

March 8, 1979

The House Highways and Transportation Committee convened on March 8, 1979, at 1:30 p.m., in room 20 of the Capital Annex, with Chairman Baeth presiding and fourteen members present (Reps. Fabrega and Magone were absent). Chairman Baeth opened the meeting to a hearing on the following bills:

SENATE BILL 435 REPRESENTATIVE JOE F. KANDUCH, Sr., introduced this bill for SENATOR JOHN MEHRENS, District 45. Rep. Kanduch said this bill would include an auxiliary member to the Board of Pardons. He said the three members of the Board are from different parts of the state and do not take action unless all are present. As a result, in the winter and for personal reasons they have difficulty holding meetings. He said the auxiliary member would alleviate this problem to a degree as he would attend meetings when a regular member would be unable to. This member would be appointed by the governor. Rep. Kanduch said they felt he should be paid while being oriented, so a \$500 appropriation is being requested.

During questions from the committee, qualifications were discussed. Bob Lane mentioned that line 17 specifies qualifications.

HOUSE JOINT RESOLUTION 50 REPRESENTATIVE ROBERT SIVERTSEN, District 7, the chief sponsor, said the 55 mile per hour speed limit does not conserve fuel or save lives. The money spent to enforce it could be better spent if applied to safety programs. He said the 55 mile per hour speed limit was the only conservation program the President has, and even if it isn't working, it is being pushed. He said the federal government was trying to dictate to the states, that President Carter is hanging his hat on this conservation measure and imposing it with very little justification, and for that reason he is submitting this resolution to raise the speed limit to 65 miles an hour. A copy of his testimony is exhibit 1 of the minutes.

Rep. Keyser said the resolution has merit. He said trucks have to gear down to hold 55 and then put forth extra to make the hills. He said a good speed for most of them is 58 to 60.

Rep. Cooney said much of the information given by Rep. Sivertsen applies to the whole nation and not really applicable to Montana. Rep. Rosenthal mentioned that even if the saving on fuel isn't great, even a little helps--and he reminded the committee the United States does have a problem with their trade deficits--much due to oil imports. He said we often criticize the President's energy policy and he questioned how this bill was going to help in the energy area. Rep. Cooney asked why Rep. Sivertsen didn't address the issue more and encourage more fuel efficiency. Rep. Sivertsen in response to a question said there were nine states represented in Denver, he didn't know how many would be sending in this type of resolution.

Chairman Baeth opened the meeting to an executive session on the following bills:

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EXECUTIVE SESSION

SENATE BILL 435 Rep. Cooney moved be concurred in. Rep. Lien said he felt this was a good bill. Rep. Wood questioned if there would be a lack of continuity--would a five man board be better? A voice vote was taken and the motion carried unanimously with those present (Reps. Fabrega, Kropp and Magone absent).

HOUSE JOINT RESOLUTION 50 Rep. Lien moved do pass. Rep. Rosenthal moved a substitute motion of do not pass. He said the fuel savings even if not great is worthwhile. Rep. Lien spoke against the substitute motion. He said in their wide open area this speed limit is not needed, and that it forces trucks to gear down and have problems with the hills. Rep. Keyser said he had 22 years of experience enforcing speed limits. He said the 55 miles an hour is probably a good speed limit for the eastern states with their more dense population, but he didn't feel it was a good limit for the state of Montana. He said we save some energy on cars and then lose it in the trucks--and he said even some automobiles function better at 60 than 55. Rep. Cooney spoke for the substitute motion. He felt this was the wrong time to introduce this type of legislation. Rep. Feda mentioned the transportation difficulties on the highline and that they depend a good deal on cars and trucks for their transportation and could use a little faster speed. Question was called and a voice vote taken. The motion of do not pass failed with 5 yes (Frates, Uhde, Cooney, Rosenthal and Baeth), 7 no and 4 absent (Fabrega, Magone, Kropp and Kanduch). A vote was then taken on the motion of do pass and the vote was reversed, so this motion carried.

