

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN ROBERT CLARK, on January 18, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Bob Clark, Chairman (R)
Rep. Karyl Winslow, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Joe Barnett (R)
Rep. Bill Endy (D)
Rep. Pat Galvin (D)
Rep. Marian Hanson (R)
Rep. Vern Keller (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Ryan (D)
Rep. Wayne Stanford (D)
Rep. Bill Tash (R)
Rep. Randy Vogel (R)
Rep. Tim Whalen (D)

Members Excused: Rep. David Ewer (D)

Members Absent: None.

Staff Present: Valencia Lane, Legislative Council
Kimberlee Greenough, Committee Secretary

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

Committee Business Summary:

Hearing: HB 140, HB 152
Executive Action: HB 41, HB 152

HEARING ON HB 152

Opening Statement by Sponsor:

REP. GALVIN, HD 40, Great Falls, stated he wanted to withdraw HB 152, and support HB 140 sponsored by REP. VOGEL, due to the similarity of the two.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None

Questions From Committee Members and Responses: None.

Closing by Sponsor: None.

HEARING ON HB 140

Opening Statement by Sponsor:

REP. VOGEL, HD 86, Billings, said HB 140 would increase the fine for driving in excess of the daytime fuel conservation speed limit to \$20.00, with \$5.00 being transferred to the county of origin to fund the D.A.R.E (Drug Abuse Resistance Education) program. Statistics indicate the cost to write each citation is between \$13.00 and \$17.00, however, the federal government mandates a certain number of tickets be written.

HB 140, as amended, would increase the fine for exceeding the daytime speed limit to \$10.00 if the speed limit is not exceeded by more than 10 miles per hour. The amended bill would raise somewhat less than \$350,000.00 as stated in the original bill.

EXHIBIT 1

Proponents' Testimony:

Beth Baker, Department of Justice, presented written testimony.
EXHIBITS 3 and 4

Don Fenton, Civil Engineer working in Highway Safety, Member of Montana Operation Lifesaver, presented written testimony. EXHIBIT 2

Ed Hall, Montana Board of Crime Control, stated the D.A.R.E Program is critical to the Montana Board of Crime Control due to its effectiveness in fighting drug abuse.

Cheryl Davis, Coordinator for the Eastern Coal Counties Task Force D.A.R.E program, stated their task force covers nine counties in eastern Montana, including Big Horn, Carbon, Custer, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone. In March of 1989 the program began in one county as one of two pilot programs for the state of Montana and has grown from two officers in one county to 11 officers in nine counties.

Bill Ware, Chief of Police, city of Helena, Legislative Representative, Montana Association of Chiefs of Police, stated

he supports HB 140. He commends the program due to the positive results in the children who attend the program.

Tim Shanks, Montana Police Protective Association, stated the Association favors the bill, due to the program's success in the Great Falls schools.

Dave Ward, Assistant Chief of Police, Billings, stated he supports HB 140 because the D.A.R.E program is cost effective and successful.

Chuck O'Reily, Sheriff Lewis and Clark County, stated the D.A.R.E program has made a difference in the attitude of children in the Helena Middle School and would ask that the program be funded for all 21 schools in the county, including high schools.

Mike McCarthy, Lewis and Clark County Sheriff's Department D.A.R.E Officer, stated from his standpoint D.A.R.E is a very successful program. D.A.R.E teaches children it is okay to say no to drugs and alcohol, as well as helping to build self-esteem.

Tom Schneider, Montana Public Employees Association, spoke in support of increasing the daytime speeding fine from \$5.00 to \$10.00 for all tickets written under this section of the code.

John Rice, police officer, city of Billings and Vice President of the Montana D.A.R.E Officers' Association, stated the attitudes of the children improved due to the D.A.R.E program.

Duane Enger, Yellowstone County Sheriff's Department, said the citizens of Yellowstone county support the program and would be willing to pay more than a ten dollar fine to help children in the community. The Presidential Report on Drugs in America indicated usage was down 25% in 1988. The D.A.R.E program started in 1983 and spread throughout the country and other parts of the world. They really believe the D.A.R.E program has been instrumental in decreasing the figure. D.A.R.E. is definitely a good prevention program.

