

**MINUTES**

**MONTANA SENATE  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By SENATOR CECIL WEEDING, Chairman, on March 26, 1991, at 3:00 p.m.

**ROLL CALL**

**Members Present:**

Cecil Weeding, Chairman (D)  
Betty Bruski, Vice Chairman (D)  
Bill Farrell (R)  
John Harp (R)  
Jerry Noble (R)  
Jack Rea (D)  
Lawrence Stimatz (D)  
Larry Tveit (R)

**Members Excused:** Francis Koehnke (D)

**Staff Present:** Paul Verdon (Legislative Council).  
Pat Bennett, Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Announcements/Discussion:** None.

**HEARING ON HOUSE BILL 37**

**Presentation and Opening Statement by Sponsor:**

REPRESENTATIVE ERVIN DAVIS, District #53, stated House Bill 37 is the same bill that has been before the Committee in 1987 and in 1989. The main difference with this bill is that it asks that the provision will be on a permanent basis to allow the seed potato growers some stability. The bill will require the haulers to have a permit, exemption will be restricted to haulers of seed potatoes and that the intent of the bill will be to allow the Department of Highways to route or re-route the haulers.

**Proponents' Testimony:**

EVERITT FOUST, Moiese, Montana, testified in support of HB 37. (SEE EXHIBIT 1)

JAMES TREWEEK, Kalispell, Montana, testified in support of HB 37. (SEE EXHIBIT 2) He also submitted written testimony from Steve Streich. (SEE EXHIBIT 3)

ROBERT SNELL, Kalispell, Montana, testified in favor of HB 37. (SEE EXHIBIT 4) Mr. Snell submitted written testimony from Dale Orem. (SEE EXHIBIT 5)

HERB KOENIG, Kalispell, Montana, gave his testimony supporting HB 37 along with a map and other charts. (SEE EXHIBIT 6)

JOHN CRUMLEY, McCallister, Montana, expressed support for HB 37 stating they have raised seed potatoes in that area since 1950.

DON LAKE, Lake County, testified in favor of HB 37. (SEE EXHIBIT 7)

MIKE SUN, Seed Potato Specialist with Montana State University, stated they support HB 37 and distributed a directory published by MSU. (SEE EXHIBIT 8) The Montana seed potato growers produce the nation's top quality seeds. It has grown from the production of 1.2 million pounds in 1980 to 2 million pounds in 1990. The dollar value has increased from \$10 million in 1980 to \$20 million in 1990. House Bill 37 is important to allow this growth.

BILL KIMM from the Galatin Valley testified for HB 37. He stated that approximately \$15,000 from their farm would go out of state if this highway restriction was put on. He stated they would like to see that money stay in Montana.

SENATOR KOEHNKE wished to be noted as a proponent.

#### Opponents' Testimony:

SENATOR BOB WILLIAMS, District #15, stated he was opposed to the idea of raising the limits for the transportation of seed potatoes. Seed potatoes are a perishable item, however there are other areas with perishable items. It is 150 miles to take hogs to market, if they need to use more trucks they do. He stated that we can not continue the highway program and continue to fund it if we allow a certain segment to come in and haul over weight. Senator Williams stated he compiled information and one instance was a potato seed hauler getting picked up for being 6,200 pounds overweight. He suggested there be a research program to see if there is a better way to transport the seed potatoes.

GARY GILMORE, Administrator of the Operations Division, Department of Highways, testified against HB 37. (SEE EXHIBITS 9 & 10)

Questions From Committee Members:

SENATOR NOBLE asked Gary Gilmore if the road restrictions are basically in Northwestern Montana.

GARY GILMORE stated there are no restrictions on the interstate. The Manhattan and Gallatin Valley people haul down 191 into Idaho.

SENATOR NOBLE stated he was surprised that the House did not put a sunset on the bill. He asked Representative Davis if it was discussed in Committee.

ERVIN DAVIS stated it came to the Senate in its original form with no amendments.

SENATOR TVEIT asked what it means "regardless of its gross weight".

GARY GILMORE stated that the intent is to allow them to operate up to the 80,000, the normal legal load, with a permit.

SENATOR TVEIT asked how much damage has been done in the last three years.

GARY GILMORE said it would be hard to say. Highway 200 is evident of the damage.

SENATOR TVEIT asked what their stipulations are for hauling the loads.

GARY GILMORE stated they are restricted to certain roads by these permits and the speed restrictions should hold as well.

CHAIRMAN WEEDING asked if the speed limit is set at the discretion of the Highway Department.

GARY GILMORE stated that is correct and one of the restrictions has been put on Highway 93.

SENATOR KOEHNKE asked what out-of-state trucks use Highway 93.

GARY GILMORE said the tickets they have written and the trucks are east bound to the Crow Agency or westbound to the Crow Agency, they are coming into the state and they are not leaving at Wibaux.

SENATOR KOEHNKE stated that the haulers are not asking to haul over, they want to know what is legal to haul.

GARY GILMORE said they do know that the haulers are coming into Montana from Canada and are taking advantage of the relaxed regulations.

SENATOR FARRELL explained that the haulers are coming from Canada running the two-lane roads where there is frost thaw and they would be restricted to Highway 74 or 280. They are getting picked up at Wibaux or Crow Agency, using this exemption from Canada instead of using the interstates and using the scales.

Closing by Sponsor:

REPRESENTATIVE DAVIS stated that there is no other speed restriction other than the 55 mph. He said he was surprised about the over-weight tickets. At his request, the GVW sent copies of every ticket written up during the last spring break up. Of all the citations, not one was for an over-weight seed potato truck. The highway supervisor from Missoula testified in the House Highway Committee that to his knowledge this last spring there were no damage. The damage is from the spring frost thaw.

HEARING ON HOUSE BILL 557

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BOB REAM, District #54, stated that HB 557 deals with the part of the statutes where provisions are made for disabled veteran's license plates and prisoner of war license plates. Representative Ream explained that a constituent of his, Lewis Elliott, who is 100% disabled as well as a prisoner of war, has been buying the prisoner of war plate with his own POW number on it. The last time he went to get his plates, he was told he would have to make a choice between the disabled veteran plate which costs \$5 or the POW plate at the regular rate. The bill will allow a disabled veteran to buy the POW plate at the disabled veteran rate.

Proponents' Testimony:

RICH BROWN, Administrator of Montana's Veterans Affairs Division, testified in support of HB 557. (SEE EXHIBIT 11)

PETER FUNK, Assistant Attorney General, stated they support HB 557. He stated that under the statute it was not possible for a person to pay the disabled veteran rate and obtain an optional plate. On behalf of the Department of Justice, there is no concern with the bill. He stated there is a coordination instruction amendment to propose for HB 557. (SEE EXHIBIT 12) There is a conflict with HB 557. The statute in sections 1 and 2 are recodified under SB 191. Amendments were put onto SB 191 and have passed the House Committee, however at this time the bill has not been acted on the floor.

PETER FUNK stated that the House is pending action until the appropriation part is taken care of. The proposed amendment to HB 557 states that if SB 191 passes, then sections 1 and 2 of HB 557 should be stricken. Section 3 of HB 557 could not be built into SB 191 because it is not recodified.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR FARRELL asked Representative Ream if he had any problems with the Department of Justice's proposed amendment.

REPRESENTATIVE REAM said it was the first he had heard of it, however he did not have any problem with it.

SENATOR FARRELL stated that SB 191 called for a decal for special plates, under HB 557 would they still be able to purchase a plate?

PETER FUNK stated it would be the decal instead of a special printed plate. The amendments will allow a disabled veteran, at their option, to be able to get the POW decal plate or the handicapped decal plate.

REPRESENTATIVE REAM stated he was not aware that it would be a decal and not a printed plate.

PETER FUNK stated a veteran would be able to get a plate with POW and the number along with a decal in the corner.

RICH BROWN stated that there are many special plates being passed this session, and it was the Veteran Affairs Division's understanding that it would be for special printed plates and not decals.

SENATOR FARRELL asked Rich Brown and Peter Funk to get together regarding the plate and decal procedure.

CHAIRMAN WEEDING stated that he understood that the plate would be available as a personalized plate but would cost \$25.

PETER FUNK said that was correct. They can get that plate by paying \$25, but it is not the intent of the Department to have that done in order to obtain the POW plate.

Closing by Sponsor:

REPRESENTATIVE BOB REAM closed the hearing on HB 557.

HEARING ON HOUSE BILL 570Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JIM RICE, District #43, opened the hearing on HB 570. This bill addresses several functions of the Motor Vehicle Division of the Department of Justice. Sections 1 and 3 address the problem of the Division receiving a report that a person no longer has the ability to drive. By law the Division must follow up and the only option they have is to notify the person to retake the examination. The bill will allow the Division to have an investigation. Section 2 reclarifies the liability of when a minor applies for a driver's license. It will clear up the problem of a minor applying for a license requiring that the parents sign. In the case of divorce, it has created difficulties in getting a parent's signature. This section allows that a "responsible adult" be the person to sign off for the minor. Section 4 addresses the responsibility for people who are caught with driving offenses from out of state. It will allow those in the Department trying to take action against the out-of-state person to refer it back to the jurisdiction of where the person is from. (SEE EXHIBIT 13)

Proponents' Testimony:

PETER FUNK, Assistant Attorney General, stated they support HB 570. There are three primaries in the bill. Sections 1 and 3 are linked together. In the existing statutes, section 1 concerns a provision in title 37 which allows medical doctors to report when they have a concern about a licensed driver and report it to the Department of Justice. The statute embodied in section 3 tells the Department of Justice what to do when they get this type of report. With the existing statutory language focused on the term "examination" there is an argument out there that the Department does not have any right to ask the licensed driver to provide additional information. This bill is an amendment to the statutes to conform to the existing practice. Section 4 eliminates the State of Montana taking licensing actions against a nonresident when a traffic citation is received in Montana. Under the existing language the Department is required to suspend the privilege to drive if the out of state driver commits an offense. A nonresident who has been suspended by Montana is required to be physically present in the State of Montana. For example, in order to get back your driver's license for a DUI you have to attend court school. The Department feels that the Department of Licensing needs a report that this person has committed this particular offense in Montana and let that person have their license suspended in their own State. This change will do nothing in terms of the criminal sentence that is imposed by the sentencing court. This is an administrative licensing action. Section 2 requires that an adult sign for a minor, which is imputed liability on that adult who signed the minor's driver's license.

PETER FUNK informed the Committee that the statutes have not been amended for years. They really don't reflect, whether fortunate or unfortunate, that there are numerous adults divorced with joint custody. Mr. Funk stated that when the parents are still warring over the divorce and one approves and the other does not approve the driver's license, the person who suffers is the minor. In section 2, it asks for a signature from one of the parents or a responsible adult. The insurance agencies are not opposed to this bill. They do not feel that this change will effect the liability.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE RICE closed the hearing on HB 570.

HEARING ON HOUSE BILL 638

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE TED SCHYE, District #18, stated that HB 638 is a repealer dealing with deregulation of the airlines. There are many regulations on the books which deal with aeronautics and the airlines that don't apply anymore. (SEE EXHIBIT 14)

Proponents' Testimony:

MIKE FERGUSON, Administrator of the Aeronautics Division, stated the repealer relates to the Aeronautics Board's previous quasi-judicial authority over airline certificates of public convenience and necessity. These statutes are moot since 1978 airline deregulation act and has been upheld in the courts of appeal as well from other states who have challenged these.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE SCHYE closed the hearing on HB 638.

EXECUTIVE ACTION ON HOUSE BILL 638Motion:

SENATOR HARP MOVED that HOUSE BILL 638 BE CONCURRED IN.

Discussion:

SENATOR HARP will carry HB 638.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 638 BE CONCURRED IN.

EXECUTIVE ACTION ON HOUSE BILL 570Motion:

SENATOR NOBLE MOVED that HB 570 BE CONCURRED IN

Discussion:

SENATOR NOBLE will carry HB 570.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 570 BE CONCURRED IN.

HEARING ON HOUSE BILL 705Presentation and Opening Statement by Sponsor:

REPRESENTATIVE PATRICK GALVIN, District # 40, informed the Committee that his bill exempts a locomotive engineer when involved in an accident with a motor vehicle at a grade crossing from being required to show his driver's license. Noting such accidents on an engineer's driver's license record can cause his personal automobile insurance premiums to increase.

Proponents' Testimony:

DAVE DITZEL, representing the locomotive engineers, stated HB 705 is a simple bill which will take care of a problem the engineers have experienced in Montana. When an engineer has been involved in an accident as a kind of fluke, it will eliminate the problems he might have with his own insurance. Mr. Ditzel also submitted a letter from PAT KEIM, representing Burlington Northern Railroad, in support of HB 705. (SEE EXHIBIT 15)

RAYMOND WEST, representing the United Transportation Union, stated he could verify that in the 40 years of railroading, there have been quite a few grade crossing accidents. There needs to be the privacy of the engineer's automobile driver's license. The purpose is so that engineer's insurance is not affected by an accident on the train.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR REA asked how often this occurs.