SENATE BILL 113 Rep. Meyer moved the amendment on page 18, line 2, to strike "LICENSE" and insert "manufacturer's identification." This motion carried unanimously with those present. Rep. Feda moved the bill as amended be concurred in. This motion carried with Rep. Keyser voting no and the same absent. Chairman Baeth will carry this bill on the floor.

SENATE BILL 304 Rep. Lien moved be concurred in. This motion carried unanimously with those present (absent were Fabrega, Magone, Kropp and Kanduch). Rep. Kropp will carry this bill on the floor.

SENATE BILL 406 Rep. Keyser moved be not concurred in. Rep. Lien moved a substitute motion of be concurred in. Rep. Feda moved a motion for all motions pending of adopting the amendments presented by Senator Conover (exhibit 2) except the second and the last ones. This motion carried unanimously with those present. Rep. Kropp had come in so absent were Reps. Fabrega, Magone and Kanduch. Rep. Keyser spoke on his motion of do not pass. He said this could kill the motoring public. He said the Highway Department is proposing an amendment to their rules which will grant some over width and oversized vehicles which will be effective April 2, 1979. He said the gentleman pushing the bill was from Great Falls. He said he had checked with

other implement dealers and found they as a whole did not favor the bill. He said as a result of this bill implement dealers could go clear across the state on Saturday and Sunday--which is the busiest time for the public. He said farmers know their roads and if they need to move equipment will do it early when traffic is light. He said this bill would allow any width day or night and would be a tremendous hazard to the traveling public. Rep. Lien felt dealers would not deliver on Saturday or Sunday to each other but would during the working week when their regular help was on. Rep. Kropp said he was not concerned about the dealer but about the farmer and if he has to wait until Monday morning during harvest. Rep. Cooney said if the other dealers didn't like the bill they should have been at the hearing. He said he would vote to get it on the floor. Rep. Meyer said as a former International Harvester salesman he knows they do have problems moving equipment out to farms--a farmer will call and want it now. He felt the bill necessary. Rep. Woods felt others would take advantage of it and will do their moving of large equipment on Saturday and Sunday even when it is not necessary. Rep. Keyser said he didn't feel a farmer needed to have a special exception made for him or for the implement dealers to go clear across the state on Saturday and Sunday. The question was called and a roll call vote was taken on Rep. Lien's motion of be concurred in. The motion carried with 8 yes, 5 no (Feda, Frates, Keyser, Uhde, Wood) and three absent (Fabrega, Magone and Kanduch). Rep. Lien will carry the bill on the floor.

SENATE BILL 450 Rep. Feda moved the following amendments: 1) Title, line 6, strike "SECTIONS 61-8-356 AND" and insert "SECTION"; 2) page 1, strike lines 9 through 15; 3) page 2, line 2, strike "on private property." The motion to adopt these passed unanimously with those present (same absent as above bill). Rep. Feda now moved the amendments which are exhibit 3 of the minutes. These were at the suggestion of Rep. Burnett and came from some high school students at Red Lodge who wanted permission to take salvage parts from these abandoned cars. Bob Lane mentioned there was a constitutionality problem that could arise from this amendment. Rep. Lien suggested putting in a severability clause. During discussion it was felt a ruling of the Health Department could accomplish what these amendments would do. Rep. Feda withdrew his motion. Rep. Meyer moved the bill as it has been amended be concurred in. This motion carried unanimously with those present (same absent). Rep. Meyer will carry the bill on the floor.

SENATE BILL 473 Rep. Keyser moved be concurred in. Motion carried unanimously with those present (same absent). Rep. Keyser will carry this bill on the floor.

Meeting adjourned at 2:50 p.m.

Respectfully submitted,

William R. Baeth
WILLIAM R. BAETH, Chairman

Emelia A. Satre, Sec.