment  
I Racicot*

Support of:  
SB 329  
Evidence

# Study: Marijuana common as booze in truck fatalities

JONESBORO, Ark. (AP) — Marijuana has caught up with alcohol as a factor in fatal traffic accidents involving truckers, a National Transportation Safety Board member says.

James Burnett, speaking Thursday to the Arkansas Municipi-

pal Police Association, cited a year-long NTSB study in which truck drivers involved in fatalities were tested for 44 drugs.

The safety board has not released the results yet, but Burnett said they "will demonstrate a very high rate of drug and alcohol (use) in accidents in which truck drivers are killed. The final data will show that marijuana abuse ... has caught up with alcohol."

Investigators also are finding the presence of cocaine, amphetamines and methamphetamine, all stimulants, Burnett said.

"Drugs most abused by truck drivers are the ones they perceive as those that can help them make it through the night," he said.

Burnett said he's not suggesting that many truck drivers use drugs — only that drugs or alcohol are present in a "very high percentage of those accidents in which they kill themselves or others."

EXHIBIT 8  
DATE 3-15-91  
HB SB 322

SENATE BILL 322

TESTIMONY OF PATRICIA SAINDON -- PROPONENT

TRANSPORTATION DIVISION, MONTANA DEPT OF COMMERCE

The Transportation Division of the Department of Commerce is the designated state agency to provide passenger transportation planning. As a result of this function, we administer several federal grants from the Urban Mass Transportation Administration which provide funding for planning, operating and the purchase of equipment for passenger transportation programs.

One program that has a serious impact upon the state is one which provides matching funds to Private Nonprofit Organizations who deliver transportation services to the elderly and disabled population.

Nonprofit Organizations compete for funds. Because the demand for these funds always far exceed the amount available, both the feds and the state encourage coordination of local services. Infact, in 1981, the directors of the Department of Commerce and SRS produced a policy statement that cooperation and coordination of local services would enhance any application to the Department of Commerce for funds to purchase vehicles.

Since 1981, we have assisted various local communities to develop coordinated services. We have senior citizen centers, developmentally disabled group homes and work centers, nursing

homes, retirement homes and mental health centers all coordinating services.

However, under current PSC regulations, the senior citizens center may provide service to its own members without having to obtain PSC authority. And the developmentally disabled may provide services to its own clients without having to obtain PSC authority. But they may NOT provide services to each other without first obtaining authority from the PSC.

This is not to imply any criticism of PSC. Infact, the Commission has been very generous with these programs and with the Departments of Commerce and SRS in our efforts to try to resolve this problem. We have tried to consult with PSC at each step of the way. However, only the Legislature can alter the laws which PSC must follow and enforce.

Please note - the agencies we are concerned about here, those who coordinate services, have very narrowly defined clients. And I believe in all cases can infact provide names of who is riding their service. The funding that the NPO receives, likewise very narrowly defines who may receive that ride.

It does not make sense to us that the local providers of elderly and disabled transportation can provide service with their own vehicles, their own drivers, have their own operating budget,

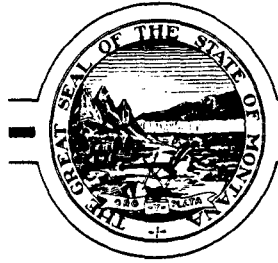
EXHIBIT 8  
DATE 3-15-91  
HB SB 322

but cannot coordinate those resources to save costs and deliver a more effective and efficient service to this very special segment of our population.

I encourage the Committee to pass this bill.

DEPARTMENT OF  
SOCIAL AND REHABILITATION SERVICES

DATE 3-15-91  
SB 322



STAN STEPHENS  
GOVERNOR

JULIA E. ROBINSON  
DIRECTOR

STATE OF MONTANA

P.O. BOX 4210  
HELENA, MONTANA 59604-4210  
(406) 444-5622  
FAX (406) 444-1970

TESTIMONY OF THE DEPARTMENT OF  
SOCIAL AND REHABILITATION SERVICES  
BEFORE THE HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE  
(Re: SB 322 - An Act to Create an Exemption  
to Motor Carrier Laws for Private, Nonprofit Organizations  
Providing transportation of Handicapped and Elderly Persons)

March 15, 1991

The Developmental Disabilities Division supports the adoption of SB322. This bill will allow the continued transportation of over 1200 individuals with developmental disabilities. This transportation is done by 34 non-profit providers throughout the state.