RAYMOND WEST stated that they have grade crossing accidents quite often. When the Highway Patrolman comes to investigate the situation he will ask for the driver's license of the crew on the train.

DAVE DITZEL showed the Committee what his locomotive engineer license looked like. He stated they do not object to having to show that license in the event of an accident.

PAUL VERDON stated that subsection D on page 2 has been stricken from the bill. This applies to maintenance of way activities. However, it has not been removed from the title.

REPRESENTATIVE GALVIN said it was not intentionally left in the title. Maintenance of way activities should have been stricken from the title.

CHAIRMAN WEEDING asked if it affected the right of way employees who burn weeds, etc.

REPRESENTATIVE GALVIN stated that their maintenance of way people are included.

PAUL VERDON stated that on page 3, maintenance of way activities is still mentioned on line 5.

DAVE DITZEL explained that the part that was stricken was necessitated because of the fact that it would have impaired some federal funding. When it was determined that this section would need to be stricken they also wanted to make a provision to include the maintenance of way people in the bill. He stated it was their intention to include railroad maintenance of way activities on page 3, line 5.

SENATOR REA asked if with regard to the stricken language, will it allow an operator to drive a truck that is used for repairs with the maintenance of way?

DAVE DITZEL stated it would only if he is on the railroad right of way. If he were operating a maintenance of way truck in downtown Helena and had a collision he would then be subject to any of the civil laws.

SENATOR TVEIT stated that under this bill, where it says "in connection with railroad maintenance of way activities" it will allow any maintenance of way employee driving that truck down the road to not be required to have a driver's license.

REPRESENTATIVE GALVIN clarified that the reason for the bill is to keep the locomotive engineer from displaying his driver's license at an accident. He stated that the part Senator Tveit speaks of could be stricken.

RAY WEST said it was not intended for only engineers, but rather the crew also to be exempt. The brakeman, who gives a statement to the highway patrolman should not have to reveal his driver's license.

SENATOR NOBLE asked Paul Verdon to respond to the language.

PAUL VERDON stated that the railroad maintenance of way could be stricken. The intention was taken out of subsection b, page 2 but was left in on page 3.

REPRESENTATIVE GALVIN explained that when they refer to a locomotive engineer, brakeman, or railroad utility person, or a member of a locomotive crew they are called operating employees. They are employees who operate a moving train and they are the ones this bill addresses.

CHAIRMAN WEEDING stated the Committee may want to strike on page 3, lines 4 and 5 "or in connection with railroad maintenance -of-way activities".

Closing by Sponsor:

REPRESENTATIVE GALVIN closed the hearing on HB 705.

EXECUTIVE ACTION ON HOUSE BILL 705

Motion:

REPRESENTATIVE NOBLE MOVED that HB 705 BE CONCURRED IN AS AMENDED.

Discussion:

SENATOR NOBLE will carry HB 705.

Amendments, Discussion, and Votes:

SENATOR HARP MOVED to ADOPT THE AMENDMENTS TO HB 705. (SEE EXHIBIT 16)

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 705 BE CONCURRED IN AS AMENDED.

EXECUTIVE ACTION ON HOUSE BILL 192

Motion:

SENATOR HARP MOVED that HB 192 BE CONCURRED IN.

Discussion:

CHAIRMAN WEEDING informed the Committee that each member had additional handouts on HB 192. (SEE EXHIBITS 17, 18 & 19)

Recommendation and Vote:

MOTION FAILED ON A ROLL CALL VOTE of 6 opposing and 3 for the bill.

EXECUTIVE ACTION ON HOUSE BILL 62

Motion:

SENATOR FARRELL MOVED that HB 62 BE CONCURRED IN AS AMENDED.

Discussion:

SENATOR NOBLE explained to the Committee that a passenger mud or snow tire or an all season tire have the same emblem which is "M & M". He suggested to put in the bill passenger mud and snow tire, it would be up to the judgment of the highway patrolman.

Amendments, Discussion, and Votes:

SENATOR NOBLE MOVED to ADOPT AMENDMENTS TO HB 62. (SEE EXHIBIT 20)

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 62 BE CONCURRED IN AS AMENDED.

EXECUTIVE ACTION ON HOUSE BILL 763Discussion:

The Committee discussed the amendments submitted by Gail Gray of OPI. (SEE EXHIBIT FROM 3-19-91) Paul Verdon informed the Committee that HB 763 and HB 560 are conflicting. HB 560 amends 61-2-406 and HB 763 repeals that section of the law. Paul Verdon stated that Jim Burnett was present to comment.

JIM BURNETT, Motorcycle Training Coordinator, OPI, stated that with regard to the conflict, HB 763 melds the motorcycle training program into the traffic education legislation. This will offer advantages to the program. HB 560 is sponsored by a statewide motorcycle organization which moves motorcycle endorsement money into the motorcycle training program. There is a concern that if HB 560 which moves motor cycle endorsement money to this program passes, there will be nothing to move it to.

PAUL VERDON informed the Committee that Gail Gray's amendment strikes "classroom instruction" on page 4, line 23, and on page 5, line 6 replaces "instruction" with "instructors" and it restores the section that repealed the termination date which would make the legislation permanent. Gail Gray said there was opposition to put in language making it permanent. Mr. Verdon suggested to put in language stating "to eliminate the termination of the motor cycle safety program".

SENATOR FARRELL stated that if HB 763 is amended and it goes back to the House and is rejected, it will go to a conference committee which allow these people to see how HB 560 is.

JIM BURNETT stated he is in touch with those who are proposing HB 560. He stated he will inform them of the conflict, and have them coordinate their bill. Representative Stang is the sponsor of both bills and should be able to coordinate the two in the House.

CHAIRMAN WEEDING said the Committee had the option of passing the bill as is or to try to put in coordinating language.

Motion:

SENATOR FARRELL MOVED that HB 763 BE CONCURRED IN AS AMENDED.

Amendments, Discussion, and Votes:

SENATOR FARRELL MOVED to AMEND HB 763 on page 4, line 23 striking "classroom instruction" and on page 5, line 6 striking "instructions" and insert "instructors".

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 763 BE CONCURRED IN AS AMENDED.

EXECUTIVE ACTION ON HOUSE BILL 37

Motion:

SENATOR TVEIT MOVED that HB 37 BE CONCURRED IN AS AMENDED.

Discussion:

SENATOR NOBLE stated he would like to see a break down of the violations to see if it is out-of-state trucks who are doing the damage or in-state trucks.

Amendments, Discussion, and Votes:

SENATOR NOBLE MOVED TO AMEND HB 37 with a two-year sunset.  
(SEE EXHIBIT 21)

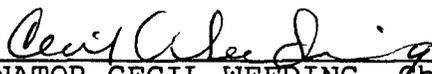
MOTION PASSED UNANIMOUSLY.

Recommendation and Vote:

MOTION PASSED ON A 7-2 VOTE, WITH Senator Farrell and Senator Noble opposing.

ADJOURNMENT

Adjournment At: 5:45 p.m.

  
\_\_\_\_\_  
SENATOR CECIL WEEDING, Chairman

  
\_\_\_\_\_  
PAT BENNETT, Secretary

9

ROLL CALL VOTE

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3-26-91 Bill No. HB192 Time 5:00 pm

NAME	YES	NO
SENATOR FARRELL	✓	
SENATOR HARP	✓	
SENATOR KOEHNKE		✓
SENATOR NOBLE		✓
SENATOR REA		✓
SENATOR STIMATZ		✓
SENATOR TVEIT		✓
SENATOR BRUSKI, VICE CHAIRMAN	✓	
SENATOR WEEDING, CHAIRMAN		✓

PAT BENNETT  
Secretary

SENATOR WEEDING  
Chairman

Motion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 27, 1991

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 763 (third reading copy -- blue), respectfully report that House Bill No. 763 be amended and as so amended be concurred in:

1. Page 4, line 23.

Strike: "classroom instruction"

2. Page 5, line 6.

Strike: "instructions"

Insert: "instructors"

Signed:   
Cecil Weeding, Chairman

JM 3-27-91  
Ad. Coord.

SP 3-27 8:15  
Sec. of Senate

Mr. Chairman, members of the committee:

My name is Everitt Foust, I have lived in Moiese Montana since 1934. Our family corporation is known as Foust Farms Inc and since 1965, our principal crop has been certified potatoes. I currently serve as Montana's representative on the National Potato Board, whose function is to promote potato consumption world wide.

Certified potato seed production in Montana has become one of the top money crops in the state. Montana growers produce approximately two million hundred weight of potatoes annually at a value of between \$15 million and \$20 million dollars. The industry, made up of between 60 and 70 entities, employ between 10 and 35 fellow Montanans per entity. The estimated annual payroll amounts to several million dollars.

My family and I strongly recommend passage of H.B. 37 for the following reasons:

1. Almost all seed grown in the state has to be exported to other states, usually via commercial trucks. By being able, because of the provisions of this bill, to ship maximum legal loads, Montana growers can remain competitive with neighboring seed producing states on freight rates.
2. There is no other time of year that potato seed growers are able to ship their product. Since this product is perishable and purchasers require delivery during this approximately 30

day shipping season, this bill appropriately addresses this concern in a reasonable and responsible manner.

3. It has been intimated that this bill favors only out of state trucking interests. This is not correct. Several growers own their own trucks and deliver seed out of state, other Montana truckers also haul seed out of state during the shipping season.
4. It has also been suggested that growers do not pay their fair share of road tax. This also is not correct. In Lake County where I reside, approximately 15 growers license over 100 trucks, for an average of nearly seven trucks per grower. I know of no other agricultural enterprise that compares with that number. Most of these trucks are only on local roads during the fall harvest season of approximately 25 days. I would suggest that potato growers more than pay their way.
5. Another concern states that other Montana trucking interests are disadvantaged since they are precluded from hauling maximum legal loads during this same restrictive period. I would submit that other trucking interests enjoy unrestricted road use for most of the year and possibly contribute to far more road wear and tear than do potato haulers during the 30 or so days we use the highways.
6. Because of the combined efforts of Dr. Mike Sun and his staff,

Ex. 1  
3-26-91  
HB 37

the Montana Potato Improvement Assn, the 1989 legislative appropriation for potato research, and individual grower participation, Montana enjoys national recognition as possibly the best and foremost seed producing state in the United States as well as Canada. Please support this vital Montana industry by passage of this bill.

Thank you for your consideration and your time.

Sincerely,



Everitt Foust

March 25, 1991

SENATE HIGHWAYS

EXHIBIT NO. 2

DATE 3-26-91

BILL NO. HB 37

Reference to H. B. 37

Mr. Chairman and Members of the Committee:

My name is James Treweek. I raise certified seed potatoes in the Kalispell area. My father became a seed grower about 40 years ago.

I ship my seed potatoes to several states in the northwest. I am proud of Montana's reputation and the quality of our product. We work very closely with the Montana State University and through their many testing programs and field inspections, Montana growers yearly produce high quality certified seed potatoes that are in high demand.

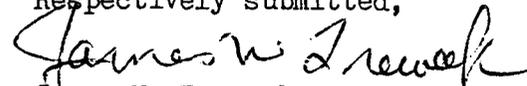
Montana has a disadvantage in the seed potato market because of greater shipping distances to many commercial growing areas. Currently, commercial and other certified seed growers are willing to pay the freight costs because of our quality. However, if it becomes necessary to ship smaller loads, total freight cost to buyers will increase significantly. This could result in lost sales and dollars to both the Montana growers and local and state business.

Because potatoes are a perishable commodity and very susceptible to frost, it is necessary for us to move them very rapidly by using the shortest routes available. Our shipping dates are determined by planting time in other areas. This makes it necessary for us to start shipping early when weather is often less than cooperative. We are also limited to a very short period of time in which these potatoes must be shipped or they are of no value as certified seed.

For these reasons, we worked with the Legislature four years ago to adopt special rules for shipping during the time of load limits on state roadways. Our truckers and buyers have been very appreciative of your special consideration in the past. I personally monitor my loads by following the trucks to the scales to assure that they are not over loaded and are within legal limits.

I am thankful for the understanding of the state legislature during the past 2 sessions in lifting road restrictions so that we can move our potatoes quickly. I ask for your continued support of a law which the growers have tried to monitor very carefully. It is crucial to the seed potato industry. The Montana certified seed potato industry creates about 15-20 million dollars of revenue to Montana's economy annually.

Respectively submitted,



James W. Treweek  
Kalispell seed grower

March 25, 1991

Reference to HB37:

Mr. Chairman and Members of the Committee:

My name is Steve Streich. My father and I raise certified seed potatoes in the Flathead Valley.

I am concerned about being able to move my product to market. Seed potatoes must be moved during a very short time period beginning in March. If I am forced to scale back on the size of my loads, it will require many additional trucks to move my crop. The additional costs imposed upon Montana Seed Potato Growers would make it more difficult for us to remain competitive.

Other seed producing areas, such as Idaho, North Dakota, Oregon, and Canada would become more attractive to our present customers. Jobs and revenues for the state of Montana would be lost.

Please support HB37.

