

MINUTES

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

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN ROBERT C. CLARK, on January 22, 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. 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
Rep. Pat Galvin

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: None
Executive Action: HB 100, HB 140, HB 180

EXECUTIVE ACTION ON HB 100

Motion: REP. BARNETT MOVED HB 100 DO PASS.

Discussion: REP. STANFORD asked if the fiscal note was accurate.
REP. CLARK replied the note is based on the anticipated cost to
contract those miles addressed, therefore, the fiscal note is not
accurate.

Motion/Vote REP. WHALEN MOVED TO ADOPT THE AMENDMENTS 1, 2, AND 3. Motion carried unanimously.

Discussion: REP. VOGEL asked what the amendments include and where? Ms. Lane explained amendments 1, 2, and 3.

REP. VOGEL also asked how these turnout areas would be designated? CHAIRMAN CLARK responded the sponsor's fiscal note it would be by signs. REP. VOGEL inquired if, by designating, you mean we have to put those signs up. CHAIRMAN CLARK answered affirmatively.

REP. MASON stated some of those areas are designated to be under construction in the next few years, and hoped the new signs wouldn't be removed.

REP. LARSON stated that an amendment was being drafted which would exclude those portions of highways that will be subject to re-construction.

REP. STANFORD said this is a good idea if it can be done without spending a great deal of money.

CHAIRMAN CLARK indicated that some of these turnouts are not very safe.

REP. WHALEN stated if this amendment passes all we are going to be talking about is signing, not construction. The only place these signs are going to be put up is where the commission itself designates. Depending on what areas are chosen, this bill may not cost anything and also, there is no time limit. REP. WHALEN also stated he has a problem with spending \$350,000.00 to do this.

REP. LARSON explained amendment 4.

Motion/Vote: REP. LARSON MOVED TO ADOPT AMENDMENT 4. Motion carried unanimously.

Discussion: REP. LARSON stated the amendment reads that there is an obligation to sign the designated turnouts in that area after the construction is completed. He also stated the reason for the amendment was to keep the cost down and not make additional work for the Highway Department.

Motion/Vote: REP. WHALEN MOVED HB 100 DO PASS AS AMENDED. Motion carried 9 to 6 with REPS. HANSON, ANDERSON, BARNETT, VOGEL, WINSLOW and CHAIRMAN CLARK voting no.

EXECUTIVE ACTION ON HB 140

Motion: REP. VOGEL MOVED HB 140 DO PASS.

Discussion: REP. WINSLOW stated she wished to amend HB 140 and asked Ms. Lane to explain the amendments. EXHIBIT 1

REP. WINSLOW said her motivation for the amendments was that this bill is a revenue bill and therefore should be in Appropriations not the Highways Committee. There are two issues here, one is increasing the speeding fine and two, a request for funding the D.A.R.E program. She said if D.A.R.E wants to be funded, they can go through the appropriations process. The D.A.R.E program is a fine program but, due to the financial condition of the state, non-profit organizations requesting funding should not be coming to the Highways Committee. The only people testifying on the bill were those who would benefit from the funding source, not the children that participated in the program, nor the parents. This bill is about increasing the fine charged to people going over the speed limit not funding for the D.A.R.E program.

REP. VOGEL stated several students could have testified, however, chose not to since their testimony would have been repetitive. He also said there were parents prepared to testify on the D.A.R.E program. He asked if REP. WINSLOW was changing the whole thrust of the title of this bill with the amendments. Ms. Lane said yes, she was. REP. VOGEL stated he is strongly opposed to these amendments and if they are adopted it would be REP. WINSLOW'S bill, not his.

REP. LARSON also expressed opposition to the amendments. If the committee doesn't like REP. VOGEL'S bill it should be killed and a committee bill submitted.

REP. WINSLOW said D.A.R.E has funding sources other than just this bill. The bill needs to be debated, however, she cannot support it strictly as a funding source for D.A.R.E. This is a revenue bill, therefore she is opposing it.

REP. VOGEL responded by saying this is not a tax, it is a fine for speeding and the bill should be debated on the House floor.

REP. STANFORD said he opposes these amendments because the D.A.R.E program has many benefits.

REP. ENDY stated he also opposes the amendments and would like to fund D.A.R.E. He believes the highways are built for speed, but not a hundred miles per hour. If someone goes over 76 miles per hour he doesn't see a problem with the fine and would like to see the money go to D.A.R.E.

Motion/Vote: REP. WINSLOW MADE A SUBSTITUTE MOTION TO AMEND HB 140. Motion failed with REP. WINSLOW voting yes. EXHIBIT 1

Discussion: REP. VOGEL stated that he wished to amend HB 140 and referenced the amendments prepared by Ms. Lane. EXHIBIT 2.

Ms. Lane explained the amendments. SEE EXHIBIT 2.

REP. LARSON stated he is both in opposition to and support of REP. VOGEL'S amendments. He indicated he will vote for these amendments but wanted an amendment to state that the fine should be \$20.00 not \$10.00.

REP. HANSEN stated she was unsure if the county was going to get the same amount of money. Ms. Lane answered that it would.