Gordon Morris, Executive Director, Montana Association of Counties, stated he is pleased with the amendments except for a few of the qualifications. He believes it should be a ten dollar fine, without the 10 mile per hour stipulation.

Bill Fleiner, Board Member Montana Sheriffs' and Peace Officers' Association, stated he supports the ten dollar speeding ticket with no 10 mile per hour stipulation.

Opponents' Testimony:

REP. SONNY HANSON, HD 87, Billings, presented written testimony. EXHIBITS 5 and 6

Questions From Committee Members and Responses:

REP. ANDERSON asked if the increase of \$50.00 to the license fee goes to D.A.R.E? Ms. Baker stated it now goes to the general fund.

REP. ANDERSON also asked how much money from that fee went to the general fund? Ms. Baker stated she did not know. REP. ANDERSON wondered if the money used from that fee could go to the D.A.R.E program. Ms. Baker replied, no, not necessarily, unless the legislature specifically directs it go to the D.A.R.E program.

CHAIRMAN CLARK asked Mr. Fenton if he knew the figures on the increase in accidents since the speed limit was raised from 55 to 65 miles per hour? Mr. Fenton answered that REP. HANSON'S note is accurate on the fatality rates. EXHIBIT 5 He also stated he did not know about increases in the accident rate.

CHAIRMAN CLARK stated there is quite a sum of money raised for drivers' education from traffic violations. He also asked if Mr. Fenton knew how many areas were short of money for the drivers' education programs. Mr. Fenton responded that he did not know for certain.

CHAIRMAN CLARK asked how highway safety monies are distributed and handled. Mr. Fenton replied there are limitations on how monies are spent.

CHAIRMAN CLARK asked what other funds are available for the D.A.R.E program? Ms. Davis stated they would be asking city and county governments to assist in the costs, but there is no solid funding base.

CHAIRMAN CLARK asked about the advantage of the check-off on tax returns. Ms. Davis answered D.A.R.E received \$18,000 statewide from the check-off.

Closing by Sponsor:

REP. VOGEL stated it is important that funding be available for the D.A.R.E program because of its success. The money in HB 140 is not a user tax but a fine for exceeding the speed limit. He thanked the committee for their time and urged a do pass recommendation for this bill.

EXECUTIVE ACTION ON HB 152

Motion/Vote: REP. VOGEL MOVED HB 152 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 41

Motion: REP. TASH MOVED HB 41 DO PASS.

Discussion: REP. HANSON asked if they would allow for the build-up of mud and snow at the weighing stations. REP. CLARK replied, yes.

Motion/Vote: REP. TASH MADE A SUBSTITUTE MOTION THAT HB 41 DO PASS AS AMENDED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 4:45 p.m.


ROBERT C. CLARK, Chair


KIMBERLEE GREENOUGH, Secretary

RC/kg

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE January 18, 1993

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

HOUSE STANDING COMMITTEE REPORT

January 19, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 41 (first reading copy -- white) do pass as amended .

Signed: Robert C. Clark
Robert C. Clark, Chair

And, that such amendments read:

1. Title, line 4.

Strike: "PROVIDING THAT"

Insert: "MAKING PERMANENT THE LAW PROHIBITING"

2. Title, lines 5 and 6.

Following: "AUTHORITIES" on line 5

Strike: remainder of line 5 through "RESTRICT" on line 6

Insert: "FROM RESTRICTING"

3. Title, line 6.

Following: "HIGHWAY"

Insert: "UNDER CERTAIN CONDITIONS AND MAKING PERMANENT THE LAW
REQUIRING A PERMIT"

4. Page 1, line 9.

Insert: " STATEMENT OF INTENT

The legislature in 1991 temporarily prohibited the department of transportation from subjecting seed potato haulers to weight and speed restrictions under certain conditions and with a permit requirement. It is the intent of the legislature to now make that prohibition permanent under the same conditions and permit requirements as were contained in the 1991 temporary law. The legislature expects that with the passage of time, roads will be upgraded and that equipment used by the potato haulers will be upgraded in a fashion that will eliminate the wear and tear on roads that makes special weight and speed restrictions necessary. For the time being, the legislature recognizes the necessity of exempting seed potato haulers from special restrictions under certain conditions. The legislature intends to allow the

exemption with the understanding that in the future, the people involved in the seed potato industry will continue to work on upgrading their equipment so that eventually the equipment will not require exemptions from special speed and weight limits and that as equipment is replaced, the new equipment will meet regular limits, without special exemptions, that will protect the state's highways."