Respectfully,



Steve Streich

March 24, 1991

SENATE HIGHWAYS

EXHIBIT NO. 4

DATE 3-26-91

BILL NO. HB 37

Highway Commission Committee Members:

I am a 3rd generation certified seed potato grower in Flathead County and am concerned about how restrictions on seed potato trucks will affect my ability to market my crops.

Our buyers are located in Washington, and call for shipment of the seed potatoes after their ground is prepared & they are ready to plant the potatoes. Our buyers ask for shipment beginning the first or second week of April each year. The seed cannot be sent in advance as they have no storage for seed as the cost would be prohibitive for just 30 days, and they can easily get shipments as they need them. Most Washington growers are finished planting by the end of April..tapering off completely in May. So any seed potatoes not moved in those two months have missed the seed potato market.

Standards in the potato industry is to sell in lots of 500 hundredweight. Since the trucks weigh in at approximately 30,000 lbs. unloaded, our ability to sell our seed potatoes are at risk unless they can travel with that amount. And many buyers will buy only two loads.

These are special trailers that these trucks are pulling. They need to be sent from the other end and because they are unique to this industry they come over empty. Neither the buyer nor the trucker would want to come into Montana if, besides being loaded only one way, they also had to travel light..especially just for a few miles out of a 400 mile trip. Because I'm situated 10 miles East of Kalispell on Lake Blaine Road, in order for trucks hauling my seed to get to Hwy 93, they need to travel 8 miles on Montana 35, a restricted State Highway.

I hope you'll consider these problems I have as a grower trying to compete in the seed potato market, while reviewing this legislation.

Sincerely,



Robert S. Snell  
875 Lake Blaine Road  
Kalispell, Mt 59901  
Phone: 755-4459

MARCH 24. 1991

REFERENCE TO H.B. 37:

SENATE HIGHWAYS

EXHIBIT NO. 5

DATE 3-26-91

BILL NO. HB 37

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Dale Orem, and my farm is located in the northeastern part of the Flathead Valley.

As a new grower trying to establish myself in the seed potatoe business, this bill has tremindous impact on the future viability of my operation.

In explanation of my need as a seed potatoe grower to be able to get fully loaded trucks to an unrestricted route, (my place is 16 mi. from hwy. 93 via hwy. 206 and hwy. 35). I would like to bring to your attention some of the speciality aspects of shipping seed potatoes out of the state of Montana. As potatoes are parishable and must not be exposed to freezing yet must be shipped to coincide with the planting window of the buyers. Last year I started shipping March 28 and finished up April tenth. Also the specially designed traliers used to transport potatoes must come empty from the point of destination making the freight cost already a big factor in competing with other seed producing areas, such as the Ashton area of Idaho and Canada. Last year I shipped 9 loads into southern Idaho, three loads to Oregon, and five loads into the Washington bason area.

In summery, in order for me to continue breaking into the competitive market of the seed potatoe industry, I need to be able to get to the major routes with fully loaded trucks.

respectfully

*Dale Orem*

March 23, 1991

Reference to H.B. 37:

SENATE HIGHWAYS

EXHIBIT NO. 6

DATE 3-26-91

BILL NO. HB 37

Mr. Chairman and Members of the Committee:

For the record my name is Herb Koenig. My brother Bob and I farm north of Kalispell. Our family has raised certified seed potatoes for approximately 50 years.

Montana has enjoyed a reputation as a premium area to buy certified disease free seed potatoes for many years. Growers ship loads of quality seed to many states in the western half of the United States.

There are approximately two million hundred-weight of certified seed shipped each year to these adjoining states. It is an industry that generates 15 to 20 million dollars of revenue each year. This is a renewable resource that is there every year and is gradually expanding. The income from the seed potatoes is spent by the seed growers in their respective areas for living, equipment, crop inputs, and labor, which helps generate business throughout the state.

There is a time window when seed potatoes have to be shipped to coincide with the buyers needs in various areas at planting time. We growers store the seed potatoes on our farms from digging in the fall until the buyers want to receive the seed starting in March. We are forced to ship during the spring when road restrictions are being enforced.

We came to the Legislature four years ago and asked for special consideration because of the perishable nature of our seed. Seed potatoes can not be allowed to freeze and should get to their destination as fast as possible once they are loaded in special trailers to transport. This is one of the reasons we ask for the shortest routes available.

One other reason was the forced scaling back of 7000 lbs. to 8000 lbs. on a standard load of 80,000 lbs. to meet road limits. This in turn meant additional freight costs, which caused some loss of sales because of these factors.

I believe that the action taken at the last 2 sessions of the legislature--that is lifting road restrictions and allowing the shortest route possible--has helped our seed potatoes move to the market in an orderly way. The buyers are appreciative and the truckers have been very co-operative for this special consideration.

We are proud of Montana's quality seed program and the tremendous working relationship between the growers and Montana State University which guides and regulates our program.

I am asking you to consider the importance of the Certified Seed Potato industry to Montana. We respectfully request the continued endorsement of a law that is vitally important to our industry and Montana's economy.

Respectfully;

A handwritten signature in cursive script that reads "Herb Koenig".

Herb Koenig,  
Partner, Koenig Farm





EX. 6  
3-26-91  
HB 37

SUMMARY OF MONTANA POTATOES SHIPPED 1980 - 1990

POTYRSUM

YEAR	TOTAL CWT	BLUE TAG CWT	RED TAG CWT	US#1, US#2, UNC. CWT
FY - 80	1,292,999	1,159,203	15,050	118,746
FY - 81	1,371,383	1,077,286	214,220	79,877
FY - 82	1,426,551	1,257,915	119,380	49,256
FY - 83	1,478,005	1,339,837	94,615	43,553
FY - 84	1,490,093	1,281,134	97,480	111,479
FY - 85	1,525,260	1,356,985	103,950	64,325
FY - 86	1,133,581	1,063,340	12,950	57,291
FY - 87	2,034,457	1,870,873	24,910	138,674
FY - 88	1,891,314	1,755,563	24,310	111,441
FY - 89	2,153,259	1,919,784	34,970	198,506
FY - 90	1,891,816	1,733,743	79,030	79,043

Ex. 6  
3-26-91  
HB 37

PLANT INDUSTRY DIVISION  
MONTANA DEPARTMENT OF AGRICULTURE  
AGRICULTURE/LIVESTOCK BUILDING  
HELENA, MONTANA 59620

POTATO SHIPMENT REPORT-1989 CROP

COMPILED October 15, 1990

PAGE 1

GROWING AREA	CROPPER NAME	NO. CERT.	US #1 CMT	US #2 CMT	UNCLASS. CMT	BLUE TAG CMT	RED TAG CMT	TOTAL CMT	SACK OR CART. CMT	BULK CMT	BULK %	FEES	ADD. FEES	TOTAL FEES	
															1870
KALISPELL		140	0	0	1350	63765	1870	66985	0	64795	97	2684.60	0.00	2684.60	
		16	0	0	0	8490	0	8490	0	8490	100	339.60	0.00	339.60	
		15	0	0	0	7100	0	7100	0	7100	100	284.00	0.00	284.00	
		145	0	0	3500	67080	1500	72080	0	71580	99	2883.20	0.00	2883.20	
		75	0	0	0	37250	0	37250	0	37250	100	1490.00	0.00	1490.00	
		24	0	0	150	12560	0	12710	0	12710	100	511.00	0.00	511.00	
		123	0	0	0	53590	9000	62590	0	62130	99	2506.80	0.00	2506.80	
	-----														
	KALISPELL AREA TOTALS		538	0	0	5000	249835	12370	267205	0	264055	99	10699.20	0.00	10699.20
	PABLO		18	0	0	400	8620	0	9020	0	9020	100	360.80	0.00	360.80
			18	0	0	0	8850	0	8850	0	8850	100	354.00	0.00	354.00
			46	0	0	0	2190	1400	23590	0	23590	100	943.60	0.00	943.60
			97	0	0	400	47110	0	47510	0	47510	100	1900.60	0.00	1900.60
		6	0	0	0	3010	0	3010	0	3010	100	120.40	0.00	120.40	
		70	0	0	1000	33640	0	34640	0	34640	100	1385.60	0.00	1385.60	
		48	0	0	0	25577	730	26307	0	26307	100	1052.28	0.00	1052.28	
		76	0	0	920	31780	4500	37200	0	37200	100	1492.00	0.00	1492.00	
		12	0	0	950	5000	0	5950	0	5950	100	238.00	0.00	238.00	
		60	0	0	400	32340	0	32740	0	32740	100	1313.60	0.00	1313.60	
		97	0	0	1210	46600	0	47810	0	47760	100	1919.40	0.00	1919.40	
		72	0	0	0	34640	0	35140	0	35140	100	1407.40	0.00	1407.40	
		105	0	0	500	52375	0	52375	0	52375	100	2101.80	0.00	2101.80	
	38	0	0	0	18770	400	19170	0	19170	100	766.80	0.00	766.80		
	53	0	0	1700	25150	0	26850	0	26850	100	1074.00	0.00	1074.00		
	16	0	0	450	7440	0	7890	0	7890	100	315.60	0.00	315.60		
	7	0	0	0	3170	0	3170	0	3170	100	126.80	0.00	126.80		
	44	0	0	1075	19910	0	20985	0	20985	100	839.40	0.00	839.40		
	73	0	0	0	35560	500	36060	0	36060	100	1442.40	0.00	1442.40		
	77	0	0	0	34065	2730	36795	0	36790	100	1481.60	0.00	1481.60		
	34	0	0	0	17230	0	17230	0	17230	100	689.20	0.00	689.20		
-----															
PABLO AREA TOTALS		1067	0	0	9005	513027	10260	532292	0	532237	100	21325.28	0.00	21325.28	
DEER LODGE		52	0	0	0	24890	0	24890	0	24890	100	995.60	0.00	995.60	
		99	0	0	1000	10130	37440	48570	0	48570	100	1942.80	0.00	1942.80	
		115	0	0	0	55680	0	55680	0	55480	100	2227.20	0.00	2227.20	
-----															
DEER LODGE AREA TOTALS		266	0	0	1000	90700	37440	129140	0	128940	100	5165.60	0.00	5165.60	
DILLON		28	0	0	0	9260	4020	13280	0	13280	100	531.20	0.00	531.20	
		36	0	0	0	13720	4020	17740	0	17740	100	709.60	0.00	709.60	
		199	0	0	2400	91945	500	94845	0	94845	100	3798.80	0.00	3798.80	
-----															
DILLON AREA TOTALS		263	0	0	2400	114925	8540	125865	0	125865	100	5039.60	0.00	5039.60	

POTATO SHIPMENT REPORT--1988 CROP

COMPLETED AUGUST 25, 1989

NO.	CERT.	US 11	US 12	UNCLASS.	BLUE TAG	RED TAG	TOTAL	SACK OR	BULK	BULK	FEES	AGD.	TOTAL
		CWT	CWT	CWT	CWT	CWT	CWT	CART. CWT	CWT	CWT		FEES	FEES
27	0	0	1200	0	14730	0	14730	0	14730	100	589.20	0.00	589.20
128	0	0	0	61100	1850	64150	1250	0	63200	98	2581.00	0.00	2581.00
16	0	0	0	7900	0	7900	0	0	7900	100	316.00	0.00	316.00
16	0	0	440	7440	0	8080	0	0	8080	100	323.20	0.00	323.20
26	0	0	0	10000	11470	0	12470	0	12470	100	498.80	0.00	498.80
79	0	0	0	0	38890	0	38890	0	38890	100	1555.60	0.00	1555.60
213	0	0	0	101880	1240	165320	240	105080	100	4212.60	0.00	4212.60	4212.60
26	0	0	0	17550	1750	14300	0	14300	100	572.00	0.00	572.00	572.00
147	0	0	0	70040	1500	71540	630	70910	99	2871.40	0.00	2871.40	2871.40
<b>KALISPELL AREA TOTALS</b>													
678	0	0	1640	1000	328700	6340	337640	2120	335560	99	13520.00	0.00	13520.00
37	0	0	0	19670	0	19670	0	0	19670	100	786.80	0.00	786.80
32	0	0	120	15810	0	15930	0	0	15930	100	637.40	0.00	637.40
25	0	0	0	11820	0	11820	0	0	11820	100	473.00	0.00	473.00
38	0	0	0	19440	0	19440	0	0	19440	100	777.60	0.00	777.60
6	0	0	0	3000	0	3000	0	0	3000	100	120.00	0.00	120.00
110	0	0	0	450	54445	0	54895	5	54890	100	2205.60	0.00	2205.60
74	0	0	0	500	36490	0	36990	0	36990	100	1483.00	0.00	1483.00
34	0	0	0	360	27660	0	28020	0	28020	100	1120.80	0.00	1120.80
91	0	0	0	480	45500	0	45980	0	45980	100	1839.20	0.00	1839.20
13	0	0	0	6100	0	6100	0	0	6100	100	245.00	0.00	245.00
61	0	0	0	30190	0	30190	20	30170	100	1211.60	0.00	1211.60	
125	0	0	0	215	58572	0	58787	682	58105	99	2362.40	0.00	2362.40
52	0	0	0	600	24920	0	25520	0	25520	100	1020.80	0.00	1020.80
94	0	0	0	46050	0	46050	0	0	46050	100	1842.00	0.00	1842.00
100	0	0	0	1650	49655	0	51305	0	51305	100	2057.20	0.00	2057.20
44	0	0	0	20740	200	20940	0	0	20940	100	837.60	0.00	837.60
27	0	0	0	220	12510	0	12730	0	12730	100	511.40	0.00	511.40
74	0	0	0	220	35580	0	35800	100	35700	100	1433.00	0.00	1433.00
33	0	0	0	228	17360	0	17588	0	17368	100	703.52	0.00	703.52
<b>PARLO AREA TOTALS</b>													
1090	0	0	0	5043	535512	200	540755	807	537944	100	21663.12	0.00	21663.12
37	0	0	0	17960	0	17960	0	0	17960	100	718.40	0.00	718.40
152	0	0	0	2240	63690	9380	75310	0	75310	100	3012.40	0.00	3012.40
103	0	0	0	52340	0	52340	0	0	52340	100	2093.60	0.00	2093.60
<b>BEER LARGE AREA TOTALS</b>													
292	0	0	0	2240	133990	9380	145610	0	145610	100	5824.40	0.00	5824.40
38	0	0	0	16878	0	16878	88	16790	97	677.60	0.00	677.60	
40	0	0	0	4530	0	4530	20910	0	20910	100	836.40	0.00	836.40
154	0	0	0	5520	74460	0	79980	0	79980	100	3199.20	0.00	3199.20
<b>BILLON AREA TOTALS</b>													
232	0	0	0	10050	91338	16300	117768	88	117680	100	4713.20	0.00	4713.20