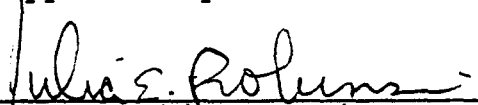
Transportation is provided in conjunction with the provision of other services for which the Developmental Disabilities Division contracts. This may include a trip to the grocery store, the library, or a restaurant. This transportation is an integral part of habilitation as well as a part of a normalized life in the community.

Without this bill, costs will increase to the developmental disabilities service system due to additional administrative costs and increased costs due to licensing. Additional administrative costs would be incurred for keeping records about each trip.

These requirements and costs will not increase the quality of transportation services to individuals. The Developmental Disabilities Division of the Department of Social and Rehabilitation Services supports this exemption for private, non-profit organizations to provide transportation services to individuals with developmental disabilities.

Thank you for the opportunity to comment.

Submitted by:

  
Julia E. Robinson, Director  
Department of Social & Rehabilitation Services



# Mineral Independent

DATE 3-15-91

HB SB 329

Official Newspaper of Mineral County

l. 73, No. 16

Superior, Montana 59872

April 18, 1990

SB 329

## Mineral County deputy, four others injured as intoxicated driver rams patrol car and second car

□ Driver so drunk he didn't know where he was sheriff's spokesman says

by Tim Smith

An early morning accident on Interstate 15 Saturday morning one mile east of Haugan injured five individuals and destroyed three automobiles, one of them a Mineral County Sheriff patrol car.

The accident occurred on the eastbound side of the interstate where Mineral County deputy Mark Chosa had responded to a broken down vehicle near Haugan and stopped behind the vehicle to render assistance. Steve Sivak, 19, of Missoula and Lisa Forchette, 19, of Milltown were told they could sit in the patrol car to keep warm and dry while they waited for a tow truck. "We were sitting there with the overhead lights on and the four way flashers were on when I heard something and looked up in the mirror and saw lights and knew we were going to get hit," said Chosa.

The vehicle which hit Chosa's patrol car was driven by William J. Kincheloe, 19, of Superior. Kincheloe was driving a pick-up, with Robert Managhan, 29, of Superior, as passenger. Headed eastbound, Kincheloe lost control of the vehicle coming around a corner and hit the guardrail taking out about 80 feet of the guardrail before slamming into the rear of Chosa's patrol car. The patrol car was spun out, into and across the interstate, finally coming to rest in the grass median, with the three people trapped inside. The pick-up then ran into the rear of Sivak's Subaru before coming to stop.

A passing truck driver was the first one on the scene and was given the handheld radio belonging to Chosa as Chosa was pinned in the car and the car's radio had been destroyed in the accident. The truck driver with the help of John Schober of Schober's Wrecking, of St. Regis, who was dispatched for the downed vehicle, managed to pull Chosa from his car and Chosa then made contact with his office dispatcher. Schober hooked up his wrecker to the patrol car and pulled some of the wreckage out of the way so Sivak and Forchette were no longer smashed against the cage in the back of the patrol car but no effort was made to remove them at the time due to their injuries said Chosa.

Seven police cars, two from Mineral County, two from Sanders County, two from the Montana Highway Patrol and one VW car from the Haugan weigh station responded to assist as well as two ambulances and two wreckers were at the scene. All five involved were taken to Mineral County Hospital in Superior where Sivak and Forchette were then taken to St. Patrick's Hospital in Missoula where Sivak was treated for a collapsed lung, crushed vertebrae and numerous other injuries. As of Tuesday he was said to be recovering. Forchette was treated for a cut on her cheek and bruised organs and released. Deputy Chosa was hospitalized until Sunday with internal bruises and various other injuries. Chosa said he credits his not being more seriously injured when he hit the steering wheel on his bullet proof vest as it is designed to disperse the impact over the whole chest portion. Chosa says he hopes to be well enough to be back to work by the



Above, the totaled patrol car struck by a pickup operated by William Kincheloe, 19, Superior. The patrol car was stopped behind a disabled car where deputy Mark Chosa had gone to render aid, near Haugan. Kincheloe plead guilty to a DUI charge following the incident. Below, the shattered interior of the car.

