

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 31, 1985

The sixth meeting of the Highways and Transportation was called to order at 1:05 p.m. on January 31, 1985 by Chairman Lawrence G. Stimatz in Room 410 of the Capitol Building.

ROLL CALL: All members were present.

The meeting was called into EXECUTIVE SESSION.

DISPOSITION OF SENATE BILL 74: This bill was to enlarge the scope of the Highway Patrol. Chairman Stimatz stated that there was an amendment to this bill that was not acted upon.

Senator Hager moved the amendment PASS. The motion carried and the amendment passed unanimously. (SEE EXHIBIT 1)

There was no discussion on the amendment.

Senator Hager moved a DO PASS AS AMENDED on SB 74.

Chairman Stimatz asked for any discussion on the motion that SB 74 DO PASS AS AMENDED.

Senator Bengston stated that she felt it was unfortunate that the Highway Patrolmen were not allowed to help clear the highways in such cases that preticipated the bill. She did not understand why the Attorney General and the Governor prohibited that the Highway Patrolmen could not assit because of the section of the law that said they could not be used as strike forces.

Chairman Stimatz commented on her statement by saying that where there's a strike, the law seems to be interpreted to mean keep the Highway Patrolmen away.

Senator Bengston stated that actually by law, they are required to assist in other law enforcement problems.

Chairman Stimatz stated they are in every other instance than striking, that he was aware of.

Paul Verdon, Legislative Council Researcher, read the MCA section 44-1-1002, which stated that the Highway Patrolmen had no authority in labor disputes.

Senator Bengston asked Chairman Stimatz how the law is reconciled to allow the Highway Patrol to keep the highways safe and open to the public? Chairman Stimatz replied, it is like any law, when there is a conflict somebody interprets it. The law gave precedence to Section 44-1-1002, which stated that the Highway Patrol has no jurisdiction in a strike.

Senator Bengston asked Chairman Stimatz what the history of the highways being obstructed to public use because of a labor dispute is? Chairman Stimatz replied, before we had interstates the highways ran through cities, and some highways ran by industrial plants where a labor dispute or strike could have taken place.

Senator Lybeck stated that he felt this bill was too wide in scope, and is reaching out way too far concerning the duties of the Highway Patrol.

Senator Lybeck made a sub-motion to DO NOT PASS SB 74.

Chairman Stimatz called for discussion on the sub-motion.

Senator Daniels stated that Senator Lybeck had a good point and he felt the patrol has been satisfactory in performing its duties. He also felt the bill was introduced on the basis of a few isolated instances.

Senator Tveit opposed the sub-motion made by Senator Lybeck.

Senator Farrell spoke opposed to Senator Lybeck's sub-motion based on personal experience he encountered in 1979 when the Highway Patrol had been requested to help in a riot and could not do anything but stand by. He felt they should have had the authority to clear the highway.

Senator Bengston asked Senator Farrell if, in the 1979 incident, the Highway Patrol did maintain law and order, but remained neutral? Senator Farrell replied, the Highway Patrol did not help in any way. They monitored the situation and were only there to stand by.

Senator Bengston asked Senator Farrell what he wanted the patrol to do? Senator Farrell replied, to be there to explain the situation and keep people from rock throwing and gun fire, which actually did occur.

Chairman Stimatz stated that Section 44-1-1002, MCA, stating that the Highway Patrol stay out of labor disputes, is unique in Montana because it ties the hands of the patrolmen. He felt that the patrolmen did not have the background and training to handle a situation as such by himself, and you would be jeopardizing the lives of those one or two patrolmen who appeared on the scene.

Senator Bengston stated that she felt of all the types of law enforcement officers we have, and of all the kinds of training they have, much of it is the same.

Senator Shaw made a statement that in our country our Highway Patrolmen are well trained and well respected and if there was a dangerous situation, one man could walk through the middle of it and shut it down by himself, because of the leadership qualities he has by being a Highway Patrolman.

January 31, 1985

Senator Stimatz made a comment that in his opinion this bill is far too broad and we're increasing the jurisdiction of the Highway Patrol without proper thought given to what is happening or what we're doing. He stated that Colonel Landon indicated that his men were well trained. He also stated that if this bill passed and became law, the training of the Highway Patrolmen would broaden its scope because they are not trained for local law enforcement jurisdiction.

Senator Daniels stated that he felt the bill would be satisfactory if limited to preventing the obstruction of public highways.

