

February 13, 1979

The House Committee on Highways and Transportation convened on February 13, 1979, at 12:30 p.m., in room 20 of the Capital Annex with Chairman Baeth presiding and fifteen members present (Rep. Fabrega was absent) to hear testimony on the following bills:

SENATE BILL 98 SENATOR FRANK HAZELBAKER, District 41, the bill's chief sponsor, said this bill was at the request of the Attorney General. He said the bill allows a youngster who has taken driver's training to get a permit to use until he is old enough to get a driver's license.

BUD GARRICK, Highway Patrol, spoke in support. He repeated this would allow a youngster who has completed the driver's education course but is not yet fifteen to get additional practice to improve skills as long as he is driving with a licensed parent or guardian.

CURT HAHN, Office of Public Instruction, spoke in support. He said he hoped the committee would give a do pass to the bill.

Senator Hazelbaker closed and the committee asked a few questions. It was brought out that a youngster must be fifteen within six months of completing driver's education instruction.

SENATE BILL 154 REPRESENTATIVE ED LIEN carried the bill for SENATOR MANNING, the chief sponsor, who was unable to be present. Rep. Lien said this is strictly a clarification bill. He asked the following proponent to explain the bill.

LARRY MAJERUS, Motor Vehicle Division, said in the recodification process the powers of the patrol chief became unclear and this bill makes the intent clear. He said the patrol chief needs the authority to fire as needed and to confirm the assignments.

HOUSE BILL 554 REPRESENTATIVE EUGENE DONALDSON, District 29, the chief sponsor, said there is a problem with some judges giving problem drivers back their driver's license because they are a hardship case and so putting people back on the road that are a menace to others.

DUANE TOOLEY, Montana Highway Patrol, said this bill is an answer to a problem that has cropped up since the last session with the driver's rehabilitation act. He said he didn't think the problem was deliberate, but he said some people have been assigned to their rehabilitation program that do not belong there. He said some habitual offenders can be a real danger to the public and may not yet have learned their lesson--their attention must be had before they can profit from the driver's rehabilitation training.

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EXECUTIVE SESSION

HOUSE BILL 544 Rep. Tropila moved do pass. It was decided to wait on further action on this bill.

HOUSE BILL 326 The amendments were passed out (exhibit 1 of minutes). Rep. Keyser moved amendment number 1 be adopted. Motion carried unanimously with those present--Rep. Fabrega, absent. Rep. Keyser moved amendment number 2 and it, too, was adopted unanimously. He moved amendment number 3 and it was adopted unanimously; likewise with amendments number 4 and number 5. Rep. Keyser moved the bill as amended do pass. Rep. Lien said the amendments help but he still doesn't like the bill. He said we can't sit and mandate that somebody can't cover up their rear windows. Rep. Kanduch questioned how this would affect curtained windows--answer was it would be illegal. Rep. Cooney said he agreed with Rep. Lien that we could be causing some real trouble with this bill. Mr. Tooley responded to a question that it is a requirement of the law that there be an outside mirror, but it does not specify two. He said this bill broadens that a little bit. The question was called and a roll call vote taken. The motion failed with 9 voting no and 6 yes (Ernst, Feda, Keyser, Kropp, Meyer, Wood) and Rep. Fabrega absent. Rep. Uhde then moved the bill do not pass as amended. Rep. Tropila moved the vote be reversed. Motion carried. House Bill 544 receives a committee recommendation of do not pass as amended.

HOUSE BILL 380 Rep. Magone, chairman of the subcommittee on this bill, discussed the amendments the subcommittee had prepared, exhibit 2 of the minutes. Rep. Magone moved the adoption of the amendments. This motion carried unanimously. Rep. Magone moved that HB 380 do pass as amended. Motion carried with Rep. Meyer having left a request to vote for the bill (he had left); voting no were Reps. Frates and Keyser and absent was Rep. Fabrega.

HOUSE BILL 544 Chairman Baeth asked the committee to continue their consideration of this bill. Question was called on Rep. Tropila's former motion of do pass. The motion carried unanimously with those present (Reps. Fabrega and Meyer absent).

Chairman Baeth said he had been requested to sponsor a committee bill. He said the request came from an employee at a weight station. The employee wished since he needed to wear a uniform to be permitted to carry a gun. The request had been turned down by the Attorney General. The request was to change the law by means of a committee bill. Rep. Lien mentioned the workers at the weight station do have access to the patrol by radio. Rep. Cooney asked what is the reason for wanting the gun. Chairman Baeth said he understood they have to take gun training but are not allowed to carry a gun. Rep. Keyser said if someone fails to stop at a weight station they call the highway patrol. After further discussion it was decided not to do anything about this.

Meeting adjourned at 1:20 p.m.

William R. Baeth
Respectfully submitted,

WILLIAM R. BAETH, Chairman