Photos - Tim Smith



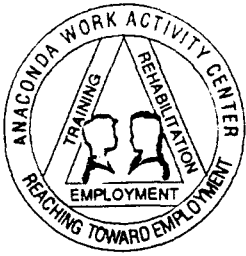
and placed in the Mineral County jail for DUI and an insurance violation. A Mineral County Sheriff's spokesman said that Kincheloe and Managhan had said that they had been at Quinn's Hot Springs on the cut-off road in Sanders County prior to the accident and at the time of the accident really didn't know where they were or where they were going. The spokesman added that he could believe that due to the extremely intoxicated state that they were

in. charges of DUI, second offense; operating a motor vehicle without liability insurance in effect and no seatbelt in use. Davis sentenced Kincheloe to six months in jail and \$510.00 fine with all but 30 days of the jail time suspended for DUI charge and 10 days in jail and \$110.00 fine with all but two days of the jail time suspended for the insurance charge and \$20.00 fine for the seatbelt charge.

A Mineral County Attorney's Office spokesperson said that the county attorney

that may be pending are: minor in possession of alcohol and vehicular assault. The maximum penalty for the assault charge is not more than \$1,000.00 or one year in the state prison and the possession maximum penalty is \$500.00 or six months in jail according to the county attorneys office.

Chosa is a former Hot Springs resident, and former jailer with the Sanders County Sheriff's Office and a reserve deputy with the Sanders County Department and is



*Aware, Inc.*

EXHIBIT 11  
DATE 3-15-91  
HB SB 322

P.O. Box 78, Anaconda, Mont. 59711  
Day Center (406) 563-5229  
Workshop (406) 563-5220  
Group Home - Anaconda (406) 563-5650  
Group Home - Butte (406) 782-6542

A.W.A.R.E. Inc.  
**Testimony Supporting Senate 322**

"An act to create an exemption to motor carrier laws for private nonprofits organizations providing transportation of the handicapped and elderly."

In October 1988, A.W.A.R.E. Inc. was awarded a contract from Department of SRS to provide transportation in Butte Mt. to the adult Dev. Dis. population. A.W.A.R.E. Inc. had bid on this contract because the previous Provider had abandoned services in July of 1988 leaving over 100 Disabled Montanan's to fend for themselves. Some of these individuals, particularly those individuals least capable of fending for themselves, were subsequently unable to receive services from July to November. These individuals certainly were adversely effected by the previous Provider's activities.

Apparently the plan being implemented by this Provider was to demand more money from SRS and when denied, force SRS to bid the contract competitively. Dumping the people out on the street was done to prove to SRS they had to comply with what ever demands were made for additional funds. I emphasize the Disabled people of the City of Butte were used to prove a point. No concern was paid to the detrimental effects of denying services to this group.

It seems the Provider in this case was surprised that A.W.A.R.E. Inc. bid on the service and even more surprised that we received the bid. Please Remember, to the best of our knowledge this service had been abandoned.

It seems part of the scheme developed by the Provider evolved around the



EXHIBIT 11  
DATE 3-15-91  
HB SB 322

fact that due to the procedures that exist in the PSC system. It was believed that with out a PSC license no one would be able to bid for these services let alone obtain the bid.

Approximately eight months after A.W.A.R.E. Inc. started to provide the service we were notified there was a problem by the PSC.

We were told we would have to cease service until we got a license. There are two ways to get a license

- 1.) Apply through the PSC for a license.
- 2.) Buy a license from the current licensee. In this instance the Provider who had abandoned the service.

The problem with #1 is the previous Provider could protest our getting the license and hold the licensing process up for between 6 and 9 months. This put the PSC in the position of having to stop our service. It put A.W.A.R.E. Inc. into the position of defaulting on its loans when services would stop. Consequently we paid \$5000.00 to an individual who had abandoned the responsibility in the first place and attempted to use the disabled population in Butte as his personal pawn in this process.