Chairman Stimatz stated that it is a bad bill because it is badly drawn and thought out. They should have started carefully and consulted with the Highway Patrol and the Attorney General and drafted a bill that would go through. He did agree with the idea that public highways should be kept open and that Section 44-1-1002 should be modified to handle the keeping of the public highways open. At the same time, unless the patrolmen are to become State Police or Strike Breakers, keep them out of labor disputes.

Senator Tveit made a sub-motion to the sub-motion to place this bill, SB 74, in a sub-committee. The motion carried and passed unanimously.

The sub-committee members appointed were Senator Bengston, Senator Daniels, Senator Lybeck, and Senator Tveit. Senator Bengston was named chairman.

Chairman Stimatz stated that the committee should report back as soon as possible and as soon as they are satisfied the job has been done.

DISPOSITION OF SENATE BILL 101: Senator Shaw moved a DO NOT PASS motion on SB 101. The motion carried and passed unanimously.

DISPOSITION OF SENATE BILL 113: Senator Shaw moved a DO NOT PASS motion on SB 113. The motion carried with Senator Williams, Senator Tveit, Senator Daniels, and Senator Farrell voting NO.

Senator Stimatz made a historical comment that prior to reorganization in 1972, the Highway Commission was a very powerful body. It made all the decisions and ran the Highway Department. Since then, it has been basically a rubber stamp. They wanted to do more, so the interim committee last session took the first step forward and gave them a few more duties. They gave them the power of setting the priorities in repair projects. They still have the power over contracts.

Senator Stimatz stated that he would have no objection to move forward with their duties, but this bill does not do that; it is to hear an appeal of a decision of the Highway Department, and that is too broad.

Senator Tveit made a sub-motion to put the bill into a sub-committee.

Senator Bengston stated that she felt our highways are built because of a system of all types of methods of where and when to build. The priorities are developed on a much more objective basis. Highways were built years ago because of political pressure and she did not feel this was good for the State of Montana. The less we have of this, the better we are. If you give the Highway Commission more power to here appeals they are going to have to set up as many rules and regulations that are now in effect, and it would be a laborious process to get anything done.

A roll call vote was taken on Senator Tveit's sub-motion to place SB 113 in a sub-committee. The motion passed with the vote being 6-3. (SEE ATTACHMENT)

Chairman Stimatz appointed Senator Shaw, Senator Williams, Senator Farrell, and Senator Hager as the sub-committee members. Senator Williams was named chairman.

Chairman Stimatz stated that they would wait to do anything with House Bill 21 until something is done with SB 113.

DISPOSITION OF HOUSE BILL 58: Senator Shaw stated that he had drawn some amendements up for this bill.

Senator Shaw moved that the amendments PASS.

Paul Verdon, Legislative Council Researcher, stated that with the amendments the bill would exempt livestock hauling from all regulation.

Senator Hager asked Senator Shaw what the difference would be if they killed the bill or adopted his amendments? Senator Shaw replied, the difference would be that it would exempt livestock haulers from hauling with MRC authority.

Senator Williams asked Senator Shaw when the livestock haulers went under MRC and why? Senator Shaw replied, they went under during the 1973 session because they were going broke.

Senator Daniels asked how the bill would read after the amendments were inserted? Paul Verdon replied, a bill for an act entitled AN ACT TO EXEMPT LIVESTOCK HAULING FROM MOTOR CARRIER REGULATION, repealing Section 69-12-405, MCA. Section 1 would read: "section 69-12-405, MCA, is repealed". Everything else in the bill is stricken.

Senator Farrell asked Chairman Stimatz if he could have a rules determination on this so they could change the complete appearance of the bill without having another hearing? Chairman Stimatz replied, another hearing would have to be scheduled because it tampers with the intent of the sponsor.

Senator Hager interpreted what Senator Farrell was saying by stating that this may be beyond the scope of the title and this is not permitted by their rules. It would have to be ruled on by the rules committee.

Senator Farrell made a sub-motion to TABLE the amendments.

Chairman Stimatz called for further discussion.

Senator Bengston asked Senator Farrell why he wanted to table the amendments? Senator Farrell replied, there are some people that have their whole lives tied up in cattle hauling, and we cannot, overnight, wipe their lives out without giving them some opportunity to present their side of the case; the people being the ones who have MRC authority.

Chairman Stimatz stated that they would have to have another hearing on this bill if the amendments were adopted.

Senator Shaw stated that a lot of the MRC licenses were grandfathered in when they went under this authority, and we are not going to put the people out of business just because we exempt them from the MRC license.

Senator Farrell's sub-motion to TABLE the amendments to HB 58 passed, with Senator Shaw and Senator Hager voting NO. (SEE EXHIBIT 2)

Senator Farrell moved that HB 58 be TABLED.

