

The House Highways and Transportation Committee convened on March 22, 1979, in room 431 of the Capital, at 12 p.m., with Chairman Baeth presiding and eleven members present (absent were Reps. Fabrega, Lien, Meyer, Rosenthal and Wood), to hear testimony on the following bill:

SENATE JOINT RESOLUTION 31

SENATOR WILLIAM F. HAFFERMAN, District 11, said this is a request to study the need for G.V.W. law enforcement employees of the Department of Highways to carry firearms. Senator Hafferman said the employees at the weigh stations are educated in the use of fire arms but not permitted to use them. He felt they should be able to protect themselves as they do meet some rough characters. He said they have a telephone but no radio if they need assistance.

JAMES V. RACICOT, G.V.W. Officers, Department of Highways, Libby, said he works on the outskirts of Libby. Mr. Racicot said he attended the law enforcement academy at Bozeman for a week of extensive firearms training. He said he was then placed with another officer who taught the required laws they enforce--G.V.W. laws, PSC laws, Livestock Control laws, etc. He said they are required to wear uniforms and badges and felt they should be able to have firearms for their personal protection as they deal basically with the same thing as any law enforcement officer.

FRANK MURPHY, Law Enforcement-G.V.W. Division, Highway Dept., said he was a bureau area supervisor for the Butte, Drummond, Lima Division, supervising as well as weighing vehicles with a portable scale if they have bypassed the scales. They are also asked to assist other law enforcement officers. He mentioned a bank robbery at Lima when they set up a road block at the scales--firearms could have provided additional safety. Dealings with truck drivers who are not complying due to overweight, etc., can get very unrelaxed.

W. P. WERTMAN, G.V.W. Division, Dept. of Highways, said there is violence every day at the scales. Much is not reported as we feel it is part of our duty and we take care of it as best we can. He said their problem is not the local drivers but the crosscountry ones that come from Florida, Texas, etc. (Due to nervousness he had Mr. Racicot read the remainder of his testimony.) There isn't a day the man at the scales is not intimidated directly or indirectly. Most truckers drive in pairs. The scalemen have the powers of arrest and are required to serve arrest warrants. He said they have only themselves and one of these days somebody will get killed. He mentioned the violence at the Missoula scales.

JAMES BECK, Department of Highways, spoke in opposition, saying the scalemen's primary function is to collect--a service function rather than a law enforcement one. Their arrest powers are limited. They feel the firearms would not add to their effectiveness and may add an element of added risk of accidents. He said this is the first time they have heard of the violence to the extent it has been mentioned today. They do not oppose the study as such.

In closing Senator Hafferman mentioned the sums of money the scalemen have at times, the fact that he is away from towns, so alone with only a telephone that could be ripped off the wall. Should have some way to protect himself and state property. Senator Hafferman mentioned the presence of visible firearms can be a violence deterrent.

Testimony left by Mr. Racicot which includes correspondence with the Highway Department on this subject and a petition signed by fifty G.V.W. officers is exhibit 1 and attached to the minutes.

During questions from the committee, Donald R. Copley, Administrator of the G.V.W. Division, Dept. of Highways, responded to a question that they are basically a service organization -- tax collecting with a limited power of arrest. He said they don't feel it would be advantageous to carry a gun. However, he said, there is a lot of property that gets shot up--vandalism happens weekly. While it would be in conflict with their policy to carry a gun, he said he could see nothing wrong with having something like a club or mace under the counter for protection.

Rep. Keyser said primarily misdemeanors--verbal altercations-- are what is dealt with and he didn't see how packing a gun would help but he said he could see nothing wrong with having a gun on the premises to use if needed.

Rep. Magone pointed out that deputies carry guns. Sen. Hafferman read from the codes that carrying of guns, nightsticks, etc. is forbidden and the use of such is a breach and grounds for dismissal. Rep. Kanduch asked if it isn't a matter of paying a fine if an overload or other problem is found and they have a certain length of time to get legal. Mr. Murphy said no, not any more, the scalemen if they find a load 7% over have to demand that it be made legal then and there--they have to handle it themselves.

#### EXECUTIVE SESSION

##### SENATE JOINT RESOLUTION 31

Rep. Frates expressed a fear that each session a new group would be

in asking for permission to pack guns--last session the game wardens, this year, these people, etc. Rep. Kropp expressed a fear that carrying guns will get some of these fellows killed. Rep. Cooney said this is a study to look at the problem and he felt there were many unanswered problems. He said he had heard part of the Senate testimony and it was brought out this could be handled by a department directive. Rep. Magone said he agreed with Rep. Cooney. Rep. Feda said he had no problem with the study--he felt the directive would be the better way to go. He felt they shouldn't be expected to serve a warrant at a home without being accompanied by a peace officer. Rep. Keyser expressed a concern about follow-up training in firearm use. Chairman Baeth mentioned the Justice Department favored the study.

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Rep. Keyser moved be concurred in. A voice vote was taken and the motion carried with 7 voting for, 5 against (Reps. Frates, Kropp, Tropila, Uhde, Rosenthal (had left his vote)) and four absent (Fabrega, Lien, Meyer, Wood).

Meeting adjourned at 12:55 p.m.

Respectfully submitted,

William R. Baeth  
WILLIAM R. BAETH, Chairman

Emelia A. Satre, Sec.