This situation allowed the previous provider to hold us up for \$5000.00 for a license it only costs \$100.00 to apply for. This license only allows us to provide transportation that starts or ends at the Butte Sheltered Workshop only.

There are several points that need to be stressed here;

- 1.) The Disabled in Montana have a right to be free of exploitation of the sort they were subject to in Butte.
- 2.) Services to the Disabled need to be provided by organizations that understand the special needs of the population and in a way that protects them.
- 3.) These services need to be **coordinated** with many agencies and individuals to provide the widest spectrum of opportunities possible.

*James H. ...* — 3-15-91

EXHIBIT 12  
DATE 3-15-91  
HB SB 322

Feb. 19, 1991

Committee Hearing on Transportation

To Whom It May Concern,

The Federal Government, in the last few months, have increased the rights to handicapped individuals so that these people may lead as normal a life as possible. In Montana this was dealt a severe blow by the Public Service Commission by no longer allowing public transportation to sign contracts with other nonprofit agencies.

In Great Falls this has set back a coordination effort between agencies that we have been trying to build for the last eight years. Guarding one's turf is back. Transportation providers no longer feel like they can rely on other agencies to help with transportation needs. In fact the rumor is that helping out other agencies is illegal.

Very few nonprofit providers in Montana have gone out and solicited contractors for transportation. Usually it's just the opposite. The Great Falls Senior Citizen Transportation system has been approached by other agencies to help fill the void in their transportation needs. Three percent of the overall budget for the Great Falls Transit System is set aside for handicap transportation. The amount of this money is in the neighborhood of fifty dollars a day. Only three of their vehicles have wheelchair lifts that work. All other rides must be contracted out. Four handicap individuals may receive rides by the private providers with that amount of money. The Senior System would be able to transport twice that amount of passengers. The handicap individuals are the ones that have to pay the price of no transportation.

Easter Seal contacted us two years ago about the possibility of transporting their clients. The majority of their people were transported nicely by Hall Transit but a few individuals needed to be picked up by taxi. The taxi company broke three wheels on individuals wheelchairs by tossing them into to trunk of their vehicles. We have transported the same four individuals for the last two years. It is not always a matter of money. These individuals needed respect for themselves and their property.

EXHIBIT 12  
DATE 3-15-91  
HB SB 322

Deaconess Hospital started a transportation brokering system in Great Falls several years ago. Their system was so successful that it was costing them over \$300,000 a year. They wanted to negotiate a fee system with the local taxi company for reduced rates for their costumers. The taxi company refused sighting the regulations of the PSC and their rate structure. The taxi company sold out to another company that runs the system now. But the people still expect to be transported to the Hospital at a reasonable cost. The over 60 age group uses the Senior System for their needs. This has increased our workload without increasing our pockets. In fact, we transport the Deaconess Nursing Home patients to their medical appointments. We have not charged these individuals since learning of the PSC ruling in the last month but we have still transported these clients.

Transportation is the key for many programs. Many handicap and elderly clients should not be allowed to drive due to physical handicaps but this might change if you do not exempt these transportation providers. Mobility is freedom and all Americans want to be free to choose including the elderly and handicap. Without affordable transportation their freedom to choose is history.

Randy Barrett  
Aging Services  
PO Box 202  
Black Eagle, Mt. 59404

EXHIBIT 13  
DATE 3-15-91  
HB SB 356

March 15-1991

Barry Spook "Stang"  
Chairman Highways & Transportation  
House of Representatives  
Capitol Station  
Helena, Mt.

Reference S.B. 356

I am a rural carrier in Helena, Mt.  
I have been on the committee to insuante this  
bill and follow it through the Legislature.

The placing of mail boxes on the highways  
and by ways of Montana as it is alond at  
presant is a hazzard to both the  
public and the carriers delivering the  
mail.

I sincerely hope this committee will  
recomend a due pass recommendation on  
this bill to the house.

Sincerely,

Ben Harris  
Rural Carrier  
Helena, Mt.