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PLANT INDUSTRY DIVISION  
MONTANA DEPARTMENT OF AGRICULTURE  
AGRICULTURE/LIVESTOCK BUILDING  
HELENA, MONTANA 59620

POTATO SHIPMENT REPORT-1987 CROP

COMPILED October 4, 1988

PAGE 1

GROWING AREA	GROWER NAME	NO. CERT.	US #1 CMT	US #2 CMT	UNCLASS. CMT	BLUE TAG CMT	RED TAG CMT	TOTAL CMT	SACK OR ICART	BULK CMT	BULK %	FEES	ADD. FEES	TOTAL FEES	
KALISPELL		24	0	0	0	13980	0	13980	0	13980	100	559.20	0.00	559.20	
		111	0	0	0	54480	0	54480	410	54070	99	2192.80	0.00	2192.80	
		12	0	0	0	5800	0	5800	0	5800	100	232.00	0.00	232.00	
		14	0	0	0	7850	0	7850	0	7850	100	314.00	0.00	314.00	
		16	0	0	0	8000	0	8000	0	8000	100	320.00	0.00	320.00	
		194	0	0	0	96465	0	96465	780	95685	99	3859.61	0.00	3859.61	
		25	0	0	0	12260	80	12340	0	12340	100	495.40	0.00	495.40	
		129	0	0	0	46810	15100	61910	125	61785	100	2481.20	0.00	2481.20	
		525	0	0	0	245645	15180	260825	1315	259510	99	10454.21	0.00	10454.21	
	KALISPELL AREA TOTALS														
	PABLO		31	0	0	0	15510	0	15510	0	15510	100	620.40	0.00	620.40
			26	0	0	0	13120	0	13120	0	13180	100	524.80	0.00	524.80
		23	0	0	0	11500	0	11500	0	11500	100	460.00	0.00	460.00	
		33	0	0	450	16280	0	16730	0	16730	100	669.20	0.00	669.20	
		28	0	0	0	13680	0	13680	0	13680	100	547.20	0.00	547.20	
		1	0	0	0	325	0	325	0	325	100	13.00	0.00	13.00	
		108	0	0	420	54060	0	54480	0	54480	100	2179.20	0.00	2179.20	
		70	0	0	840	33970	0	34810	0	34810	100	1392.40	0.00	1392.40	
		42	0	0	440	24380	0	24820	0	24820	100	992.80	0.00	992.80	
		68	0	0	450	34425	0	34875	0	34875	100	1395.00	0.00	1395.00	
		10	0	0	0	5023	0	5023	0	5023	100	200.90	0.00	200.90	
		48	0	0	0	24350	0	24350	0	24350	100	975.00	0.00	975.00	
	79	0	0	0	38690	0	38690	150	38540	100	1547.60	0.00	1547.60		
	46	0	0	820	22500	0	23320	0	23320	100	932.80	0.00	932.80		
	75	0	0	0	36640	0	36640	0	36640	100	1467.40	0.00	1467.40		
	63	0	0	360	28310	5360	34030	0	34030	100	1361.20	0.00	1361.20		
	35	0	0	420	16120	0	16540	0	17040	103	681.60	0.00	681.60		
	44	0	0	200	20120	1050	21370	0	21370	100	854.80	0.00	854.80		
	72	0	0	0	34800	0	34800	0	34800	100	1392.00	0.00	1392.00		
	22	0	0	2180	7670	2720	12570	0	12570	100	502.80	0.00	502.80		
	924	0	0	6580	451473	9130	467183	150	467533	100	18710.10	0.00	18710.10		
PABLO AREA TOTALS															
DEER LODGE		72	0	0	2000	34585	0	36585	0	36585	100	1463.40	0.00	1463.40	
		14	0	0	0	7000	0	7000	0	7000	100	280.00	0.00	280.00	
		56	0	0	3240	24870	0	28110	0	28110	100	1124.40	0.00	1124.40	
		90	0	0	0	43750	0	43750	120	43630	100	1765.20	0.00	1765.20	
	232	0	0	5240	110205	0	115445	120	115325	100	4633.00	0.00	4633.00		
DEER LODGE AREA TOTALS															
DILLON		23	0	0	9640	0	9640	5	9635	100	390.40	0.00	390.40		
		37	0	0	1640	15970	0	17610	0	17610	100	704.40	0.00	704.40	
DILLON AREA TOTALS															

BRONKSLE RANCH, INC.  
BRONKSLE, JOHN JR. & LORE

3-26-91  
HB 37

SOME FACTORS TO CONSIDER ABOUT  
RESTRICTED WEIGHTS AND ROUTES

\*\*\*\*\*

1990 Shipping season of Seed Potatoes as documented by Montana  
Department of Agriculture Inspection Service.

Kalispell Area shipped:

337,680 Hundred-weight (Cwt) of Certified Seed

\*\*\*\*\*

Examples of Total Loads:

Under normal G.V.W. = 445# per inch tire width = 500 Cwt/load  
= 676 loads

If restricted to 400# per inch of tire width = 420 Cwt/load  
= 804 loads

Additional loads required to ship 1989 crop if restricted -- 128

\*\*\*\*\*

Examples of Freight Costs to Quincy, WA:

Cost per round trip mile--\$1.20/mile

\*\*\*\*\*

Miles to Quincy, WA via Hwys. 28 & 135 -- 770 mile round trip  
cost per trip -- \$924.00

If 128 extra loads were shipped:

Additional freight cost per season = \$118,272.00

\*\*\*\*\*

Miles to Quincy, WA via Hwys. 93 & I90 -- 890 mile round trip  
cost per trip --\$1068.00

If 128 extra loads were shipped:

Additional freight cost per season = \$136,704.00

\*\*\*\*\*

EXHIBIT NO. 4  
DATE 3-26-91  
BILL NO. HB 37

March 26, 1991

Mr Chairman and Members of the Committee,

I am Don Lake. I have been a potato producer in Lake County for 35 years.

For the past 10 years, I have represented Lake County on the Potato Improvement Advisory Board to Montana State University. Montana State University is charged by law as the official Potato Certification Agency for Montana. The state of Montana is recognized as having the finest Potato Certification program in the United States.

In Lake County there are twenty seven seed potato growers planting about 2,200-2,500 acres of certified seed. The seed is stored in temperature controlled cellars until early spring or when the soil temperature in Washington, Idaho, Oregon states reaches 50 degrees. Once planting begins buyers demand prompt delivery of seed potatoes in order to facilitate their planting operations. For Montana seed potato producers to remain competitive with surrounding seed producing states they must not only produce a high quality product but also accommodate the growers in all aspects of marketing their product.

Until four years ago load restrictions were placed on roads at the same time as seed potatoes needed to be shipped. In 1987 Montana seed potato growers initiated legislative action to allow potato trucks to haul their legal licence weight. During these four years the highway department was to assess the damage seed potato trucks were doing to Montana roadways. To my knowledge I have not been made aware of abnormal wear and tear to the roads.

During the past these past four years shipments of seed potatoes has gone very smoothly, due to allowing potato trucks to haul full loads from all areas of the state as the buyers wish.

The growers I represent feel your support in the passage of House Bill 37 will benefit Montana as well as the Montana potato industry. Montana can be maintained as a leader in producing high quality seed potatoes. Jobs and fuel will be saved and Montana's potato industry preserved

Respectively;



Don W. Lake

SENATE HIGHWAYS

FILE NO. 8

DATE 3-26-91

BILL NO. HB 37

# MONTANA

## 1990 CROP

### Certified Seed Potato Directory



Potato Lab  
Plant Growth Center

**MONTANA  
STATE  
UNIVERSITY**

Extension  
Service

406 994-3150

406 994-6042 FAX

*only Montana  
grown seeds*

HOUSE BILL 37

SUBMITTED BY: GARY GILMORE  
ADMINISTRATOR, OPERATIONS DIVISION  
DEPARTMENT OF HIGHWAYS

DATE:

IN ADDITION TO THE REASONS FOR DEPARTMENT OF HIGHWAYS OPPOSITION TO HOUSE BILL 37, I WOULD LIKE TO ADD SOME ADDITIONAL COMMENTS FROM A GVW POINT OF VIEW.

THIS BILL CREATES A INEQUALITY IN WEIGHT ENFORCEMENT. PLACE YOURSELVES IN THE POSITION OF A GVW OFFICER FOR JUST A MINUTE. WHILE WEIGHING VEHICLES ON A POSTED ROAD YOU FIND A VEHICLE, SAY HAULING LOGS, THAT EXCEEDING THE LOAD RESTRICTION. WHILE YOU ARE WRITING THIS OPERATOR A CITATION A POTATO TRUCK ROLLS IN AT AN EQUAL WEIGHT AND THIS VEHICLE IS ALLOWED TO PROCEED. THIS PLACES OUR OFFICERS IN AN UNCOMFORTABLE SITUATION. IN ADDITION, WE HAVE BEEN ASKED SEVERAL TIMES WHY THIS EXEMPTION CANNOT BE GRANTED TO OTHER COMMODITY CARRIERS. IN FACT ONE LOG HAULER HAS INFORMED US THAT THIS LAW IS UNCONSTITUTIONAL AND WILL FIGHT TO THE BITTER END IF HE IS CITED ON A POSTED ROAD.

EVEN WITH THIS EXEMPTION THE GVW DIVISION ISSUED 30 CITATIONS TO OVERWEIGHT POTATO TRUCKS LAST YEAR. THIS FIRST CITATION WAS ISSUED ON JANUARY 6, 1990 AT BOZEMAN, AND THE LAST WAS ISSUED AT BILLINGS ON JUNE 23. ALL THE CITATIONS EXCEPT ONE WERE ISSUED AT INTERSTATE SCALES ON THEIR WAY OUT OF THE STATE. IT IS DIFFICULT TO ASCERTAIN THE ORIGIN OF THESE LOADS. HOWEVER ONE CITATION WAS ISSUED TO A TRUCK ON HIGHWAY 200 NEAR PLAINS, FOR AN EXCESS OF 6200 POUNDS. THAT IS 6200 POUNDS OVER THE LEGAL LIMIT. THIS TRUCK WOULD HAVE EXCEEDED THE POSTED LIMIT BY AT LEAST 10,200 POUNDS.

THE DEPARTMENT HAS IMPLEMENTED SEVERAL IDEAS TO EASE THE BURDEN ON THE POTATO HAULERS. WE DO NOT RESTRICT HIGHWAY 93 SO THAT CARRIERS HAVE A CORRIDOR TO EXIT THE STATE. WE ALLOW POTATO TRUCKS TO GO TO THE FIRST CERTIFIED SCALE WITHIN 25 MILES TO CHECK ITS WEIGHT WITHOUT PENALTY. FINALLY, WE ALLOW THE STEERING AXLE TO CARRY 12,000 POUNDS RATHER THAN 10,000. RIGHT NOW, A 400 POUND LOAD LIMIT WOULD DECREASE THE AVERAGE TRUCK BY ONLY 4000 POUNDS. WE FEEL THIS IS NOT THAT GREAT OF PRICE TO PAY TO PROTECT OUR HIGHWAYS AT THEIR MOST VULNERABLE TIME.

ALTHOUGH THE AMENDMENTS TO THIS BILL HELP EASE THE PROBLEM FROM HIGHWAY DEPARTMENT STANDPOINT, WE URGE YOU TO GIVE THIS BILL A NOT PASS RECOMMENDATION.

