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The House Highway and Transportation Committee convened on Tuesday, February 20, 1979, at 11 a.m., in room 20 of the Capital Annex with Chairman Baeth presiding and fifteen members present (Rep. Fabrega absent) to hear testimony on the following bills:

HOUSE BILL 364 REPRESENTATIVE JACK UHDE, District 17, the chief sponsor, said this bill came about because of a problem in the Kalispell area. He said the ambulances in that city have been using blue lights for four years and have found out that it is illegal as blue lights have been reserved for law enforcement cars. He said in foggy and rainy weather the blue lights show up better and since ambulances are a matter of life and death he felt they should be permitted to use the blue lights.

RICHARD SEDDON, Kalispell Fire Department, spoke in support. He said they run the ambulance and fire departments, and requested the bill when they found out they were illegal. He said they feel it is a safety factor.

DUANE TOOLEY, Montana Highway Patrol, said they are in opposition to this bill. He said there is confusion in having too many vehicles with the same lights. He said there is a national trend to have all law enforcement vehicles have blue lights and so be separated from service vehicles.

REP. UHDE closed by saying ambulances are critical and he felt different than other service vehicles.

HOUSE BILL 776 REPRESENTATIVE JACK UHDE, District 17, the chief sponsor, said this bill would eliminate the front license plate. Rep. Uhde said he had talked with Mr. Majerus and if this is done it should have an effective date after new plates are issued. He said seventeen states have only one license plate. New Mexico is one of these and he said he had talked with someone there who said it would be easier to have two plates but they have had no problem with law enforcement. He said he had also checked with West Virginia and they have only one license plate and have no problems and are for keeping it as it is. He said if they lose their plate they write the number on a cardboard and put it in a window until they can obtain a new one. He said one of the main reasons for this bill is the cost savings--he said it will save West Virginia a million dollars. Rep. Uhde said in Montana the total cost of the plates is about \$375,000 and about 20 to 25% of that cost would be saved by this bill.

BILL ROMINE, Montana Sheriffs and Peace Officers Association, spoke in opposition. A copy of his testimony is exhibit 1 and part of the minutes.

LARRY MAJERUS, Motor Vehicle Division, said they have no plans at this time for the reissuance of new license plates. He said the plates

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have to last for four years but they don't have to be replaced in four years, and he said there is no plan at this time to ask the legislature to fund this type of activity. So he said this bill would apply to future legislation. He said the question of one or two plates is a complicated question which should be decided when the legislature decides to appropriate the money. He said last fall this was looked into at their staff meetings by the patrolmen around the state. They felt the disadvantages outweighed the cost savings. Mr. Majerus said the license plate numbers are inserted into the machine by hand so the only savings is in the direct cost of the materials. He said most of the one plate states are in the south. He said the farmers don't like it as they can lose their back plates on their grain trucks--Mr. Majerus said that was the only problem mentioned by Pennsylvania authorities. Mr. Majerus felt there would be enforcement problems and that the bill was premature.

DUANE TOOLEY, Montana Highway Patrol, said they oppose the bill and support the testimony given by Mr. Romine. He added that the reflecting of the front license plate is a safety factor when it is parked on the road.

REP. UHDE said the fact one license plate states are in the south doesn't make too much difference. He said he had talked to West Virginia which had two feet of snow and no problems as far as snow was concerned as to seeing the plate. He said those with one license plate were not hurrying back to get two, which would indicate the cost savings justified what disadvantages there were. Rep. Uhde said even if only ten percent savings it would still be worthwhile.

During questions it was brought out that it would be difficult for law enforcement officers when approaching a suspicious vehicle to have to check the license plate after passing. It was brought out this would not reduce the cost to the individual buying the plates.

HOUSE JOINT RESOLUTION 43 REPRESENTATIVE AUDREY ROTH, District 10, the chief sponsor, said this urges the continuation of rail service provided by the Milwaukee Railroad. She said their proposed abandonment is a serious problem. She said the Milwaukee employs about 750 people in the state and pays \$750,000 in property taxes and they handle about 20 to 30 million bushels of grain a year.

GORDON McGOWAN, Montana Railroad Association, questioned the \$426 million Congress is in the process of passing to rebuild the docks for barge traffic and to maintain the water flow for the barges, while the Milwaukee needs \$415 million to pay off the banks in Chicago and so keep operating. He said this would be a message to Congress that we are sitting here in danger of losing the Milwaukee and very much in need of their services.

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SHARON PETERSON, W.I.F.E., Farmer's Union, N.F.O., Farm Bureau, Grange, spoke in support and said the Milwaukee Railroad is absolutely necessary to farmers in our state.

KENNETH E. CLARK, Railroad Brotherhoods, spoke in support of the resolution.

CHRIS JOHANSON, Grain Elevator Association, supported the bill. He said due to difficulty in shipping grain we lose out on top prices.

In closing Rep. Roth said we should ask the legislature to urge Congress to continue to help the nation's railroad system.