EXHIBIT 14  
DATE 3-15-91  
HB SB 356

March 15, 1991

Barry "Spook" Stang  
Chairman, Highways and Transportation  
House of Representatives  
Capitol Station  
Helena, MT 59620

Dear Representative Stang:

I work as a Rural Carrier for the U.S. Post Office. I strongly support Senate Bill # 356. This bill is designed to regulate the placement of mailboxes and newspaper delivery boxes on Public Highway Rights-Of-Way.

Safety is very important to me. This bill will make it safer for not only me but for the whole driving public.

Please support this bill in any further legislative discussions.

Carole Lovchin  
RCA  
Anaconda, MT

EXHIBIT 15  
DATE 3-15-91  
HB SB.356

MAR 15, 1991

FLOYD GERVAIS  
VICE-CHAIRMAN, HIGHWAYS & TRANSPORTATION  
HOUSE OF REPRESENTATIVES  
CAPITOL STATION  
HELENA MT 59620

DEAR REPRESENTATIVE GERVAIS:

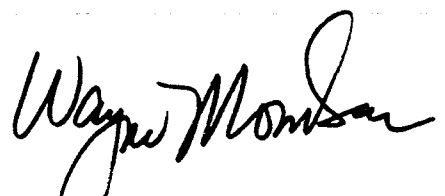
AS POSTMASTER I HAVE BEEN CLOSELY FOLLOWING THE PROGRESS OF SENATE BILL #356, AN ACT TO REGULATE THE PLACEMENT OF MAILBOXES AND DELIVERY BOXES ON PUBLIC HIGHWAYS RIGHTS-OF-WAY; AND AMENDING SECTION 60-6-101, MCA.

IN THE INTERESTS OF SAFETY TO OUR CUSTOMERS, POSTAL EMPLOYEES AND THE GENERAL PUBLIC, THE POSTAL SERVICE STRONGLY SUPPORTS THE PASSAGE OF THIS BILL. HIGHWAY ENCROACHMENTS CAUSED BY IMPROPER PLACEMENT OF MAILBOXES CREATE EXTREME HAZARDS THAT COULD EASILY RESULT IN ACCIDENTS, INJURIES AND DEATH.

IN SUPPORT OF THIS BILL, I RESPECTFULLY REQUEST THAT YOU SHARE MY SUPPORT FOR THE BILL IN ALL FURTHER LEGISLATIVE DISCUSSIONS CONCERNING THIS MATTER.

SINCERELY,

WAYNE MONSEN  
POSTMASTER



Whenever possible, boxes must be located so that carrier's vehicle is off pavement when serving them.

Box number must be painted on box in numerals not less than one inch high.

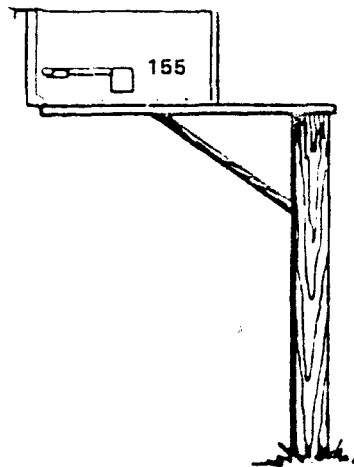
Post must be neat and of adequate strength and size.

Approach to box should be a hard level surface (gravel, cinders, stone).

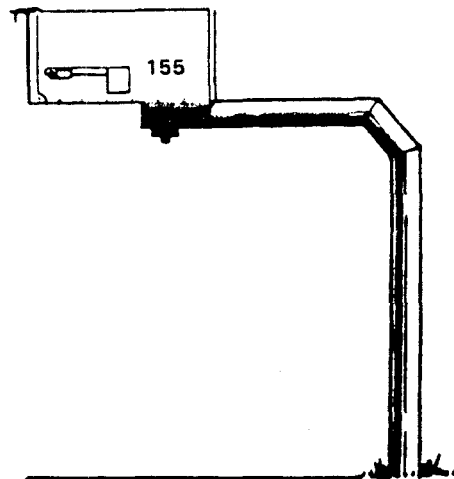
Boxes must be placed to conform with state laws and highway regulations.



Suggested installation of a single box.



Suggested installation where snow removal is a problem.