HOUSE BILL 37

Prepared for The GROSS VEHICLE WEIGHT DIVISION

by: Joe O'Neil From Division Records

TICKET NUMBER	DATE	LOCATION	POUNDS OVERWEIGHT
3040977	1-6-90	BOZEMAN SCALE	1,900
B040987	1-27-90	BOZEMAN SCALE	2,040
B031889	2-4-90	I90 EAST CROW AGENCY	3,000
B045392	2-6-90	I90 DRUMMOND	3,340
B042448	2-27-90	WIBAUX SCALE	2,640
B047320	3-4-90	I15 BUTTE	2,580
B039367	3-7-90	I90 HAUGAN	1,960
B039368	3-8-90	I90 HAUGAN	2,480
B039369	3-8-90	I90 HAUGAN	4,420
B046150	3-13-90	I90 HAUGAN	2,220
B042394	3-14-90	I90 BILLINGS	3,080
B039373	3-15-90	I90 HAUGAN	2,520
B047340	3-25-90	I15 BUTTE	2,120
B045264	3-26-90	I90 DRUMMOND	1,880
B046691	3-28-90	I90 CROW AGENCY	2,240
B048732	4-1-90	US191 BOZEMAN	1,760
B037921	4-3-90	I90 BILLINGS	3,960
B047351	4-3-90	I15 BUTTE	2,580
B047352	4-3-90	I15 BUTTE	1,880
B042398	4-5-90	I90 BILLINGS	2,400
B049602	4-11-90	I15 BUTTE	1,720
B049603	4-11-90	I15 BUTTE	1,820
B030915	4-13-90	HWY200 PLAINS	6,200
B043638	4-16-90	I90 HAUGAN	5,920
B045094	4-18-90	I15 LIMA	3,200
B048744	4-18-90	US191 BOZEMAN	1,900
B044708	5-1-90	US87	2,500
B045466	5-3-90	I90 DRUMMOND	2,900
B050287	5-30-90	US191 BOZEMAN	1,592
B037796	6-23-90	I15 BILLINGS	4,240

Mr. Chairman and members of the committee

For the record -

1. During the spring our highways are most vulnerable to damage.

*ROADBEDS*

A. ~~Fills~~ are soft due to:

- 1) melting snow in ditches
- 2) seasonal precipitation
- 3) freeze-thaw cycle
- 4) spring run-off
- 5) frost coming out of ground and prohibiting surface and subsurface moisture from going into the ground

B. Results are a saturated roadway with the only stability being the pavement.

2. Every load has potential to do damage. The heavier the load the more damage.

A. This relationship of weight to damage is progressive - meaning

- 1) If you double the load, the effect on the road is not doubled, it is 10, 20, to 30 times as much.

2) Conversely - cutting the load in half does not cut the effect and damage in half, but will decrease it by 10, 20 or 30 times.

B. Even if ~~no~~ physical damage is seen to the pavement

1) effects and damage are occurring under the pavement

a) moisture pumping into subgrade

b) gravels are being contaminated by soils being pumped with moisture

c) all creates a mixing action under the pavement resulting in a roadway that has a load carry capability that is greatly reduced.

2) When these conditions occur, even a few trucks can totally destroy the surface of the road.

3) These effects are more damaging on older roads than newer ones, but the effects are present on all roads.

C. We cannot say that restricting all loads will eliminate damage but, it will definitely, and substantially, reduce

~~it~~ the damage.

This is why the Department of Highways is opposed to HB 37.

EXHIBIT NO. 16  
DATE 3-26-91  
BILL NO. HB 557

TESTIMONY ON H.B. 557

~~FEBRUARY 19, 1991~~

MARCH 26, 1991

I AM RICH BROWN, ADMINISTRATOR OF MONTANA'S VETERANS AFFAIRS DIVISION.

FOR YEARS, COUNTIES ACROSS MONTANA HAVE ALLOWED 100% SERVICE-CONNECTED DISABLED VETERANS THE OPTION OF PAYING THEIR FEES PURSUANT TO TITLE 61-3-451 M.C.A. AND THEN IF THEY DECIDED ON A DIFFERENT LICENSE PLATE TO EITHER PAY THE ADDITIONAL COSTS (FOR EXAMPLE: PAY AN ADDITIONAL \$25.00 AND SECURE A PERSONALIZED LICENSE PLATE) OR THE OPTION OF ANOTHER LICENSE PLATE (P.O.W. OR HANDICAPPED LICENSE PLATE). THIS PROCEDURE HAS ALLOWED 100% SERVICE-CONNECTED DISABLED VETERANS WHO WISH A PERSONALIZED PLATE TO UTILIZE THE BENEFIT YOU HAVE GIVEN THEM UNDER TITLE 61-3-451 WITHOUT THE REQUIREMENT OF NOTING THEIR DISABILITY TO THE ENTIRE STATE. THE COUNTY PROCEDURE ALLOWED 100% SERVICE-CONNECTED DISABLED VETERANS THE RECOGNITION AS FORMER P.O.W.'S RATHER THAN DISABLED VETERANS AND ALLOWED THOSE PHYSICALLY IMPAIRED VETERANS THE ABILITY TO CHOOSE THE INTERNATIONALLY RECOGNIZED HANDICAPPED SYMBOL RATHER THAN THE D.V. PLATE. FOR THE PHYSICALLY IMPAIRED THIS MEANT IF THEY WERE ABLE TO TRAVEL TO ANOTHER STATE OR CANADA THEY DID NOT RISK A PARKING TICKET WITH THE INTERNATIONALLY RECOGNIZED HANDICAPPED PLATE WHICH IS NOT THE CASE WITH THE D.V. PLATE.

ON NOVEMBER 15, 1990, THE ATTORNEY GENERALS' OFFICE ISSUED AN OPINION NOTING THAT 100% DISABLED VETERANS WISHING TO QUALIFY FOR THE TAX EXEMPTION YOU GRANTED HAD NO OPTIONS UNDER THE LAW AND MUST TAKE THE "D.V." LICENSE OR PAY FULL TAXES.

WE HAVE BEEN BOMBARDED BY COMPLAINS FROM THESE VETERANS WHO WERE SURPRISED WHEN THEY ENTERED THEIR COUNTY COURTHOUSE TO LEARN OF THIS NEW AND VERY STRICT OPINION. ONE BLINDED VIETNAM VETERAN, WHO IS ALSO A NATIVE AMERICAN AND HAS UTILIZED PERSONALIZED PLATES FOR A NUMBER OF YEARS, CALLED ME AND ASKED IF THE STATE WAS FORCING HIM TO BE RECOGNIZED THIS YEAR AS A DISABLED VETERAN, WOULD THE NEXT STEP REQUIRE HE PURCHASE PLATES THAT NOTED HE WAS ALSO AN INDIAN. P.O.W.'S AND MOBILITY IMPAIRED VETERANS HAVE ECHOED THIS VETERANS SENTIMENTS. ALL HAVE BEEN SURPRISED AND SHOCKED TO LEARN OF THE NEWS.

A REQUEST TO THE ATTORNEY GENERALS' OFFICE TO CHANGE OR HOLD OFF OF THIS OPINION HAS BEEN ANSWERED WITH A 'REGRETTABLE NO'.

WE HAVE THEREFORE BROUGHT THIS ISSUE TO YOU. IF H.B. 557 IS PASSED AND SIGNED INTO LAW, IT WILL ONLY RESTORE FOR MONTANA'S 100% DISABLED VETERANS THE OPTIONS COUNTIES HAVE GIVEN TO THEM FOR YEARS. IT WILL, IN MY PROFESSIONAL OPINION, ~~IT WILL~~ SIMPLY RESTORE YOUR ORIGINAL LEGISLATIVE INTENT.

ON BEHALF OF MONTANA'S APPROXIMATELY 600, 100% SERVICE-CONNECTED DISABLED VETERANS, I WISH TO THANK YOU AND REPRESENTATIVE REAM FOR YOUR TIME AND CONSIDERATION ON THIS ISSUE.

Amendments to House Bill No. 557  
Third Reading Copy

Requested by Department of Justice  
For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon  
March 25, 1991

1. Page 3, line 19.

Following: line 18

Insert: "NEW SECTION. Section 5. Coordination instruction. If Senate Bill No. 191, including amendments incorporating into 61-3-332 provisions allowing a disabled veteran the option of receiving a handicapped license plate or, if qualified, an ex-prisoner of war license plate, is passed and approved:  
(1) [sections 1 and 2 of this act] are void; and  
(2) in 61-3-455, the code commissioner shall change "61-3-451" to "61-3-332"."

Renumber: subsequent section

## REPORT TO DEPARTMENT BY PHYSICIAN

Section 1 - Amends section 37-2-311 to allow the bureau the choice of either conducting an investigation or an examination on individuals reported to the bureau who may be having problems in the safe operation of a motor vehicle. Provides that the physicians report may be used as evidence before the department or court involving granting, suspension, revocation of persons driver's license, driving privilege, or commercial motor vehicle operator's endorsement.

<sup>3</sup>  
Section 2 - Amends section 61-5-207 regarding re-examinations to allow bureau to conduct an investigation on an individual based on information received, investigate the licensee's record, physical or mental condition and/or need for a license. The bureau may use information gathered from the investigation regarding continued driving privileges.

<sup>4</sup>  
Section 3 - This change in the law, would allow the department to send a traffic conviction to the "home" state of licensure if the person was licensed in another state or jurisdiction, may take action as required against the license.

At present time, the department takes action as though the person were a resident of Montana with the exception of the reinstatement fee for alcohol violations.

For example, a person from Texas is convicted of 1st offense DUI. Montana would (under present law) take action to suspend his driving privilege for 6 months. The conviction would then be sent to Texas where they also take sanctions against him because he is licensed there. However, because he may be eligible for a probationary or temporary license in Texas, they would not license due to the suspension in Montana. Montana would not release the suspension unless he were to return to Montana and obtain a Montana license, which he does not wish to do since he is a resident of Texas. If he were to return to Montana, we could not license with a probationary due to the suspension in Texas. So the person is caught between requirements of two jurisdictions.

If passed, the new law would allow the state to send the conviction to Texas without taking any action in Montana, and allowing Texas to take whatever action against his license as allowed by their laws.

<sup>2</sup>  
Section 4 - <sup>(1)</sup> Amends section 61-5-108 to provide for employees of the bureau to verifying validity of minor applications currently this process must be done in presence of a notary, provides for accepting a signature of only one parent or by one parent or by any responsible person willing to assume financial obligation imposed under this adapter regarding a person signing for a minor. 2.) To add a provision to limit liability to the amount of the policy in effect in case of a motor vehicle is operated by a minor/or physical control.

**67-3-422. Issuance of certificates of public convenience and necessity.** (1) No air carrier may engage in an operation in this state without first obtaining from the board a certificate of public convenience and necessity authorizing the operation.

(2) An applicant shall submit his written verified application to the board. The application shall be in a form, contain the information, and be accompanied by proof of service upon all air carriers with which the proposed service is likely to compete and upon other interested parties, as the board requires. Each application shall be accompanied by a fee of \$150.

(3) In awarding certificates of public convenience and necessity, the board shall consider the business experience of the particular air carrier in the field of air operations, the financial stability of the carrier, the insurance coverage of the carrier, the type of aircraft which the carrier would employ, proposed routes and minimum schedules to be established, whether the carrier could economically give adequate service to the communities involved, the need for the service, and any other factors which may affect the public interest.

(4) After notice to the interested parties and the public and after hearing, the board may:

- (a) issue the certificate requested;
  - (b) refuse to issue the certificate;
  - (c) issue the certificate for the partial exercise only of the privilege sought.
- (5) The board may attach terms and conditions to the exercise of the rights granted by the certificate as, in its judgment, the public convenience and necessity require.

History: En. 1-323.1 by Sec. 28, Ch. 348, L. 1974; R.C.M. 1947, 1-323.1.

**67-3-423. Transfer and combination of certificates of public convenience and necessity.** (1) The holder of a certificate of public convenience and necessity must apply to the board for permission to sell, mortgage, lease, assign, transfer, or otherwise encumber a certificate. A fee of \$150 shall be paid to the department for filing each application to sell, mortgage, lease, assign, transfer, or otherwise encumber a certificate.

(2) The board may, after notice and hearing, approve the application or refuse to approve it and may approve it under those terms and conditions which, in its judgment, the public convenience and necessity require.

(3) Without the express approval of the board, no certificate of public convenience and necessity issued to one air carrier may be combined, united, or consolidated with a certificate issued to or possessed by another carrier so as to permit through service between any point served by one carrier and any point served by the other carrier.

History: En. 1-323.2 by Sec. 29, Ch. 348, L. 1974; R.C.M. 1947, 1-323.2.

**67-3-424. Suspension — amendment — revocation.** (1) Upon a finding of an agency of the federal government that an air carrier is operating in violation of a federal safety law or regulation, the board may suspend and the department shall enforce the suspension of certificates of public convenience and necessity issued by the board.

(2) For any other good cause, the board may, upon notice to the holder of a certificate and opportunity to be heard, suspend, revoke, alter, or amend a certificate.

History: En. 1-323.3 by Sec. 30, Ch. 348, L. 1974; R.C.M. 1947, 1-323.3.

