

MINUTES

**MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on March 20, 1997, at
3:30, in Room 410

ROLL CALL

Members Present:

Sen. Arnie A. Mohl, Chairman (R)
Sen. Mack Cole, Vice Chairman (R)
Sen. Larry Baer (R)
Sen. Bob DePratu (R)
Sen. John R. Hertel (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Services Division
Phoebe Kenny, Committee Secretary

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

Committee Business Summary:

Executive Action: HB 99 and HB 423

EXECUTIVE ACTION ON HB 99

Amendments: HB009902.ACE

Motion: SENATOR LARRY BAER MOVED TO CONCUR IN HB 99 AND THEN TO
AMEND HB 99.

Discussion:

SENATOR JOHN HERTEL, one of the critical parts of this bill was
defining the work zone. Would you explain that.

SENATOR BAER, we gave that considerable time and attention and we
came up with that the construction zone is the overall zone and
the work zone is a portion of the construction zone itself. The

double fines would only occur in the work zone part of the construction zone.

SENATOR MACK COLE, could a person from the department explain where the signs would be placed.

John Blacker, MT Department of Transportation, on a construction zone we would sign the construction zone along with a notice that fines are doubled in work zones. That would only be at the beginning of the construction zone. We would delineate what a work zone was with a black on orange sign that said work zone. The department also would put regulatory signs at entry ways into the state to let people know that traffic fines doubled in work zones.

SENATOR "SPOOK" STANG, we also dealt with the offense of reckless endangerment of highway workers, and extended it to the whole construction zone. We felt that was necessary to take care of the people who weren't doing anything wrong in the work zone but were doing something in the construction zone.

SENATOR REINY JABS, at the beginning of the construction zone you will put up a sign that fines double and then you will put up a sign at the beginning of the work zone. Couldn't you eventually make the signs bigger so that the sign at the work zone also said that fines were doubled?

John Blacker, we could look at that. However these are regulatory signs that have the fines on them and the signs at the work zone are orange. If you get to much on one sign people don't pay attention.

Connie Erickson, we didn't include the sentence that said the court may not waive, reduce or suspend the fine incurred by this section.

Colonel Craig Reap, MT Highway Patrol, I am certainly not against that but have found that when we put in a mandatory fine that there is a lot of concern by judges. There would be more jail time to some extent that could cause a fiscal impact on the department.

CHAIRMAN ARNIE MOHL, I oppose that too. I think it takes your rights away to some point.

SENATOR BAER, you would have to be convicted of the violation first, so your rights are still there. What we are saying here is the court would have to impose double the statutory fine and can't waive or suspend etc.. I don't know how well it works in the judicial system.

Vote: THE MOTION TO ADOPT THE AMENDMENTS TO HB 99 PASSED UNANIMOUSLY.

Motion/Vote: SENATOR BAER MOVED TO CONCUR IN HB 99 AS AMENDED.
MOTION PASSED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 423

Motion/Vote: SENATOR STANG MOVED TO TABLE HB 423. MOTION PASSED
UNANIMOUSLY.

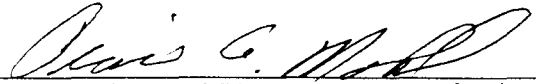
EXECUTIVE ACTION ON HB 99

Motion/Vote: SENATOR STANG MOVED TO RECONSIDER ACTION ON HB 99.
MOTION PASSED UNANIMOUSLY

Motion/Vote: SENATOR STANG MOVE HB 99 BE CONCURRED IN AND TO
AMEND IT TO HAVE AN IMMEDIATE EFFECTIVE DATE. MOTION PASSED
UNANIMOUSLY. HB 99 WAS CONCURRED IN AS AMENDED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 4:00 PM



SEN. ARNIE MOHL, Chairman



PHOEBE KENNY, Secretary

AM/PK