5. Page 4, line 1.

Following: "highways"

Insert: ", subject to the provisions of subsection (3) "

6. Page 4, line 10.

Strike: "and"

7. Page 4, line 11.

Insert: "(b) a permit has been issued under 61-10-107(3), regardless of the vehicle's gross weight, specifying the route from point of loading to the nearest nonrestricted road; and"

Renumber: subsequent subsection

8. Page 4, line 13.

Insert: "(4) A permit referred to in subsection (3) may be revoked for violating any condition of the permit."

D.A.R.E. WORKS

Listen to what is being said about D.A.R.E.

From Teachers...

"Talk about drugs is now out in the open."

"Students have become aware of their responsibilities and consequences of their actions."

From Principals...

"There is a more positive attitude toward police officers at the school."

"I have repeatedly seen children walk away from a negative behavior who would not have done so a year ago."

From Students...

"D.A.R.E. has helped me a lot."

"Once someone offered me drugs, but I said 'NO'. That someone kept asking me, but I just ran away."

From a Parent...

"Project D.A.R.E. has left a lasting impression on my son. In fact, it had an impact on our whole family."

Program evaluations show that D.A.R.E. offers many benefits. Not only has D.A.R.E. changed many students' attitudes about drugs, D.A.R.E. appears to positively impact absenteeism, tardiness, and in-classroom disciplinary problems. Schools also report a decline in school vandalism. Additionally, students display greater support with teachers and school officials.

HOW YOU CAN PARTICIPATE

Project D.A.R.E. is a combined effort of the local schools and law enforcement agencies in your community. You can work to help keep the program a success by becoming involved. Offer your time and energy in planning and carrying out educational activities that support the classroom program. Participate in fund-raising activities. Help your kids D.A.R.E. to win against drugs.

For more information, please contact your local school or law enforcement agency. Or, you can contact the D.A.R.E. office at (406) 255-3797.

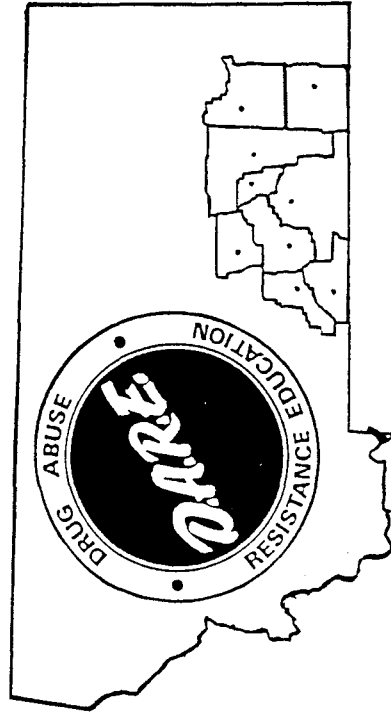
***Drug Abuse begins with a DARE
We can do something about it with D.A.R.E.***

**D.A.R.E. is a program of the
Eastern Coal Counties Task Force.**

Big Horn, Carbon, Custer, Musselshell, Powder River, Rosebud,
Stillwater, Treasure, and Yellowstone Counties.



DRUG ABUSE RESISTANCE EDUCATION



Title 61-8-718 provides for a \$5.00 fine for violation of the fuel conservation speed limit. During fiscal year 1991 there were 71,539 citations issued under this law by the Montana Highway Patrol. At \$5.00 each, this amounts to \$357,695. However, the average cost of issuing and processing a ticket is about \$20.00. This means that Montana taxpayers subsidized the law breakers \$15.00 on each \$5.00 ticket for a total cost of \$1,073,085 to the taxpayer.