67-3-42

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**Cross-References**

Contested cases, Title 2, ch. 4, part 6.

**67-3-425. Establishment of rates — discontinuance of service.** (1) An air carrier may, upon prior written approval from the board, after notice to all interested parties and the public and after hearing, establish through rates and joint rates, charges, and classifications between all points served by it under certificates or operative rights issued to or possessed by it.

(2) No air carrier may discontinue operations to a point without authority of the board, unless the operations are unprofitable. Unprofitable operations may be discontinued upon 30 days' notice to the board and to other persons the board may require, unless within the 30-day period the board, after hearing, finds that the operation is not unprofitable and orders its continuance.

History: En. 1-323.4 by Sec. 31, Ch. 348, L. 1974; R.C.M. 1947, 1-323.4.

**67-3-426. Board may require insurance.** The board may, upon its motion or upon application of an interested party and after hearing, require an air carrier to procure and maintain insurance in amounts and upon terms as the board may determine. The board may suspend the certificate of an air carrier for failure to comply with the insurance regulations established under this section.

History: En. 1-323.5 by Sec. 32, Ch. 348, L. 1974; R.C.M. 1947, 1-323.5.

**67-3-427. Enforcement, appeals, and judicial determinations.** (1) When a complaint has been filed with the board alleging that an aircraft is being operated without a certificate of public convenience and necessity or when the board believes that 67-3-421 through 67-3-429 are being violated, the board shall investigate the operations and may, after a hearing, make its order requiring the operator of the aircraft to stop an operation in violation of this section. The department shall enforce compliance with the order by means of powers vested in it by law.

(2) The district court has jurisdiction to enforce, by proper decree, injunction, or order, the rates, classifications, rules, and orders made by the board. The proceeding shall be by equitable action in the name of the state and shall be instituted by the attorney general or county attorney when advised by the department that an air carrier is violating or refusing to comply with a rule, order, rate, or classification made by the board and applicable to that air carrier. The proceedings shall have precedence over all other business in the district courts except criminal business.

(3) In an action the burden of proof rests upon the defendant, who must show by clear and satisfactory evidence that the rule, order, rate, or classification involved is unreasonable and unjust. If the court decides that the rule, order, rate, or classification is not unreasonable or unjust and that in refusing compliance the air carrier is failing to fulfill a duty, debt, or obligation, the court shall decree a mandatory and permanent injunction compelling compliance with the rule, order, rate, or classification by the defendant and its officers, agents, servants, and employees and may grant other relief which may be considered just and proper. A violation of the decree makes the defendant and officer, agent, servant, or employee of the defendant who is in any manner instrumental in the violation guilty of contempt, punishable by a fine not

exceeding \$1,000 for each offense or by imprisonment of that person until he sufficiently purges himself. The decree remains in effect until the rule, order, rate, or classification is modified or vacated by the board.

(4) An air carrier may bring an action in the district court of the county where the principal office or place of business is situated or in a county where a classification, rate, toll, charge, rule, or order of the board applies, against the board as defendant to determine whether the classification, rate, toll, charge, rule, or order made or established by the board is just and reasonable. In an action, hearing, or proceeding in any court, the classification, rate, toll, charge, rule, and order made and established by the board shall prima facie be considered just, reasonable, and proper.

(5) Appeals taken to the supreme court from the judgment of a district court under this section have precedence over all other business, except criminal business and original proceedings in that court, and shall be heard and determined as are appeals in civil actions.

(6) All costs and expenses incurred in the hearing, trial, or appeal of an action brought under this section shall be determined and assessed in a manner the court considers just and equitable.

History: En. 1-323.6 by Sec. 33, Ch. 348, L. 1974; R.C.M. 1947, 1-323.6.

**Cross-References**

Contested cases, Title 2, ch. 4, part 6.  
Injunctions, Title 27, ch. 19.

Departmental enforcement, 67-2-501.  
Departmental investigations, 67-2-502.

**67-3-428. Notice of regulation hearings.** Notice as required by 67-3-421 through 67-3-427 shall be given by publication once a week for 3 successive weeks in a newspaper of general circulation in the county in which the hearing is to be held and by personal service by mailing to all interested parties. However, in the case of the hearings required by 67-3-421 and 67-3-425(1), if no written protest or written request that the hearing be held is received by the board within 5 days after the date of the last publication of the notice, the board may, in its discretion, vacate the hearing and establish the rates, fares, charges, classifications, and rules of the air carrier without hearing. The notice required by this section shall state that the board may vacate the hearing unless a written protest or request that the hearing be held is received by the board as required by this section.

History: En. Sec. 3, Ch. 171, L. 1967; amd. Sec. 1, Ch. 208, L. 1969; amd. Sec. 34, Ch. 348, L. 1974; R.C.M. 1947, 1-324.

**67-3-429. Exceptions.** (1) No air carrier may operate aircraft except in accordance with 67-3-421 through 67-3-429.

(2) Sections 67-3-421 through 67-3-429 do not apply to:

(a) common carriers of passengers or freight by aircraft which operate within this state under a certificate of public convenience and necessity issued by the federal government; or

(b) aircraft operators who carry passengers for hire, are commonly known as "taxi operators" or "charter operators", operate on an occasional or contract basis, and do not operate as common carriers between terminal points, including intermediate points, if any.

History: En. Sec. 1, Ch. 171, L. 1967; amd. Sec. 25, Ch. 348, L. 1974; R.C.M. 1947, 1-322.



**BURLINGTON NORTHERN RAILROAD**

PAT KEIM  
Director, Government Affairs

EXHIBIT NO. 15  
DATE 3-26-91  
BILL NO. HB 705

139 North Last Chance Gulch  
Helena, Montana 59601  
(406) 442-1296

March 26, 1991

Senator Cecil Weeding  
Chairman,  
Senate Highways and Transportation Committee  
Capitol Station  
Helena, MT 59620

Mr. Chairman and Members of the Committee:

Please let the record show that Burlington Northern Railroad is in support of House Bill 705.

Sincerely,

Pat C. Keim  
Director

PCK/sp

EXHIBIT NO. 16  
DATE 3-26-91  
BILL NO. HB 705

Amendments to House Bill No. 705  
Third Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon  
March 27, 1991

1. Title, lines 11 and 12.

Strike: "OR MAINTENANCE-OF-WAY ACTIVITIES"

2. Page 3, lines 4 and 5.

Strike: "or in connection with railroad maintenance-of-way activities"



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE DON LARSON

HELENA ADDRESS:

936 CANNON  
HELENA, MONTANA 59620  
(406) 442-9734

HOME ADDRESS:

P.O. BOX 285  
SEELEY LAKE, MONTANA 59868  
(406) 677-2570

COMMITTEES:

AGRICULTURE  
BUSINESS & INDUSTRY  
HIGHWAYS & TRANSPORTATION

March 11, 1991

Senator Cecil Weeding, Chairman  
Senate Highway Committee  
Room 410  
State Capitol

Dear Senator and Members of the Highway Committee:

I am writing to you to register my concern about House Bill 192, a bill to place log hauling under the regulatory authority of the Public Service Commission.

As a representative of a logging/lumbering district, I can both understand the concerns that motivated the introduction of this bill and the problems with the bill in its present form.

There are better options to pursue than blanket regulation of the entire, beleaguered timber industry. The state of Montana could merely require a written contract between the buyer and seller of a timber sale, with the haul rate specified. Period. It is that simple, members of the Committee.

There are some major problems with this bill:

(1) It still allows negotiation of the haul rates so that rates can be managed on a job-to-job basis. It does not guarantee improved rates for haulers. Quite the contrary. If a road condition on a job deteriorates in the course of a haul job (which often occurs) and it becomes difficult for the trucks, the hauler cannot re-negotiate under this bill. He is locked in to an unprofitable haul rate.

(2) It adds costs. Regulatory and reporting costs will be passed on to an industry that is expected to downsize by as much as 25 percent in the next decade. To keep Montana wood products competitive with the products in the regional market and national markets, the State of Montana must do all it can to help keep costs down, not add to them.

Representative Don Larson  
March 11, 1991

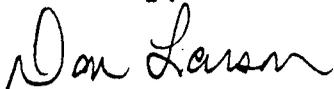
Page 2

(3) It adds trucks. The chances of logging contractors and mills buying their own trucks to avoid the regulation are good, under the provisions of this bill. That would in effect create a yet larger surplus of haulers to compete for a shrinking number of log loads.

At the House Highways hearings on the bill, roughly half of the people testified in favor of the bill and half against it. Is it fair to bring regulation down on the entire industry given those numbers? I submit not. Also, the majority of the proponents came from the Flathead, where haulers are experiencing an unusual investigation by the Federal Department of Transportation. I suggest there is a local problem in the Flathead, rather than a statewide problem.

I would appreciate your serious consideration of these concerns as you deliberate on House Bill 192.

Sincerely,



Don Larson  
Representative House District 65  
(D-Seeley Lake)

DL/mf



# CHRISTOFFERSON LOGLINERS, INC.

### OWNERS

Leroy L. Christofferson, President  
Jacque G. Christofferson, Vice President

### CONTROLLER

Pri Fernando, Controller

3820 SOUTH THIRD WEST  
MISSOULA, MONTANA 59801  
Office 549-2039 Shop 549-3724 FAX 543-6121

SENATE HIGHWAYS

EXHIBIT NO. 18

DATE 3-26-91

BILL NO. HB 192

## FAX COVER PAGE

DATE: March 22, 1991

TO: Senate - Highway & Transportation Committee  
Attention: Cecil Weeding

NUMBER OF PAGES INCLUDING COVER PAGE: 7

FAX NUMBER 1-444-4105

RE: House Bill 192

ATTENTION: LARRY STIMATZ



# CHRISTOFFERSON LOGLINERS, INC.

## OWNERS

Leroy L. Christofferson, President  
 Jacque G. Christofferson, Vice President

## CONTROLLER

Pri Fernando, Controller

3820 SOUTH THIRD WEST  
 MISSOULA, MONTANA 59801  
 Office 549-2039 Shop 549-3724 FAX 543-6121

March 22, 1991

SENATE HIGHWAYS

EXHIBIT NO. 18

DATE 3-26-91

BILL NO. HB 192

Senate Highway & Transportation Committee  
 Montana Capital Station  
 Helena, MT 59601

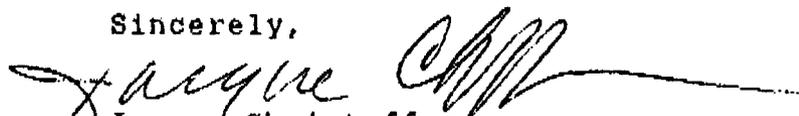
Dear Honorable Committee:

I was sitting up in the balcony March 21, 1991, listening to both sides of House Bill 192 debate, I want to clarify some statements Representative Wazenried said.

1. Opponents are being intimidated by the mills to be in opposition of this Bill. **UNTRUE.** The only intimidation I have physically watched and attended is when the MMCA and Wazenried use **SALESMANSHIP** on these truckers who don't want it. A good analogy would be the city slicker life insurance salesman who goes to the farm and explains why they should buy the policy and they don't really want it. That's the intimidation.
2. The Thompson Falls meeting discussed the 1989 bill Wazenried claimed. **UNTRUE.** Leroy and I attended that meeting and the 1991 bill was discussed. Jim Elliott, especially, didn't want them there because of their intimidation tactics. Elliott wanted only facts thrown at the people and Wayne Butts did just that as he was asked to.

Of the several discussions I held yesterday, all the people want is Plum Creek to reorganize their trucking administration. **NO REGULATION OR P.S.C.** They just don't know how to make the logger pass the full rate onto the trucker, and that's not every logger who doesn't pass it on. A few bad apples, again. If we pass this regulation, Idaho as it has been said will want to keep us out, too. We have enjoyed our privileges, leave them alone!! Long term will be less work available and higher unemployment if House Bill 192 passes. Vote no!

Sincerely,

  
 Jacque Christofferson



# CHRISTOFFERSON LOGLINERS, INC.

## OWNERS

Leroy L. Christofferson, President  
Jacque G. Christofferson, Vice President

## CONTROLLER

Pri Fernando, Controller

3820 SOUTH THIRD WEST  
MISSOULA, MONTANA 59801  
Office 549-2039 Shop 549-3724 FAX 543-6121

March 22, 1991

Senate Highway & Transportation Committee  
Montana Capital Station  
Helena, MT 59601

Honorable Members of the Committee:

Thank you for a well conducted Senate hearing on House Bill 192.

As one of the opponents who testified before you, I wish to add a couple of comments that I feel were not answered during the question and answer period.

First, the formula or schedule which Champion, Plum Creek or Stoltz used to determine hauling costs is fundamentally O.K. and I believe in every case that they are willing to adjust these rates when the economic conditions change, at no time have I even been refused this privilege.

