

February 6, 1979

The House Highways and Transportation Committee convened in room 20, of the Capital Annex on February 6, 1979, at 12:30 p.m., with Chairman Baeth presiding and twelve members present (absent were Reps. Fabrega, Lien and Meyer). Chairman Baeth opened the meeting to a hearing on the following bills:

SENATE BILL 77 SENATOR PAT GOODOVER, District 22, the chief sponsor, said the bill applies primarily to metropolitan areas but must visit such areas even if they don't live there. He said this would save time, energy and move traffic by allowing a left turn on a red light after stopping when going onto a one-way street going left. He said many other states have this law already.

BUD GARRICK, Highway Patrol, said the Highway Patrol neither supports or opposes this bill. He said he was present to help answer any questions the committee might wish to direct his way.

Senator Goodover closed by saying he would be glad to answer any questions.

SENATE Bill 52 SENATOR CARROLL GRAHAM, District 29, said this bill was at the request of the Highway Department. He said Jim Beck of the Highway Department was present to answer any questions. He said the bill had to do with the Junkyard Screening Act.

BEATE GALDA, Department of Highways, spoke in support. She said the words "effective screening" can mean different things. The fences, she said, are allowed spaces of 1 1/2 inches every 7 1/2 inches and whizzing by on the highway this isn't too effective screening. She said another part of the bill would make the department pay for additional screening if the federal law demands it--those who have complied with the law as it now is should not be expected to do more. However, she said, the bill repeals the part of the law that says the department must screen the junkyards that are within 1000 feet of an interstate or primary highway. She said about 36 junkyards have come under the need to screen and most have done so at their own expense. She said there are eight remaining and she questioned the fairness of doing this at public expense when the others have done it on their own. She said she would be happy to answer any questions.

LARRY MITCHELL, State Health Department, spoke in support of the bill. He said it would make their job of administering this easier as well as clarify the law.

Senator Graham closed.

During questions from the committee, it was mentioned that there are some unsightly fences, including one of using boxcars as a screen. Mr. Beck responded to a question that if the junkyard is within 1000 feet of a primary highway they are under their administration, if without they are under the responsibility of the Health Department. Rep. Kropp felt if we were to require screening there should be some standards. Ms. Galda said she did not believe their regulations would permit boxcars although the regulations are a bit vague and it

would be up to the court to decide that. It was pointed out that the state stands to be penalized by 10% withdrawal of highway funds by the federal government if they do not comply with the screening law. Rep. Kanduch asked how much money it would take to screen the junkyards remaining. Ms. Galda said the one they are screening because of a court order has a lot of problems and is costing \$63,000. She felt the average would be about \$25 to 30,000.

Also signing as supporting HB 52 was Duane Robertson, State Health Department.

SENATE BILL 53 was introduced by Representative Tropila for Senator Healy. He read an opening statement prepared by Senator Healy. A copy of this is exhibit 1 and part of the minutes.

JIM BECK, Highway Department, spoke in support. He said this allows a county to exceed its apportionment of state funds of federal aid for off system roads by 300% when constructing and then make up for it in the future. He said positive and negative balances are built up among the counties. He said the cities and counties agree that this is the way it should be handled. This only has to do with construction and not maintenance and the construction would not be supported by any other federal funds. He emphasized this will not increase the total amount available.

Beverly Gibson, Montana Association of Counties, signed as favoring the bill and a copy of her written testimony is exhibit 2 and part of the minutes.

WILLIAM L. ROMINE, Montana Automotive Dismantlers and Recyclers Assoc., was given permission to testify on SB 52. There had been a misunderstanding on the meeting time. He spoke in support of the bill with suggested amendments. A copy of his testimony is exhibit 3 and part of the minutes.

HOUSE BILL 348 REPRESENTATIVE DENNIS IVERSON, the chief sponsor, said this bill was drafted at the request of the Attorney General. The bill had been held over since the last meeting for more information. He said the bill will pay if a patrolman is injured in the line of duty his salary for one year after, if needed, or until he could work again or be put on lighter duty. Any money received from workman's compensation would be deducted from this amount. He said a patrolman's work is more hazardous than the normal state work.

DUANE TOOLEY, Montana Highway Patrol, said he strongly favors the bill.