There are several compelling reasons to increase this fine and we suggest that it be raised to \$30.00.

1. Increased highway safety is the primary reason. Highway safety should be everyone's business, but it isn't. Approximately 93% of all accidents are attributed to human factors (driver error). The remaining 7% are related to vehicle defects and road defects. The economic impact of motor vehicle accidents in Montana each year is over 400 million dollars. In addition, those of us who buy automobile insurance spend 240 million dollars per year. In 1990, Montana ranked 9th in the nation on motor vehicle fatalities per 100 million vehicle miles traveled.
 - a. The increased fine will act as a deterrent to many drivers and make the speeds more uniform. Speed differentials contribute to accidents (particularly on two lane roads) because minimum passing zone lengths are based on the rate of convergency of two vehicles traveling toward each other at 60 miles per hour. If the speed of an on-coming vehicle is higher, there is less time available to complete the pass. In addition, speed differentials can cause rear end collisions.
 - b. The severity (fatalities and injuries) of a collision is directly proportional to the change in velocity squared. If you want to reduce accident costs, you have to reduce severity. Speed is a primary factor in severity.
 - c. The law does not need to be changed to make it a misdemeanor. Making it a misdemeanor would add to the record keeping burden to add points against a person's driver's license and this in turn would increase an individual's insurance rates. This is neither necessary, nor desirable. A Patrolman can still cite a person for reckless driving when necessary.
2. The second major reason to increase the fine is for education.
 - a. A \$30.00 fine will help educate the driver.

- b. Part of the fine goes toward funding driver's education. A previous legislative session took money from this account to balance the general fund budget. There is a critical need to adequately fund driver's education, as well as bicycle and pedestrian safety programs in our schools. If we do not fund education programs to produce better informed and safer drivers, we can expect the costs of accidents to increase. This in turn will drive up the costs of automobile and medical insurance premiums for all of us. Likewise, we have to educate children to cross the street safely and ride a bike safely. If you ignore this part of a child's education, you risk losing the investment already made in the child's education. But more important is the pain and suffering for family members and friends.

There are other education needs that should also be looked at for funding through fines or other sources of revenue, such as an increased fee for a driver's license.

1. At the present time, the Montana Highway Patrol has only one safety and education training officer headquartered in Helena to cover the whole state. This is an important function and they should have an officer assigned full time to this duty in each of the five patrol districts, in addition to the one at headquarters. The Highway Patrol needs the additional manpower to adequately perform this function.
2. We are missing an opportunity to educate drivers when they renew their driver's license or buy license plates. Why not have a video tape machine and T.V. installed at the centers? People could be watching tapes on safe driving tips, railroad grade crossing safety, changes in the law, etc. while waiting in line to get a license.
3. Montana Operation Lifesaver is a volunteer, nonprofit organization that has done a tremendous job of educating school children, driver's education classes, and the general public about railroad grade crossing safety. They have a difficult time raising money for publications, advertisements and other expenses. They could certainly use some funding to help carry out this educational program.
4. The Governor's Safety Office, Highway Traffic Safety Division, Department of Justice receives much of their funding from the National Highway Traffic Safety Administration and the Federal Highway Administration. They have done a very good job administering these funds to educate the public. They could do even more if additional funds were available.

EXHIBIT 2
DATE 1/18/93
HB 140

3

Let us assume that if you raise this fine to \$30.00, compliance with the speed limit will increase and only 30,000 citations will be issued per year. This accomplishes two things. 1) More drivers are obeying the speed limit and driving safer. 2) The 30,000 citations issued will bring in \$900,000 which is needed for highway safety education.

To make the \$30.00 fine more palatable to the general public, you could write the law so that the fine is a tax deductible contribution for education. The Patrolman could place a sticker on the citation for documentation to the IRS and State Income Tax Division.

If additional information or clarification is needed, please contact Don Fenton, phone 933-5922 evenings or 449-5310 during working hours.