However, I believe the only problem that exists is when the company includes the hauling cost in the loggers contract and that contractor does not pass it on to the trucker, which only Plum Creek does it, so why force all of us into a system of public knowledge? Champion audits our corporation to make sure our subcontractors make that rate as we are paid. So my suggestion is the logger for Plum Creek, also, be audited by Plum Creek not P.S.C. to pass those rates on to the truckers for there is nothing wrong with the Plum Creek rate, only the logger who does not pass it on. Administration procedures for Plum Creek need to be analyzed and addressed for their system only works 2/3 of the time. WE DON'T WANT OUR FINANCIAL REPORTS PUBLIC KNOWLEDGE TO FELLOW TRUCKERS SINCE THAT IS OUR EDGE ON COMPETITION. Furthermore, income from our corporation for easy employee accessibility of state posting of rates is none of their business. How our employees spend their money we pay them is none of ours, too.

I load and haul logs, 100 loads per day and the loggers and the company we work for are real fair about pay, but we also are fair and do provide a good service.



# CHRISTOFFERSON LOGLINERS, INC.

**OWNERS**

Leroy L. Christofferson, President  
Jacque G. Christofferson, Vice President

Ex 18  
3-26-91  
HB 192

**CONTROLLER**

Pri Fernando, Controller

3820 SOUTH THIRD WEST  
MISSOULA, MONTANA 59801

Office 549-2039 Shop 549-3724 FAX 543-6121

We do not need any P.S.C. regulation, but if the truckers feel they can't talk to their logger in the Kalispell, Libby, and Eureka area maybe it's because they go about it the wrong way. No contractor likes any group telling him what he has to do and fundamentally this so call group of truckers, the (proponents) violated the Anti-Trust laws when they organized solely for the purpose of rate negotiations. No wonder they had a law suit filed against them.

To Senator Farrell: I will be more than happy to prove to you that every trucker I hire is paid the exact rate I get.

Enclosed is the rate sheet road classification used by the W.U.T.C. This rating system is currently under a lot of pressure in the State of Washington because the economic value of the forests has changed because of export policies.

The same thing is happening here in Montana; with a dwindling supply of logs, and poor markets an imposed rate structure would further hamper our industry.

Thanks again.

Sincerely,

Leroy L. Christofferson

P.S. Please don't let party line politics pass this bill. Kill it in the committee.

je

Enclosure

**UTILITIES AND TRANSPORTATION COMMISSION TARIFF NO. 4-A**      **SPECIAL COMMODITY TARIFF**      **410th Revised Page 31-B**

**SECTION 1 -- COMMODITY RATES**  
 Rates are in cents per 100 pounds, Minimums per shipment are in pounds, except as noted.

COMMODITY							Item No.
<b>CHRISTMAS TREES, loose or baled.</b>							<b>840</b>
Rate in cents per tree or bale							
DISTANCE Not over	Natural Forest Lands		Cultivated Lands				
	Col. A	Col. B	Col. A	Col. B	Col. C	Col. D	
10 Miles	11	8	27	22	21	16	
20 "	12 1/2	9 1/2	31	26	24	19	
40 "	14	11	36	31	28	23	
60 "	17	14	39	34	29	25	
80 "	--	45	--	45	--	39	
100 "	--	51	--	51	--	45	
Column A - Applies on shipments of loose trees, carrier to load. Column B - Applies on shipments of loose trees, shipper to load. Column C - Applies on shipments of baled trees, carrier to load. Column D - Applies on shipments of baled trees, shipper to load.							
FROM	TO		Rate in cents per Bale or Unit				
Production Yards	Western Washington		27				
	Central Washington		54				
	Eastern Washington		78				
Note 1: The term "Bale" or "Unit" when used in conjunction with shipments of sheared plantation trees will consist of a single tree. The term "Bale" when used in conjunction with shipments of trees other than sheared will consist of 4 trees wrapped or tied together. Trees referred to herein will not exceed 24 feet in length.							
Note 2: Central Washington as referred to herein embraces the area of Benton, Chelan, Douglas, Franklin, Grant, Kittitas and Yakima Counties. Eastern and Western Washington will cover the areas defined in Item 165 (b) exempting that portion outlined above for Central Washington.							
Note 3: Above rates are minimum rates subject to Rule 235.							
COMMODITY					Rate Per Hour		<b>841</b>
<b>FOREST PRODUCTS, consisting of crushed and broken Tree limbs and tops, Bark and Sawdust. From Camp Baker and a radius of 5 miles thereof to Longview. Time to commence when truck leaves Longview and ends when truck arrives at destination.</b>					@ \$47.16 † \$44.02		
@ Applies in Live Bottom Trailer. † Applies in Regular Chip Trailer.							

Refer to last page for explanation of abbreviations and reference marks not explained on this page.

ISSUED January 11, 1989      EFFECTIVE January 21, 1989

Issued by Washington Utilities and Transportation Commission, Olympia, Washington

Ex. 18  
3-26-91  
HB 192

UTILITIES AND TRANSPORTATION SPECIAL COMMODITY TARIFF 8th Revised Page 31  
COMMISSION TARIFF NO. 4-A

SECTION 1 -- COMMODITY RATES

Rates are in cents per 100 pounds, minimums per shipment are in pounds, except as noted.

COMMODITY	DISTANCE	RATE	MINIMUM	Item No.
WOODPULP, Sulphite or Sulphate, wet or dry, in laps, bales, sheets or rolls.	For mileage (see Item 990)	Col. JA Item 990	\$48,000	
<p>Note 1: Rates do not include loading or unloading by carrier.</p> <p>Note 2: Rates include 1 hour for loading or waiting to load and 1 hour for unloading or waiting to unload. Time for each service shall NOT be aggregated. Time in excess of allowance will be charged for at \$10.38 per 1/4 hour or fraction thereof.</p> <p>Note 3: Delivery on Saturdays, Sundays, and holidays shall be charged for in accordance with Rule 167.</p> <p>Note 4: Where Puget Sound Ferry or toll bridge is used add arbitrary rates named in Rule 145.</p> <p>Note 5: Rules 270 and 275 apply to this item.</p> <p>∅ Minimum per truck unit.</p>				

COMMODITY	Special Application of Rates within Tacoma	Rate per unit of 200 cubic feet	Item No.
WOOD, RESIDUALS, in bulk, viz: Sawdust, Hugged Fuel and Shavings. ‡ Minimum 13 units. ∅ Applies only when not loaded by bunker. ⊖ Applies only on Wood Chips.	0 to 2 1/2 miles	‡\$ 3.16	843
	2 1/2 to 5 miles	‡\$ 3.49	
	0 to 2 miles	⊖\$ 2.11	
	2 to 5 miles	⊖\$ 2.90	
	2 to 5 miles	⊖\$ 4.37	
	5 to 10 miles	⊖\$ 4.74	
	10 to 20 miles	⊖\$ 5.52	

COMMODITY	RATE PER HOUR	Item No.
WOOD, RESIDUALS, in bulk, viz: Hugged Fuel, on Solo vehicles within a 15 mile radius of Morton, Centralia, Toutle Lake or Napavine.	\$21.51	844

▲(Item 845 formerly shown hereon transferred to Original Page 31-CC).

Refer to last page for explanation of abbreviations and reference marks not explained on this page.

ISSUED December 5, 1988

EFFECTIVE December 17, 1988

Issued by Washington Utilities and Transportation Commission, Olympia, Washington

UTILITIES AND TRANSPORTATION  
COMMISSION TARIFF NO. 4-A

SPECIAL COMMODITY TARIFF

3rd Revised Page 31-CC

SECTION 1 -- COMMODITY RATES

Rates are in cents per 100 pounds, minimums per shipment are in pounds, except as noted.

COMMODITY	DISTANCE (See Rule 225) Not over:			RATE ⊕	RATE ⊞	RATE ⊘	DISTANCE (See Rule 225) Not over:			ITEM
		RATE ⊕	RATE ⊞					RATE ⊕	RATE ⊞	
WOOD RESIDUALS, in bulk, viz: Wood Chips, ⊕Wood Pellets, Hogged Fuel, Sawdust, Shavings, Planer Ends and/or Bark; also applies on Tree Tops and Limbs, crushed or broken.	5 Mi. . . . .	13.4	11.9	..	55 Mi. . . . .	43.1	37.4	34.8	<u>845</u>	
	10 " . . . . .	16.6	13.8	..	60 " . . . . .	45.7	39.8	37.0		
	15 " . . . . .	19.3	16.2	..	65 " . . . . .	48.7	42.3	39.2		
	20 " . . . . .	22.2	19.2	..	70 " . . . . .	52.1	44.6	41.3		
	25 " . . . . .	25.2	21.6	..	75 " . . . . .	55.2	47.6	43.5		
	30 " . . . . .	28.1	24.8	..	80 " . . . . .	57.8	50.2	45.6		
	35 " . . . . .	30.7	27.4	..	85 " . . . . .	59.9	52.7	47.7		
	40 " . . . . .	34.3	29.6	..	90 " . . . . .	63.8	55.2	49.9		
	45 " . . . . .	36.5	32.4	..	95 " . . . . .	66.9	57.9	52.2		
	50 " . . . . .	40.2	34.7	32.7	100 " . . . . .	69.7	60.3	54.4		
					Over 100 Mi. add per 5 mi. or fraction	2.4	2.3	2.0		

Note 1: Shipper and consignee to provide facilities for bulk handling. Thirty (30) minutes will be allowed for loading, waiting to load, unloading, or waiting to unload. Time for each service is not to be aggregated. Additional time shall be charged for at 50c per minute.

Note 2: Empty equipment mileage to be charged for at \$2.12 per mile from location of equipment to nearest point of haul.

Note 3: Where Puget Sound ferry or toll bridge is used add arbitrary rates named in Rule 145.

Note 4: Rates named herein are subject to provisions of Rule 251.

Note 5: On Saturdays, Sundays and legal holidays the rates are applicable, plus the actual overtime labor cost.

Note 6: When carrier is required to drop trailer at shippers for loading, an additional charge of \$21.79 per 24 hour period or portion thereof, will be charged for detention of each trailer.

Note 7: Provisions of this item are subject to Rule 215.

⊕ Minimum per load 48,000 lbs.

⊞ Minimum per load 65,000 lbs.

⊕ Rate applies only when carrier furnishes "Live Bottom" equipment. Minimum per load 45,000 lbs.

(D90-354)

Refer to last page for explanation of abbreviations and reference marks not explained on this page.

ISSUED November 5, 1990

EFFECTIVE November 10, 1990

Issued by Washington Utilities and Transportation Commission, Olympia, Washington

Ex. 18  
3-24-91  
FB 24-91

UTILITIES AND TRANSPORTATION  
COMMISSION TARIFF NO. 4-A

SPECIAL COMMODITY TARIFF

27th Revised Page 31-D

SECTION 1 -- COMMODITY RATES

Rates are in cents per 100 pounds, minimums are in pounds, except as noted.

COMMODITY	FROM	TO	RATE	MINIMUM	ITEM	
<p>WOOD RESIDUALS, in bulk, viz: Wood Chips, Bark, Hogged Fuel, Sawdust, Shavings, Planer Ends and Planer Shavings.</p> <p>Note 1: Shipper to provide a loading device capable of loading carrier's equipment within five (5) minutes. Consignee to provide an unloading device capable of unloading trailers within five (5) minutes of placement upon device. Thirty (30) minutes will be allowed shipper and consignee for loading, waiting to load, unloading, and waiting to unload. Time for each service shall not be aggregated. Time in excess of allowance will be charged for at 48.3c per minute (Exception to Rule 220).</p> <p>Note 2: When a carrier is requested to supply and drop a trailer for loading, an additional charge of \$20.83 per 24 hour period or portion thereof will be assessed for detention of each trailer.</p> <p>Note 3: On Saturdays, Sundays and legal holidays, the rate applies plus actual overtime labor cost for each truck and driver.</p> <p>Note 4: Rates in this item are not subject to Rule No. 230.</p> <p>Note 5: Rates in this item are not subject to Rule No 215.</p> <p>Note 6: Rates in this item do not apply in "live bottom" equipment except as noted.</p> <p>(Refer to Pages 32-B and 32-BB for explanation of reference marks used on this page.)</p>	Aberdeen	Everett	(C)62.9	65,000	846	
		Longview	053.7	42,000		
		Port Townsend	(x)47.3	60,000		
			(C)56.7	66,000		
		Stellacoom	(7)45.3	45,000		
			37.7	48,000		
	Allen Log (15 Miles south of Forks)	Aberdeen	Tacoma	(C)37.3		64,000
				41.8		48,000
				(C)35.8		64,000
			Aberdeen	(C)46.7		65,000
			Cosmopolis			
	Arden	Arden	Hoquiam	(C)35.3		65,000
			Port Angeles	(C)60.5		65,000
			Port Townsend	(C)59.3		65,000
			Stellacoom			
	Arlington	Arlington	Kettle Falls	14.9		44,000
			Usk	11.3		65,000
			Walla	(C)28.6		64,000
			Wallula	111.9		48,000
	Axford Prairie (20 miles north of Hoquiam)	Axford Prairie	Bellingham	29.9		48,000
			Everett	(g)19.7		45,000
				(I)17.5		45,000
				15.2		44,000
				13.3		56,000
	Baker Shake(Near Port Angeles)	Baker Shake	Marysville	(d)50.55		---
Snoqualmie			(d)39.2	50,000		
Beaver (Por Tac Facility)	Beaver	Tacoma	44.5	48,000		
		Hoquiam	80.91	---		
Belfair	Belfair	Port Townsend	(2)35.1	44,000		
		Port Angeles	30.0	50,000		
Bingen	Bingen	Port Townsend	30.2	60,000		
		Tacoma	23.6	60,000		
Bullfrog (near Cle Elum)	Bullfrog	Camas	31.2	50,000		
			(C)29.7	65,000		
Camas	Camas	Longview	(x)97.7	48,000		
			(x)80.9	60,000		
Carson	Carson	Tacoma	(A)50.7	40,000		
		Longview	33.1	44,000		
Cathlamet	Cathlamet	Camas	17.9	58,000		
		Longview	20.8	48,000		
Centralia	Centralia		(7)24.4	45,000		
		Camas	46.5	48,000		
			(C)41.9	65,000		
		Cosmopolis	34.3	44,000		
			33.4	44,000		
		Longview	(7)42.3	42,000		
			(7)32.5	60,000		
Chehalis	Chehalis		26.7	57,000		
		Olympia	19.5	60,000		
		Tacoma	31.6	46,000		
		Camas	(3)43.8	50,000		
Longview	Longview		(C)40.7	65,000		
			29.1	44,000		
			(C)26.5	65,000		