Rep. Iverson said they did have some problems with the bill and went through the suggested amendments. A copy of which is exhibit 4 and part of the minutes.

EXECUTIVE SESSION

HOUSE BILL 100 Rep. Tropila said he had talked to Mr. McGrath and Mr. Majerus of the Attorney General's Office and both agreed we could raise some of the points. Rep. Keyser said their intention was to have a higher point system for the upper offenses and less for the lower.

Mr. Majerus said anyone over the 18 points goes into driver rehab.

Rep. Tropila moved to amend the title by changing the word "reducing" to "revising." This amendment passed unanimously with those present. Absent were Reps. Lien, Fabrega and Meyer. Rep. Tropila went back to his original motion of January 23 to strike "15" and insert "25" on line 2, page 2. After considerable discussion, Rep. Kanduch moved a substitute motion to change the 25 to 20--this would then be striking the "15" and inserting "20"; the motion carried after a roll call vote in which 11 voted yes, 2 no (Cooney and Frates), and the same absent as above. Rep. Keyser suggested on line 4 to strike the "12" and insert "18." Rep. Cooney commented that the bill should have been more complete before it came to the committee. Rep. Wood moved that the bill be sent back to the Attorney General's Office to get a change in the points. Rep. Keyser moved a substitute motion that Rep. Wood's motion do not pass. He said we have sat on this bill for a long time, and that the Attorney General's Office is represented today. He said that office did not object to the points in the higher levels being raised. A roll call vote was taken on Rep. Keyser's motion. The motion carried--voting no were Reps. Wood, Feda and Cooney (absent same as above). Rep. Keyser then moved on line 4 to strike "12" and insert "17." Motion carried (voting no were Cooney, Frates, Rosenthal, Wood--and same absent). Rep. Tropila moved on line 8 to strike "12" and insert "15." Motion carried and voting no were Reps. Cooney, Wood, Uhde, Frates--same absent. Rep. Keyser moved on line 10 to strike "10" and insert "12." Motion carried--voting no were Reps. Cooney and Frates, same absent. Rep. Tropila moved to strike "8" and insert "15"--motion carried with Reps. Keyser and Cooney voting no, and the same absent. Rep. Tropila moved on line 21 to go from "4" to "8"--roll call vote was taken and the motion failed--voting yes were Reps. Kanduch, Kropp and Uhde, same absent. Rep. Keyser moved that HB 100 do pass as amended. This motion carried with Reps. Cooney and Frates opposed and the same absent.

SENATE BILL 52 Rep. Feda moved the bill be concurred in. Motion carried unanimously with those present (same absent). Rep. Keyser will carry this bill on the floor.

SENATE BILL 53 Rep. Frates moved the bill be concurred in. Motion carried unanimously with those present. Rep. Cooney moved that SB 53 be placed on the consent calendar. This motion carried unanimously with those present. Rep. Tropila will carry this bill on the floor.

SENATE BILL 77 Rep. Kanduch moved be concurred in. The motion carried unanimously with those present. Rep. Uhde will carry this bill on the floor.

HOUSE BILL 348 Rep. Cooney moved the amendments be adopted that were presented by Rep. Iverson and are exhibit 4 of the minutes. This motion carried unanimously with those present. There was discussion by the committee. Rep. Wood moved to make it 85% of the annual pay, on line 17, page 1. Voice vote was taken and the motion failed with Rep. Wood voting yes and the same absent. Rep. Cooney moved the bill do pass as amended. The motion carried with Rep. Tropila voting no and the same absent.

HOUSE BILL 315 Rep. Keyser moved do pass. There had been a request for a fiscal note by Rep. Cooney but he withdrew his request. Rep. Kropp moved a substitute motion of do not pass. The motion carried (Rep. Keyser voted no and the same absent).

HOUSE BILL 326 Rep. Kropp moved do pass. Rep. Keyser said he would like to see an amendment attached which would be similar to the Idaho bill and would include federal standards. He moved Rep. Moore's to add "or semi transparent." This motion carried unanimously with those present (same absent). Chairman Baeth said the bill would be considered the following Tuesday, Feb. 13.

The subcommittee on HB 380 had not had an opportunity yet to meet.

Meeting adjourned at 2:45 p.m.

Respectfully submitted,

  
WILLIAM R. BAETH

Emelia Satre, Sec.