AMENDMENT TO HB 140

Proposed by Department of Justice

EXHIBIT 3
DATE 1-18-93
HB 140

p.1, 1.6 ~~"TO \$20 \$10; DEPOSITING \$15 OF EACH FINE TO THE CREDIT OF THE DEPARTMENT OF JUSTICE FOR ADMINISTRATIVE PURPOSES AND THE REMAINING \$5 OF EACH FINE IN THE MONTANA DRUG ABUSE RESISTANCE EDUCATION TRUST FUND ACCOUNT; AMENDING SECTIONS 3-10-601, 44-2-702, AND 61-8-718, MCA; AND PROVIDING AN EFFECTIVE DATE."~~

P.3, 1.1 (5) ~~The county treasurer shall transfer to the state treasurer distribute the fines for violations of 61-8-718. The state treasurer shall deposit \$5 of each fine in the Montana drug abuse resistance education trust fund account established in 44-2-701. The remaining \$15 of each fine must be deposited in an account in the state special revenue fund to be used by the department of justice for administrative purposes. as follows:~~
~~(a) 25% to the county general fund; and~~
~~(b) 75% to the state treasurer, who shall deposit \$5 of each fine in the Montana drug abuse resistance education trust fund account established in 44-2-701 and shall distribute the remainder in accordance with subsection (3).~~

p.3, 1.13 ~~\$20 \$10, and no jail sentence may be imposed. Bond for this offense shall be \$5 is \$20 \$10.~~

p.3, 1.19 **Section 3.** Section 44-2-702, MCA, is amended to read:

"44-2-702. Montana drug abuse resistance education program.

(1) The Montana board of crime control shall use the money in the Montana drug abuse resistance education trust fund account established by 44-2-701 to fund services and activities operated by nonprofit, private, community-based educational and service organizations, units of local government, or school districts if those services and activities relate solely to the development, enhancement, and expansion of drug abuse resistance education in Montana.

(2) In administering the Montana drug abuse resistance education program, the Montana board of crime control shall:

(a) identify priorities for funding services, activities, and criteria for the receipt of program funds;

(b) monitor the expenditure of funds by organizations receiving funds under this section;

(c) evaluate the effectiveness of services and activities under this section; and

(d) adopt rules necessary to implement 44-2-703, 44-2-704, 3-10-601(5), and this section."

p.3, 1.19 NEW SECTION. **Section 3 4.** **Effective date.**

EXHIBIT 3
DATE 1-18-93
#B 140

PROPOSED SPONSOR AMENDMENT TO HB 140

p.1, 1.6 "TO \$20 \$5 IF THE SPEED LIMIT IS EXCEEDED BY LESS THAN TEN MILES PER HOUR AND \$10 FOR ALL OTHER VIOLATIONS;

p.3, 1.13 \$20 \$5 if the speed limit is exceeded by less than ten miles per hour and \$10 for all other violations, and no jail sentence may be imposed. Bond for this offense shall be \$5 is \$20 \$5 if the speed limit is exceeded by less than ten miles per hour and \$10 for all other violations.

FACT SHEET
House Bill 140
Prepared by Department of Justice

EXHIBIT 4
DATE 1-18-93
140

Project DARE

Drug Abuse Resistance Education is the alcohol and drug abuse prevention program of choice for law enforcement agencies throughout the United States. Initiated in Los Angeles in 1983, the program is now available in all 50 states and in seven foreign countries. A uniformed law enforcement officer who is carefully selected and trained teaches a seventeen-week program to elementary and middle school children. The comprehensive curriculum provides young people with the skills and abilities to make decisions, to manage stress and to stand up to negative peer pressure to use alcohol, illegal drugs and tobacco.

Montana's DARE Programs

In Montana, DARE has been reaching out to young people since 1988. Currently, there are 35 projects serving children and communities throughout the state. More than eighty Montana law enforcement officers are now certified to instruct the curriculum. In the past four years, more than 30,000 fifth- and sixth-graders throughout the state have received the DARE core curriculum.

Need for Support

Montana DARE programs are operated at the city and county level. Total budgets for all DARE programs in Montana currently are between **\$1.3 million and \$1.5 million**. Programs continue to struggle to raise operational funds from city, county and federal governments and from school districts, community fundraisers and local businesses.