HOUSE BILL 787 REP. DANNY OBERG, District 8, the chief sponsor, said it was railroad day today. He said this bill would provide a bonding capacity to help revitalize the railroads. He said it is designed specifically for the Milwaukee but he hoped it could help others, too. He said private industry should stay in the railroad industry and this bill would help them get capital at better interest rates. He said the usual method of bonding would not apply as it is for a specific project in a specific area, but railroads cross county lines.

TOM DOWLING, Montana Railroad Association, said they support the concept of this bill. He felt one problem would be that another government bureau would need to be created.

JIM MULAR, B.A.A.K., said the concept alluded to could have some good points. For example, he said, the grain elevators could very easily buy unit type equipment and move their grain to market as quasi owners. He said there are a lot of leasees and leasers in the equipment game. He said the intent is obvious--we are attempting to revitalize rail service through the revenue bond process.

KENNETH E. CLARK, Railroad Brotherhoods, said this would be another revenue raising vehicle and we need every avenue we can find.

JIM BECK, Highway Department, said he was present neither as a proponent or opponent but would be happy to answer questions.

JOHN FITZPATRICK, Budget Office, offered an amendment to change the reference to "bureau of rail planning" to "department of highways."

In closing Rep. Oberg said after the mechanism is arrived at he feels it is important to go to private investors and get them involved. He said this is a mechanism to attract private funds back into industry.

HOUSE BILL 788 REPRESENTATIVE DENNIS IVERSON, District 9, the chief sponsor, said the bill was an attempt to do something about the grain car shortage. He said they were just recently notified by the IRS that they would not approve the bonds in a tax exempt manner because they cross state lines. He said it

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wasn't intended to be a companion bill. He said he didn't think this bill impaired any other bill that is before the committee. He said they don't intend to drop the project but will have to find the money someplace else.

KENNETH E. CLARK, Railroad Brotherhoods, said they knew of the problems but do support the concept of this bill.

TOM DOWLING, Montana Railroad Association, said Rep. Iverson had worked long and hard on this bill. He said tax exempt bonds and interest is a new ball game for this. He said no use having federal people get involved. He said the state of Montana can't exempt a loan that crosses a state line.

HOUSE BILL 850 REPRESENTATIVE MIKE COONEY, District 83, the chief sponsor, said this bill basically adds the word "paper" to the highway litter law and raises the fine from \$10 to \$50.

HOUSE BILL 819 REPRESENTATIVE BUD GOULD, District 98, the chief sponsor, said he felt this bill was timely considering the energy crisis. He didn't think this was something we could wait two years for.

KEN HOOVESTAL, Moped Association, said this is an amendment to the bicycle law to provide for the inclusion of motorized bicycles. He had a friend hold up a moped that was in the committee room as an exhibit. He said this bill would remove this unique vehicle from the motor vehicle laws. He said it would still be subject to all traffic laws and regulations. He passed out copies of suggested amendments and a copy of these is exhibit 2 and part of the minutes. He said ten speed bicycles go faster than mopeds and the pedals are important for a lot of reasons--to help start and to go up hills.

BRUCE PETERSON, Montana Motorcycle Dealers Association, said a moped is a motorized bicycle with a less than 50cc engine, goes 20 to 30 miles an hour, and about 175 miles to a gallon of gas. He said it was different than a motorcycle and safer than a bicycle. He said it has a full tail light, head light, horn, proper reflectors. He said they are very popular in Europe.

ED L. BEZANSON, House of Kawasaki, explained how the moped works. He said it has to be pedaled to get going, and you can pedal it faster than it will go on its own.

LARRY JOHNSON, Helena, felt a moped should not be classified as a bicycle but have a classification of its own.

RONALD POGUE, speaking for self, opposed the bill. He said there is a clear distinction between human powered and motorized vehicles. A copy of his testimony is exhibit 3 and part of the minutes.

LARRY MAJERUS, Motor Vehicle Division, said they do not object to defining a moped in the law but have a problem with defining it as a bicycle. He said the speed is designed and it could be tampered with to make it go faster. He said local bicycle paths that are

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partly federally funded would be restricted as they will not permit any type of motorized vehicles. He said a driver's license is required and they would support that.

DUANE TOOLEY, Montana Highway Patrol, said they are concerned about this bill. He didn't think the amendments provide for the endorsement. He said turn signals should be required for motor vehicles.

Rep. Gould in closing said the moped would come under any city stickers and would pay that type of tax. He said the moped is more bicycle than motorcycle and he felt it important that it be so categorized.

During questions it was brought out that the moped on display would cost about \$300, while a small Honda would be about \$490.

HOUSE BILL 780 REPRESENTATIVE JOE BRAND, District 28, the chief sponsor, read his testimony and a copy of it is exhibit 4 and part of the minutes.

KENNETH E. CLARK, Railroad Brotherhood, said this puts the rail planning activites in the Department of Highways.

TOM DOWLING, Montana Railroad Association, said we need a state plan if we are going to get any funds that are available.

In closing Rep. Brand said they had met with the Highway Department and the railroad companies because they feel this is a crucial thing --branch line servicing.