REP. VOGEL stated his reason for a \$10.00 instead of \$20.00 fine is an attempt to get the bill passed. He agrees with REP. LARSON but feels the bill won't pass the House if the fine is \$20.00.

Motion/Vote: REP. VOGEL MADE A SUBSTITUTE MOTION TO AMEND HB 140. The motion carried unanimously. EXHIBIT 2

Discussion: REP. LARSON stated he wished to amend HB 140. The fine will be \$20.00 instead of \$10.00. The five dollars will still go to the D.A.R.E program and \$15.00 will cover the cost of the ticket.

REP. VOGEL stated that returning the \$15.00 to the Justice Department takes the various county agencies out of the bill. He feels that local government should get their share.

REP. LARSON responded by saying his intent is to raise the fine to \$20.00 and maintain the distribution of the money in the same way. He stated he will leave the details to Ms. Lane. Ms. Lane stated all that would be required is to take out Amendments 1 and 8 of REP. VOGEL'S amendments.

REP. STANFORD asked if we could give \$10.00 to D.A.R.E and \$10.00 to the justice department.

REP. LARSON stated that was not the intent of his amendments. The intent was to insure D.A.R.E receives the five dollars, and that the cost of writing the ticket is covered.

Motion/Vote: REP. LARSON made a substitute motion to take out Amendments 1 and 8 from REP. VOGEL'S amendments. Motion carried with REPS. BARNETT, STANFORD, MASON, and LARSON voting yes. EXHIBIT 3

Discussion: REP. ANDERSON stated he opposes HB 140 because he doesn't see the connection between D.A.R.E and speeding.

REP. VOGEL said a portion of the money is going to repair breathalizers, and a portion to the D.U.I task force. The connection between D.A.R.E and speeding is that D.A.R.E teaches children decision-making, risk-taking, role-modeling and consequences. There is a big tie to speeding and the D.A.R.E program.

REP. WINSLOW asked that the record show she supports increasing the fine for speeding but opposes the monies being used as a funding source for a non-profit organization.

Vote: HB 140 DO PASS AS AMENDED. Motion carried with REPS. WINSLOW, WHALEN, ANDERSON, BARNETT, MASON, and LARSON voting no.

EXECUTIVE ACTION ON HB 180

Motion: REP. STANFORD MOVED HB 180 DO PASS.

Motion/Vote: REP. STANFORD MOVED TO ADOPT THE AMENDMENTS. EXHIBIT 5. Motion carried unanimously.

Vote: HB 180 DO PASS AS AMENDED. Motion CARRIED Unanimously.

ADJOURNMENT

Adjournment: 4:20 p.m.



ROBERT C. CLARK, Chair



KIMBERLEE GREENOUGH, Secretary

RC/kg

ING COMMITTEE REPORT

January 22, 1993

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ee on Highways and Transportation
(first reading copy -- white) do

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

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respective jurisdictions determine
is scheduled for resurfacing or
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g or reconstruction is completed."

EE REPORT

January 22, 1993

Page 1 of 1

hways and Transportation
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Robert C. Clark
Robert C. Clark, Chair

zer in the field,"

1/27/93

HOUSE STANDING COMMITTEE REPORT

January 22, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 140 (first reading copy -- white) do pass as amended .

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

And, that such amendments read:

1. Title, line 6.

Strike: "\$20"

Insert: "\$10"

2. Title, lines 6 through 8.

Following: "DEPOSITING" on line 6

Strike: remainder of line 6 through "REMAINING" on line 8

3. Title, line 10.

Following: "3-10-601"

Insert: ", 44-2-702,"

4. Page 3, lines 1 and 2.

Following: "shall" on line 1

Strike: remainder of line 1 through "treasurer" on line 2

Insert: "distribute"

5. Page 3, line 2.

Following: "61-8-718"

Strike: ". The"

Insert: "as follows:

(a) 25% to the county general fund; and

(b) 75% to the"

6. Page 3, line 3.

Following: "treasurer"

Insert: ", who"

7. Page 3, lines 5 through 7.

Following: "44-2-701" on line 5

Strike: remainder of line 5 through "purposes" on line 7

Insert: "and shall distribute the remainder in accordance with subsection (4)"

January 22, 1993

Page 2 of 2

8. Page 3, lines 13 and 14.

Strike: "\$20"

Insert: "\$10"

9. Page 3, line 19.

Following: line 18

Insert: " 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 3-10-601(5), 44-2-703, 44-2-704, and this section."