Extend box beyond end of post. Attach board holding box to post with screws or doublehead nails, permitting easy removal if necessary to adjust box height.

EXHIBIT 17  
DATE 3-15-91  
HB SB 121

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 3-15-91 BILL NO. SB 121 NUMBER \_\_\_\_\_

MOTION: Rep Island Moved SB 121 Be Not  
Concurred In  
Motion Carried 9-8

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	9	8





EXHIBIT 18  
DATE 3-15-91  
HE SB 356

**United States  
Postal Service**

3-15-91

COMMITTEE MEMBERS :

SENATE BILL 356 THAT WAS INTRODUCED BY SENATOR TOM BECK IS A HIGHWAY SAFETY BILL.

A RURAL CARRIER AND POSTAL MANAGEMENT WORK TEAM, MANY ARE HERE THIS AFTERNOON, HAVE BEEN WORKING THIS PAST YEAR COLLECTING INFORMATION ON THE SAFETY HAZARDS THAT MAIL BOXES AND THEIR LOCATIONS ON THE HIGHWAYS AND ROADS IN THE STATE CREATE BOTH FOR THE RURAL CARRIERS AND THE PUBLIC TRAVELING THESE ROADS.

THE VIDEO WAS PRODUCED BY THE DEPT OF SAFETY, STATE OF TEXAS AND SOME OF THE FOOTAGE IS LOCAL. IT DEMONSTRATES WHAT OUR CONCERNS ARE.

STATE WIDE RURAL CARRIERS DELIVER TO 50,305 MAIL BOXES DAILY, MANY ARE LOCATED IN A SAFE APPROACH AREA, BOTH FOR THE POSTAL CUSTOMER AND THE RURAL CARRIER. IT IS THE FEW THAT ARE UNSAFE THAT WE WOULD LIKE TO CORRECT. WE URGE YOU TO GIVE THIS BILL A FAVORABLE RECOMMENDATION.

THANK YOU

*Dick Bauman*

DICK BAUMAN

POSTMASTER DEER LODGE



HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

DATE 3-15-91 Highway COMMITTEE Sen. Pipinich BILL NO. SB 329

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
William L. Arnold Sr.	Dept. of Highways			✓
<del>Tom Schumaker</del>	<del>MPST</del>	329		✓
Thomas V. Rasco	FRATERNAL ORDER OF POLICE	329		✓
GERALD L. MATTILA	GOV OFFICERS	329		✓
Dale F. Duffy	GOV OFFICERS	329		✓
<del>Paul Farda</del>	<del>Taxall/Security</del>			
PAUL FARDA	TAXALL/SECURITY <sup>EQUITY</sup>	329		✓
MARY MILLER	Randy Barrett/SITING GF	322		✓

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

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Heinays COMMITTEE \_\_\_\_\_ BILL NO. SB322  
 DATE 3-15-91 SPONSOR(S) Sen. Fitz

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<i>Sen. Jackson</i>	<i>1022 1525</i>	<i>322</i>		<input checked="" type="checkbox"/>
<i>James Johnson</i>	<i>AWARE Inc</i>	<i>322</i>		<input checked="" type="checkbox"/>
<i>Fatima Sinton</i>	<i>Dept of Commerce</i>	<i>322</i>		<input checked="" type="checkbox"/>
<i>GREG A. OLSEN</i>	<i>DOPAC</i>	<i>322</i>		<input checked="" type="checkbox"/>
<i>Kay Norenberg</i>	<i>WIFE</i>	<i>322</i>		<input checked="" type="checkbox"/>

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

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Highways  
DATE 3-15-91 COMMITTEE Sen. Beck BILL NO. SB 356  
SPONSOR(S) Sen. Beck

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Gordon L. Larson	Dept. of Highways	✓	
Rick Nauman	U.S.P.S.	✓	
EARL DORSEY	USPS	✓	
Rob Hensley	US Postal Service	✓	
Carole Loushin	U.S. Postal Service	✓	
BEN HARRIS	U.S. Postal Service	✓	
PAT DONAHOE	U.S. POSTAL SERVICE	✓	
James Terhag	U.S. Postal Service	✓	
Howard M. White	U.S. POSTAL SERVICE	✓	

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