(Continued on next page)

(D90-291)

ISSUED September 10, 1990

EFFECTIVE September 15, 1990

Issued by Washington Utilities and Transportation Commission, Olympia, Washington

SENATE HIGHWAYS

EXHIBIT NO. 19

DATE 3-26-91

BILL NO. HB 192

March 22, 1991

19  
Rodney Hahn Trucking  
Jeannette Hahn  
185 Cameron Br. Rd. W.  
Bozeman MT 59715  
406 388-7270

Regards: HB 192

Dear Mr. John Harp,

I Thankyou for hearing my testimony opposing HB 192. As a follow up to some questions that were asked, my husband and I would like to respond.

A question was asked to John Marceau of Plum Creek in Belgrade; if he compensated his loggers for fuel increases. His answer was yes, then he was asked also if the log truckers had received a compensation from there loggers, but he could not supply you with the anwser. For us the answer is yes; my husband and I received a rate increase for added fuel supplement.

I would also like to state for the record that we have never really had any big problems with verbal or written contracts on hauling agreements. At one time a logger had been late in paying, but my husband contacted the mill and informed them of the situation and in return the mill contacted the logger and confronted them with the complaint and we started receiving timely payments. In another instance with another mill, when we had not received payment from a logger, the mill in turn paid us instead of the logger.

So what I'm saying is that if the log trucker is having a problem with being paid or he doesn't know what he's being paid before he hauls, is ignorance on his own part; and he must take action. Not the PSC. These things can be handled and have been for several years. Any type of business, what ever the business is, a certain percentage is doomed to fail, regardless of regulation. It could be a number of factors due to lack of working capitol, mismanagement or whatever; but still it shouldn't be up to the State to handle and manage a persons business.

Another point I would like to make is that my husband and I own a self loading log truck. Alot of the time he does clean up accidents and other mishaps of other log trucks. He cannot charge a haul rate. It is usually done on an hourly rate. With PSC regulation we could not do this without being in violation. Say an accident happened 10 miles from the mill and he had to accept a tarriff rate that was negotiated through the PSC- EXAMPLE- \$1.00 a mile @ 10 miles (both ways) = \$20.00. It would take at least 1 to 2 hours to clean up an accident and haul the logs in. At his established hourly rate he would show a loss of \$00.00. This is not good business pratice.

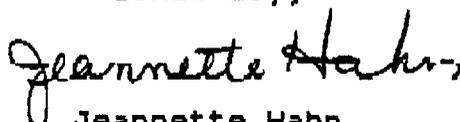
The HB 192 does not state any matters such as this. That's why I

feel that HB 192 is an unsound bill. Negotiation of the bill can not be met after passage. There is not enough propaganda in the bill to support what the bill is to accomplish. The PSC wants to much negotiation to take place after the bill passes. This makes no sense.

I urge you again, Please show your support to those of us who oppose HB 192.

Please review my enclosed letter of Testimony that was presented at the hearing of March 21, 1991. Thankyou again.

Sincerely,



Jeannette Hahn  
DBA Rodney Hahn Trucking

enclosure

EX. 17  
3-26-91  
HB 192

Testimoany for HB 192

Mar. 21, 1991

Mr. Chairman & members of the committee,

My name is Jeannette Hahn. I'm from Bozeman Montana. I represent Rodney Hahn Trucking. We are members of the Montana Log Truckers Ass. and we oppose HB 192. My husband and I own and operate one self loading log truck, and have been very successful for the past 12 years.

From a womens point of view and maybe other wives who handle the bookkeeping end of their businesses, I feel to regulate log hauling would add substantial amounts of paperwork. We have a system now that has done us well for 12 years. Why should we have to change now? For the PSC to come in and tell us we have to change our system to meet there needs in recording keeping and bookkeeping, will add hours of frustration with no financial returns. It will cost us---more insurance, more personal services, more report filing, more contracts and more government regulation. This is not cost effective.

Why do we need a bill to reuglate the price we haul for? We know the price we need to haul for, and we negotiate that with the logger. Otherwise we wouldn't still be in business after 12 years. And for those log truckers that state they do not know the rate for hauling until they receive their paycheck, is foolish on their own part.

For small self employed operators such as ourselves we need less regulation not more. Thankyou Chairman and members of the committee. I urge you to oppose HB 192.

Ex. 19  
3-26-91  
HB 192

March 22, 1991

Rodney Hahn Trucking  
Jeannette Hahn  
185 Cameron Br. Rd. W.  
Bozeman MT 59715  
406 388-7270

Regards: HB 192

Dear Mr. Bill Farrell,

I Thankyou for hearing my testimony opposing HB 192. As a follow up to some questions that were asked, my husband and I would like to respond.

A question was asked to John Marceau of Plum Creek in Belgrade; if he compensated his loggers for fuel increases. His answer was yes, then he was asked also if the log truckers had received a compensation from there loggers, but he could not supply you with the answer. For us the answer is yes; my husband and I received a rate increase for added fuel supplement.

I would also like to state for the record that we have never really had any big problems with verbal or written contracts on hauling agreements. At one time a logger had been late in paying, but my husband contacted the mill and informed them of the situation and in return the mill contacted the logger and confronted them with the complaint and we started receiving timely payments. In another instance with another mill, when we had not received payment from a logger, the mill in turn paid us instead of the logger.

So what I'm saying is that if the log trucker is having a problem with being paid or he doesn't know what he's being paid before he hauls, is ignorance on his own part; and he must take action. Not the PSC. These things can be handled and have been for several years. Any type of business, what ever the business is, a certain percentage is doomed to fail, regardless of regulation. It could be a number of factors due to lack of working capitol, mismanagement or whatever; but still it shouldn't be up to the State to handle and manage a persons business.

Another point I would like to make is that my husband and I own a self loading log truck. A lot of the time he does clean up accidents and other mishaps of other log trucks. He cannot charge a haul rate. It is usually done on an hourly rate. With PSC regulation we could not do this without being in violation. Say an accident happened 10 miles from the mill and he had to accept a tarriff rate that was negotiated through the PSC- EXAMPLE- \$1.00 a mile @ 10 miles(both ways) = \$20.00. It would take at least 1 to 2 hours to clean up an accident and haul the logs in. At his established hourly rate he would show a loss of \$80.00. This is not good business pratice.

The HB 192 does not state any matters such as this. Thats why I

feel that HB 192 is an unsound bill. Negotiation of the bill can not be met after passage. There is not enough propoganda in the bill to support what the bill is to accomplish. The PSC wants to much negotiation to take place after the bill passes. This makes no sense.

I urge you again, please show your support to those of us who oppose HB 192.

Please review my enclosed letter of Testimony that was presented at the hearing of March 21, 1991. Thankyou again.

Sincerely,



Jeannette Hahn  
DBA Rodney Hahn Trucking

enclosure

Amendments to House Bill No. 62  
Third Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon

March 27, 1991

1. Title, line 6.

Strike: "TRUCKS AND TRUCK TRAILER COMBINATIONS"

Insert: "VEHICLES"

2. Title, line 7.

Following: "HIGHWAY;"

Insert: "PROVIDING A PENALTY;"

3. Page 1, line 10.

Following: line 9

Insert: "

STATEMENT OF INTENT

A statement of intent is necessary for this bill because it amends 61-9-406 by adding subsection (5) that allows the department of highways to recommend or require the use of chains or other approved traction devices under certain conditions in conformance with rules authorized in subsection (6) to be established by the department of justice. It is the intent of the legislature that the recommendations or requirements of the department of highways or the rules established by the department of justice not require the installation of chains or approved traction devices on the driver wheels of more than one axle of a vehicle."

4. Page 2, line 6.

Following: "tread"

Insert: "or that are clearly marked by the manufacturer on the sidewall "all season m&s" (or "all season mud and snow")"

5. Page 2, line 25.

Page 3, line 4.

Page 3, line 17.

Strike: "TRUCKS AND TRUCK TRAILER COMBINATIONS"

Insert: "vehicles"

6. Page 3, line 23.

Strike: "all"

7. Page 3, lines 23 and 24.

Strike: "TRUCK AND TRUCK TRAILER COMBINATION"

8. Page 3, line 24.

Following: "WHEELS"

Insert: "of one axle of a vehicle"

9. Page 4, line 2.

Following: "~~gear.~~"

Insert: "The signs or traffic-control devices may differentiate in recommendations or requirements for four-wheel-drive vehicles in gear."

10. Page 4, line 3.

Following: line 2

Insert: "NEW SECTION. **Section 2. Penalty.** (1) A person violating the provisions of 61-9-406(5) through (7) is guilty of the nonmoving offense of failure to use chains or approved traction devices when required and upon conviction shall be punished by a fine of \$25, and no jail sentence may be imposed. Bond for this offense shall be \$25.

(2) A violation of 61-9-406(5) through (7) is not a misdemeanor subject to 45-2-101, 61-9-511, 61-9-512, or 61-9-519.

NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 61, chapter 9, part 5, and the provisions of Title 61, chapter 9, part 5, apply to [section 2]."

Amendments to House Bill No. 37  
Third Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon  
March 27, 1991

1. Title, line 5.

Strike: "MAKE PERMANENT"

Insert: "EXTEND FOR 2 YEARS"

2. Title, lines 10 and 11.

Following: "MCA" on line 10

Strike: ";" on line 10 through "1987" on line 11

Insert: ", AND SECTION 1, CHAPTER 237, LAWS OF 1989"

3. Page 4, lines 15 through 17.

Strike: section 2 in its entirety

Insert: "Section 2. Section 1, Chapter 237, Laws of 1989, is amended to read:

"Section 1. Section 4, Chapter 468, Laws of 1987, is amended to read:

"Section 4. Termination. This act terminates June 30, ~~1991~~ 1993.""

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: 3-26-91

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPO
James W Trewick	Montana Potato Industry	37	X	
Merle Hoernig	" " "	37	X	
John Schuttler	Montana Potato Industry	37	X	
Don Lake	Lake Co. Potato Growers	37	X	
Wayne W. Mangham	Montana Potato Industry	37	X	
Anna Sun	MSU	37	X	
Margaret Sweeney	MT. Potato Industry	37	X	
Ernie Jones	MT Potato Industry	37	X	
Daniel Dyk	MT Potato Industry	37	X	
Doug Dyk	MT. Potato Industry	37	X	
Sid Kamps	MT Potato Industry	37	X	
Betty Kamps	MT Potato Industry	37	X	
John Cumberley	MT Potato Growers	37	X	
Jason Kimm	MT Potato Growers	37	X	
Mark Kimm	MT Potato Growers	37	X	
Paul Kimm	MT Potato Growers	37	X	
Dave Tolaf	MT Potato Growers	37	X	
Vernie Koening	MT Potato Growers	37	X	
P. F. Leming	MT Potato Growers	37	X	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: 3-12-91

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPO:
Pat [unclear]	BN	HB133	X	
Joe Kuglin	BN - Operation Lifesaver	HB133	X	
Raymond WEST	UTU	HB133	X	
Richard A. Flunk	MT Operation Lifesaver	HB133	X	
Kay Foster	City of Blgs transit	HB133		X
DENNIS LIND	MRI	HB133	X	
Carl Knutson		"	X	
Lorraine Knutson		"	X	
Dona Abelin	NMORA	HB133	X	
Dayna Swanson	Office of Public Instruction	HB133	X	
D. B. Ditzel	Bro. of Locomotive Eng	HB133	X	
Patrick L. Salvin	Sponsor Rep. HD 40	HB133	X	
<del>[unclear]</del>		<del>HB133</del>	<del>X</del>	X
Wayne Burt	MPSC	HB133	X	
Don, Edward	OCAW	HB133	X	
Ralph [unclear]	Beaver Logging	HB133	X	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)