RON RICHARDS, Department of Highways, in response to a question, that this extra duty would be absorbed within the department. Mr. Beck responded to a question that they have been doing this on executive order already.

HOUSE JOINT RESOLUTION 34 REPRESENTATIVE DANNY OBERG, District 8, the chief sponsor, said this bill requests Congress to keep both AMTRAK lines operating in Montana. Rep. Oberg said there is adequate reason to keep both lines, and both lines are running at a profit but accounting has hurt our line.

JIM MULAR, Amtrak employee, spoke in support saying our lines are money makers but due to the accounting method--a commuter line was absorbed and added into the accounting--it shows a loss. He said prior to the coming of Amtrak both lines were money makers. He felt we should urge our congressional delegation to try to retain both lines.

TOM DOWLING, Montana Railroad Association, said they support the bill.

RONALD POGUE, AERO, said they support the bill and a copy of his testimony is exhibit 5 and part of the minutes.

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REP. JOE BRAND said he was a proponent and cosponsor of the bill.

KENNETH E. CLARK, Montana Railroad Brotherhood, spoke in support. He presented testimony from Jim Murry, Executive Secretary of the Montana State AFL-CIO. A copy of his testimony is exhibit 6 and part of the minutes.

Rep. Oberg in closing said he is a brakeman on Amtrak and has seen passengers double and treble. He said the cutoff of Iranian oil could easily cause this to increase even more. He said Amtrak is getting a lot of new equipment which will make it a more comfortable ride.

Chairman Baeth mentioned that at a conference he attended in California it was noted the northwest Amtrak is making money--11% over costs.

HOUSE BILL 778 REPRESENTATIVE MICHAEL KEEDY, District 18, the bill's sponsor, said this bill permits the license plates of a motor vehicle to be transferred to another motor vehicle without transferring ownership of the first vehicle and that upon such transfer the registration of the first vehicle expires.

LARRY MAJERUS, Motor Vehicle Division, said this bill will solve some problems and create some. He said there would be the problem of back taxes on the unregistered vehicle if it were ever to be sold and it needed to be relicensed. He said he likes the approach of this bill, however, as the way it is it encourages people to go around the law.

EXECUTIVE SESSION

HOUSE BILL 364 Rep. Feda made a motion of do pass. Rep. Keyser made a substitute motion of do not pass. He said the enforcement people should have a unique color. Rep. Uhde said the Kalispell people are now using blue illegally and find it an effective color for fog and rain. Rep. Kropp mentioned he was color-blind and blue was a color that stood out for him. Question was called and a voice vote taken and the motion carried (voting no were Reps. Tropila, Uhde and Feda; absent, Reps. Fabrega and Meyer). HB 364 received a do no pass recommendation.

HOUSE BILL 776 Rep. Cooney moved do pass. Rep. Feda moved a substitute motion of do not pass. Voice vote was taken and the motion carried with Reps. Rosenthal, Uhde and Cooney voting no and the same absent.

HOUSE BILL 787 Rep. Cooney moved do pass. A voice vote was taken and the motion carried unanimously with the same absent.

HOUSE BILL 788 Rep. Tropila moved to table the bill. After committee discussion he changed his motion to do not pass. This motion carried unanimously with those present (same absent). Later consideration of the committee tabled the bill.

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HOUSE BILL 819 Rep. Tropila moved do not pass. After further discussion which included a request for further information from Mr. Hoovestal who said it was due to the time crunch that it was included under bicycle. It was suggested if Mr. Hoovestal and the Highway Patrol could come up with wording in the bill that would make a classification special for this vehicle and this could be put in as amendments on the floor the bill might be more acceptable. A roll call vote was taken on the motion of do not pass. The motion failed with 7 voting for (Feda, Keyser, Lien, Magone, Meyer, Rosenthal, Tropila) and two absent (Fabrega and Kanduch--Meyer had come and Kanduch left). Rep. Cooney moved that House Bill 819 come from committee with no recommendation. This motion carried with Rep. Feda voting no and the same absent.

HOUSE BILL 850 The \$50 fine for littering was questioned--was it high? Mention was made that Oregon has a \$200 fine as do a number of other states. Rep. Kropp moved do pass and this motion carried unanimously with those present (Rep. Fabrega absent, Rep. Kanduch had returned).

HOUSE BILL 780 Rep. Kanduch moved do pass and this motion carried unanimously with those present (same absent).

HOUSE BILL 778 Rep. Keyser moved do pass. The motion carried with Reps. Kropp, Wood and Rosenthal voting no and Rep. Fabrega absent.

HOUSE JOINT RESOLUTION 34 Rep. Ernst moved do pass. Motion carried unanimously with those present (Fabrega absent).

HOUSE JOINT RESOLUTION 43 Rep. Kropp moved do pass. Motion carried unanimously with those present (same absent).

HOUSE BILL 871 As the sponsor had not appeared on this bill, Rep. Tropila moved to table it and this motion carried with Rep. Cooney voting no.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

William R. Baeth
WILLIAM R. BAETH, Chairman

Emelia A. Satre, Sec.