In 1989, the Montana Board of Crime Control began funding local DARE programs. The Board provides three- to four-year program start-up grants using federal funds from the Drug Free Schools and Communities Act and the Anti-Drug Abuse Grants.

1992/1993 MBCC funding for DARE in Montana	\$631,071
6/30/93, support for 13 programs will end	-\$200,000
6/30/94, support for 9 programs will end	-\$212,000

Monies Generated By HB 140

In 1992, the Montana Highway Patrol wrote 70,509 speeding tickets statewide. Five dollars from each speeding ticket written would raise approximately \$350,000 for Montana DARE programs.

EXHIBIT

DATE

/SB

MONTANA ACCIDENT, INJURY, AND FATALITY RATES

Year	Accidents		Fatalities		Injuries		Vehicle Mile (Million)
	Number	Rate	Number	Rate	Number	Rate	
1950	5,128	262.4	202	10.34	2,028	103.8	1,954
1955	9,829	383.8	236	9.22	3,099	121.0	2,561
1960	9,147	234.8	222	5.7	4,043	103.8	3,896
1965	16,672	421.4	280	7.08	7,283	184.1	3,956
1970	15,276	313.9	318	6.53	8,449	173.6	4,867
**1974- Day Time Speed Limit Law at 55 MPH -- Feds. threaten us if we do not institute.							
1975	18,776	328.1	298	5.21	9,020	157.6	5,723
1980	20,595	311.7	325	4.92	9,779	148.0	6,607
1985	17,936	236.9	223	2.95	8,701	114.9	7,570
**1987- Passed Seat Belt Law and increase in Speed Limit to 65 MPH.							
1990	16,456	197.0	212	2.54	8,250	99.0	8,331
1991	17,058	198.2	202	2.33	8,445	98.5	8,581

Spry

1/18/93
H S HANCOCK

GENERAL ITEMS

HB-140 & HB-152

6
1-18-93
140

• Why of THE BILL?

- FOR SAFETY
- FOR MONEY
- OR JUST TO BUS US MONTANAS WHO TRAVEL

• History

- PASSED 1974 BECAUSE OF THREATS BY FEDS.

• MONEY

HB-140 (#20)

- IT GOES INTO COUNTY FUND - THEN GIVEN TO DEPT. OF JUSTICE FOR ADMINISTRATIVE PURPOSES (\$15) AND REST (\$5) TO DRUG ABUSE PROGRAM

* THAT MEANS:

- STATE & COUNTY FUNDS LOSE MONEY FROM EXISTING \$5 FINE

HB-152 (#30)

- IT GOES INTO COUNTY FUND & THEN DISTRIBUTED INTO STATE & COUNTY FUNDS ACCORDING TO LINES 8 THRU 25, PAGE 25 (HB-140)

* THAT MEANS:

IT IS A SIMPLE TAX INCREASE ON ONLY THOSE MONTANAS THAT DRIVE - IT HAS NOTHING TO DO WITH SAFETY.

- SAFETY

- ACCIDENTS

- DID NOT GO DOWN AFTER 55 MPH SPEED PASSED IN 1974
 - DID GO DOWN AFTER ^{SPEED} ~~HE~~ WAS INCREASED TO 65 MPH IN 1987

- FATALITIES

- DID NOT GO DOWN AFTER 55 MPH SPEED PASSED IN 1974
 - DID GO DOWN AFTER SPEED WAS INCREASED TO 65 MPH IN 1987

- INJURIES

- DID NOT GO DOWN AFTER 55 MPH SPEED PASSED IN 1974
 - DID GO DOWN AFTER SPEED WAS INCREASED TO 65 MPH IN 1987.

- ALL THE ABOVE WITH VEHICLE MILES TRAVELED INCREASING EACH YEAR.