Chairman Stimatz stated that Wayne Budt, PSC, did say that this bill would cause them even more problems in enforcement than they have now. He felt that the problem here is that the PSC has not been enforcing the existing law and that has led to this chaotic condition. Chairman Stimatz also stated that this bill, as written, would not solve the problem created among the people and the users of the PSC.

Further discussion was called for on the motion to table HB 58.

Senator Williams wondered if the bill should be killed rather than tabled because of a lot of inaccuracies in the bill.

Senator Farrell stated that he did not want to kill the bill because then it could come back at a different angle without the committee's control, and if it was tabled it would have to go through the committee.

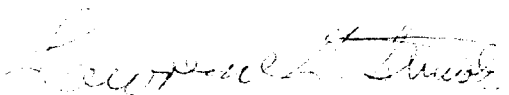
A roll call vote was taken on Senator Farrell's motion to table HB 58. The motion passed with the vote being 7-2. (SEE ATTACHMENT)

ANNOUNCEMENTS:

The committee will hear 4 bills on February 5th and on February 7th, 1985.

ADJOURNMENT:

The meeting was adjourned at 2:30 p.m.



Chairman, Lawrence G. Stimatz

ROLL CALL

HIGHWAY AND TRANSPORT. COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 1-31-85

SENATE
SEAT
#

NAME	PRESENT	ABSENT	EXCUSED
#7 SENATOR STIMATZ	X		
XX SENATOR XXXXXX			
#27 SENATOR BENGTON	X		
#8 SENATOR DANIELS	X		
#32 SENATOR FARRELL	X		
#42 SENATOR HAGER	X		
#48 SENATOR LYBECK	X		
#23 SENATOR SHAW	X		
#3 SENATOR TVEIT	X		
#39 SENATOR WILLIAMS	X		

Each day attach to minutes.

Amendment to Senate Bill 74

1. Page 2, line 3

Following: "or"

Insert: "by a peace officer of or"

AMENDMENT

HB 58, Third Reading Bill

1. Title, line 4
Following: "TO"

Strike: the remainder of line 4 and line 5 through "EXEMPTION"

Insert: "EXEMPT LIVESTOCK HAULING"

2. Title, line 5
Following: "REGULATIONS"

Strike: the remainder of line 5 and line 6 through "HAULING"

3. Title, line 6
Strike: "AMENDING"

Insert: "REPEALING"

4. Page 1, line 9
Following: "is"

Insert: "repealed"

Strike: the remainder of the bill in its entirety

ROLL CALL VOTE

SENATE COMMITTEE HIGHWAYS AND TRANSPORT

Date 1-31-85 SENATE Bill No. 113 Time 2:10 p.m.

<u>NAME</u>	<u>YES</u>	<u>NO</u>
SENATOR STIMATZ	X	
SENATOR BENGTSON		X
SENATOR DANIELS	X	
SENATOR FARRELL	X	
SENATOR HAGER	X	
SENATOR LYBECK		X
SENATOR MANN		
SENATOR SHAW		X
SENATOR TVEIT	X	
SENATOR WILLIAMS	X	

Margie Bender
Secretary

LAWRENCE G. STIMATZ
Chairman

Motion: That SB 113 be placed in a sub-committee.

Members appointed: Senator Shaw

Senator Williams-Chairman

Senator Hager

Senator Farrell

ROLL CALL VOTE

SENATE COMMITTEE HIGHWAYS AND TRANSPORT

Date 1-31-85 HOUSE Bill No. 58 Time 2:25 p.m.

<u>NAME</u>	<u>YES</u>	<u>NO</u>
SENATOR STIMATZ	X	
SENATOR BENGTSON	X	
SENATOR DANIELS	X	
SENATOR FARRELL	X	
SENATOR HAGER	X	
SENATOR LYBECK	X	
SENATOR XXXXXXXX		
SENATOR SHAW		X
SENATOR TVEIT	X	
SENATOR WILLIAMS		X

Margie Bender
Secretary

LAWRENCE G. STIMATZ
Chairman

Motion: That HB 58 be tabled.

STANDING COMMITTEE REPORT

JANUARY 31

19 35

MR. PRESIDENT

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration..... **SENATE BILL** No. **101**

first reading copy (white)
color

SINGLE LICENSE PLATE FOR MOTOR VEHICLE

Respectfully report as follows: That..... **SENATE BILL**..... No. **101**.....

~~DO NOT PASS~~

DO NOT PASS

.....
LAWRENCE C. STIMATE

Chairman.