Renumber: subsequent section

Vote: 1/26

Amendments to House Bill No. 140
First Reading Copy

Requested by Representative Winslow
For the Committee on Highways

Prepared by Valencia Lane
January 20, 1993

EXHIBIT
DATE 1-22-93
HB 140

1. Title, lines 6 through 9.

Following: the first "TO" on line 6

Strike: remainder of line 6 through "ACCOUNT" on line 9

Insert: "\$10"

2. Title, lines 9 and 10.

Following: "AMENDING" on line 9

Strike: remainder of line 9 through the first "AND" on line 10

Insert: "SECTION"

3. Page 1, line 14 through page 3, line 7.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 3, lines 13 and 14.

Strike: "\$20"

Insert: "\$10"

5. Page 3, lines 17 and 18.

Strike: subsection (3) in its entirety

Amendments to House Bill No. 140
First Reading Copy

Requested by Rep. Vogel
For the Committee on Highways

Prepared by Valencia Lane
January 19, 1993

1. Title, line 6.
Strike: "\$20"
Insert: "\$10"

2. Title, lines 6 through 8.
Following: "DEPOSITING" on line 6
Strike: remainder of line 6 through "REMAINING" on line 8

3. Title, line 10.
Following: "3-10-601"
Insert: ", 44-2-702,"

4. Page 3, lines 1 and 2.
Following: "shall" on line 1
Strike: remainder of line 1 through "treasurer" on line 2
Insert: "distribute"

5. Page 3, line 2.
Following: "61-8-718"
Strike: "The"
Insert: "as follows:
(a) 25% to the county general fund; and
(b) 75% to the"

6. Page 3, line 3.
Following: "treasurer"
Insert: ", who"

7. Page 3, lines 5 through 7.
Following: "44-2-701" on line 5
Strike: remainder of line 5 through "purposes" on line 7
Insert: "and shall distribute the remainder in accordance with
subsection (4)"

8. Page 3, lines 13 and 14.
Strike: "\$20"
Insert: "\$10"

9. Page 3, line 19.
Following: line 18
Insert: " **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 3-10-601(5), 44-2-703, 44-2-704, and this section."

{Internal References to 44-2-702:

x15-30-121

x15-30-158

x44-2-701

x44-2-705}

Renumber: subsequent section

AMENDMENT 4
 DATE 1-22-93
 HB 140

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 1-22 BILL NO. 140 NUMBER HB140

MOTION: As Amended

NAME	AYE	NO
REP. WINSLOW, KARYL		✓
REP. WHALEN, TIM		✓
REP. ANDERSON, SHIELL		✓
REP. VOGEL, RANDY	✓	
REP. BARNETT, JOE		✓
REP. TASH, BILL	✓	
REP. ENDY, BILL	✓	
REP. STANFORD, WAYNE	✓	
REP. EWER, DAVID		
REP. RYAN, BILL	✓	
REP. GALVIN, PAT	✓	
REP. MASON, GARY		✓
REP. HANSON, MARIAN	✓	
REP. KELLER, VERN	✓	
REP. LARSON, DON		✓
REP. CLARK, BOB, CHAIRMAN	✓	

9 TO 6

Amendments to House Bill No. 180
First Reading Copy

For the Committee on Highways

Prepared by Valencia Lane
January 20, 1993

EXHIBIT
DATE 1-22-93
HB 180

1. Page 1, line 17.

Following: "apparatus,"

Insert: "trailers used to apply fertilizer in the field,"

HB 100 -- Sponsor's Fiscal Note! (REP. ERVIN DAVIS)

EXHIBIT 10
DATE 1-22-93
#B 100

Assumptions:

Segments with potential for signing include:

US 2 --- East Glacier to West Glacier	55 miles
US 93 - Lost Trail Pass to Hamilton	56 miles
US 93 - Missoula to Polson	75 miles
US 35 - Polson to Bigfork	35 miles
US 35 - Bigfork to Kalispell	17 miles
US 200 - Missoula to great Falls	148 miles
US 200/US 87 - Great Falls to Lewistown	105 miles
US 287/US 12 - Helena to Three Forks	62 miles
US 191 - Four Corners to West Yellowstone	82 miles
US 287 - Ennis to Jct. US 191	63 miles
US 89 - Livingston to Gardner	53 miles
US 89 - Billings to Roundup	48 miles

TOTAL MILES 889 MILES

ASSUMPTION #1. That signs were placed at an average of 20-mile intervals, approximately 45 signs would be needed. Including, where necessary, metal posts (2' in cement), labor and sign (20"x20" silkscreened) at a cost of \$411.50 and without a metal post at a cost of \$311.50 per sign, when purchased in quantities of 50 or more.

ASSUMPTION #2. That, at most, 25 signs (one direction per designated highway) would be needed to mark the existing designated areas to be used as turn-outs and 15 metal posts with 2' of cement, along with another 15 signs (in the other direction of same designated highway) and possibly 7 metal posts with 2' of cement.

ASSUMPTION #3. All above-mentioned 45 signs will be installed with a metal post and 2' of cement, at a cost of \$18,519.50.

ASSUMPTION #4. Only 32 signs (25 one direction and 7 the reverse direction) will be installed with metal posts and 2' of cement at a cost of \$13,168.00.

ASSUMPTION #5. There is a possibility that many of the existing posts could be used, thus; a further savings of \$700.00 to \$1,000.00.

These costs could be substantially reduced where there is no need for signs to be placed at each 20-mile interval. In addition, several locations where existing signing is already in place, the slow-moving sign could be placed on an existing post. Paint striping would be unnecessary because most striping is obliterated or covered by snow, gravel or sand during the winter months.