BOTH THESE BILLS ARE SIMPLY A MEANS TO RAISE TAXES ON THOSE OF US ^{HAVE TO} ~~THAT~~ [^] TRAVEL FOR A LIVING

Amendments to House Bill No. 41
First Reading Copy

Requested by Representative Davis
For the Committee on Highways

Prepared by Valencia Lane
January 15, 1993

1. Title, line 4.

Strike: "PROVIDING THAT"

Insert: "MAKING PERMANENT THE LAW PROHIBITING"

2. Title, lines 5 and 6.

Following: "AUTHORITIES" on line 5

Strike: remainder of line 5 through "RESTRICT" on line 6

Insert: "FROM RESTRICTING"

3. Title, line 6.

Following: "HIGHWAY"

Insert: "UNDER CERTAIN CONDITIONS AND MAKING PERMANENT THE LAW
REQUIRING A PERMIT"

4. Page 1, line 9.

Insert: " STATEMENT OF INTENT

The legislature in 1991 temporarily prohibited the department of transportation from subjecting seed potato haulers to weight and speed restrictions under certain conditions and with a permit requirement. It is the intent of the legislature to now make that prohibition permanent under the same conditions and permit requirements as were contained in the 1991 temporary law. The legislature expects that with the passage of time, roads will be upgraded and that equipment used by the potato haulers will be upgraded in a fashion that will eliminate the wear and tear on roads that makes special weight and speed restrictions necessary. For the time being, the legislature recognizes the necessity of exempting seed potato haulers from special restrictions under certain conditions. The legislature intends to allow the exemption with the understanding that in the future, the people involved in the seed potato industry will continue to work on upgrading their equipment so that eventually the equipment will not require exemptions from special speed and weight limits and that as equipment is replaced, the new equipment will meet regular limits, without special exemptions, that will protect the state's highways."

5. Page 4, line 1.

Following: "highways"

Insert: ", subject to the provisions of subsection (3)"

6. Page 4, line 10.

Strike: "and"

7. Page 4, line 11.

Insert: "(b) a permit has been issued under 61-10-107(3),
regardless of the vehicle's gross weight, specifying the
route from point of loading to the nearest nonrestricted
road; and"

Renumber: subsequent subsection

8. Page 4, line 13.

Insert: "(4) A permit referred to in subsection (3) may be
revoked for violating any condition of the permit."

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highway & Trans. COMMITTEE HB 140 4/5
DATE Jan 18, 1993 SPONSOR(S) Malvin E. Vogel
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Tom Schauder</u>	<u>MPGA</u>	<u>HB 140</u> <u>HB 152</u>	
<u>DONALD FENTON</u>	<u>MONT. OPERATIONAL LIFESAVING</u>	<u>✓</u> <u>HB 152</u>	<u>HB</u> <u>140</u>
<u>Beth Baker</u>	<u>Dept of Justice</u>	<u>HB 140</u>	
<u>Dave Ward</u>	<u>Billings Police Dept</u>	<u>HB 140</u>	
<u>Cheryl Davis</u>	<u>Eastern Coal Counties</u> <u>TASK FORCE D.A.R.E.</u>	<u>HB 140</u>	
<u>Chuck O'Reilly</u>	<u>Sheriff L & C Co</u>	<u>HB 140</u>	
<u>Mike M. Luthy</u>	<u>L & C Co Sheriff's Assoc</u>	<u>HB 140</u>	
<u>John [unclear]</u>	<u>Billings Police Dept</u>	<u>HB 140</u>	
<u>Tim Shanks</u>	<u>Montana Police Assn</u>	<u>HB 140</u>	
<u>London Morris</u>	<u>MACo</u>		
<u>Duane Enger</u>	<u>Sheriff Yellowstone</u>	<u>HB 140</u>	
<u>Bill WARE (Chief of Police)</u>	<u>Montana Assn. of Cops</u>	<u>HB 140</u>	
<u>Bill FLEWEE</u>	<u>Montana Sheriffs and</u> <u>Police Officers Assoc</u>	<u>HB 140</u>	
<u>Ed Hlave</u>	<u>MBCC</u>	<u>HB 140</u>	

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

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways & Transportation COMMITTEE
DATE 1-18-93 SPONSOR(S) _____

BILL NO. 140 & 152

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
HS Hanson	HD 87		140 152

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