

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN ROBERT CLARK, on March 17, 1993, at
3:26 p.m.

ROLL CALL

Members Present:

Rep. Bob Clark, Chairman (R)
Rep. Shiell Anderson (R)
Rep. Joe Barnett (R)
Rep. Bill Endy (D)
Rep. David Ewer (D)
Rep. Pat Galvin (D)
Rep. Marian Hanson (R)
Rep. Vern Keller (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Ryan (D)
Rep. Wayne Stanford (D)
Rep. Bill Tash (R)
Rep. Randy Vogel (R)
Rep. Tim Whalen (D)

Members Excused: Rep. Karyl Winslow, Vice Chairman (R)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Kimberlee Greenough, Committee Secretary

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

Committee Business Summary:

Hearing: None.
Executive Action: SB 255, SB 395, SB 145, SB 105, SB 416,
SJR 25.

EXECUTIVE ACTION ON SB 255

Motion: REP. MASON MOVED SB 255 BE CONCURRED IN.

Discussion: REP. BARNETT stated he recommends a be not concurred
in vote. This bill would give the Public Service Commission

authority to limit the area of operation.

REP. ANDERSON stated he agreed with REP. BARNETT.

Motion/Vote: SB 255 BE CONCURRED IN. Motion failed. EXHIBIT 1

Motion/Vote: REP. HANSON MADE A SUBSTITUTE MOTION TO TABLE SB 255. Motion carried. EXHIBIT 1

EXECUTIVE ACTION ON SB 395

Motion: REP. LARSON MOVED SB 395 BE CONCURRED IN.

Motion/Vote: REP. MASON made a substitute motion to amend SB 395. Motion carried unanimously.

Discussion: REP. LARSON stated the insurance people agree with these amendments.

REP. GALVIN asked if the length of the logs was 15 feet.
REP. LARSON replied yes.

Motion/Vote: REP. MASON MOVED SB 395 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SB 145

Motion: REP. STANFORD MOVED SB 145 BE CONCURRED IN.

Discussion: REP. MASON stated he does not agree with the funding mechanism of this bill.

REP. LARSON stated we should not use the speeding fine for a funding source. He also he stated he supports the bill for the traumatic brain injured people.

REP. ENDY stated this bill has two different points: one, it is a funding source for the TBI people; and two, it increases the speeding fine.

REP. ANDERSON stated this bill is for a good cause, however, it does not relate to the speeding fine. He also stated this fine is an easy target.

REP. KELLER stated he was in favor of SB 145.

REP. WHALEN said this is a fuel conservation fine not a speeding fine. He suggested perhaps a careless driving fine would be a

more appropriate funding source.

REP. BARNETT stated he was in favor of SB 145. He also said he was uncomfortable with the money that was going into the study.

REP. TASH stated he opposed this bill. He noted these people are deserving of funding, however, believed this to be the wrong funding source.

REP. RYAN stated he was in favor of SB 145.

REP. CLARK stated he questions the fiscal note. He doesn't feel there will be any loss if we raise the speeding fine. He doesn't feel there will be fewer tickets.

REP. WHALEN stated the funding source is wrong. He also stated the fine won't necessarily stay at \$20.00. He feels these people need to find a different funding source.

REP. EWER asked if TBI has been reviewed by any human service committee in the House of Representatives. Jim Smith stated we discussed it in the Human Services Subcommittee, however, did not bring a fiscal review into that committee.

REP. EWER stated he had no problem increasing the speeding fine; his problem is with the funding source. He feels it should not be in the Highways Committee.

REP. CLARK stated the main reason we see it in the Highways Committee is because a significant amount of traumatic brain injuries are caused by traffic accidents.

REP. EWER stated maybe there could be a mandatory seat belt or air bag bill and this could be a good funding source.

REP. CLARK stated maybe a primary seat belt law could fund TBI. He also stated the majority of people on the highways wear their seat belts. We could possibly enact a primary offense. He also stated TBI costs the state \$14 million a year. He stated he supports SB 145.

REP. LARSON stated if this saves one life it is worth it.

REP. CLARK said the arresting officers are in favor of raising the speeding fine.

REP. EWER indicated a lot of TBI are caused from people not wearing their seat belts. He also stated he will vote in favor of SB 145.

REP. TASH said there might be a possibility to amend this bill in another session.

REP. KELLER stated that TBI costs the state a lot of money.

Motion/Vote: SB 145 BE CONCURRED IN. Motion carried with REPS. WINSLOW, WHALEN, ANDERSON, ENDY, MASON, and HANSON voting no.

EXECUTIVE ACTION ON SB 105

Motion: REP. ANDERSON MOVED SB 105 BE CONCURRED IN.

Discussion: REP. LARSON recommended a be concurred in. He also stated the Montana Logging Association is in favor of SB 105. Regulation will not stop out-of-state haulers. Regulation creates paperwork.

REP. ANDERSON stated we should not establish regulation to protect people.

REP. ENDY asked if it was difficult to receive a Class E license. REP. LARSON stated no.

REP. MASON stated the majority of mail he received was in opposition to SB 105. They would like a chance to let regulation work.

REP. STANFORD stated he agrees with REP. MASON. The majority of people are opposed to SB 105. He also noted that regulation creates a false sense of security.

REP. WHALEN indicated there has been some history behind this bill; these people were being taken advantage of. He stated he questions the motivations of the people opposed to this bill.

REP. ENDY noted there were more opponents than proponents and he will vote against SB 105.

REP. TASH stated he was in favor of SB 105.

REP. BARNETT said he believes this is a good piece of legislation.

REP. LARSON indicated the need for regulation isn't as necessary as it was four or five years ago because then the rates were not set on a per ton basis. Regulation is not in the best interest of small haulers.

REP. CLARK stated this bill has been in effect for a number of haulers for longer than six months because of the grandfather clause. Regulation will not keep out-of-state haulers out of Montana.

REP. WHALEN asked, if some of these smaller haulers have these class E licenses, could out-of-state people come in and use their authority also. REP. CLARK replied yes. He also stated

this bill has been in this committee for the past three sessions.

REP. CLARK stated if SB 105 passes it will do away with regulation and PSC authority. If we kill this bill the PSC will have the right to put rates into the law.

REP. WHALEN stated the rates were taken out of the bill two years ago. If we pass this bill we don't kill the rates. REP. CLARK noted that if we pass this bill the rates are dead because the bill deregulates the log haulers.

REP. WHALEN asked if, when HB 192 passed last session, was there any criteria established for the PSC to set rates. REP. CLARK said no.

REP. GALVIN stated this industry is downsizing. The smaller hauler is going out of business. He also stated the banks have a vested interest in this bill because they have a large amount of loans out to these smaller haulers.

REP. STANFORD stated his concern is that the industry can't solve the problem themselves. The mills are only interested in keeping the rates down as low as a possible.

REP. MASON stated the PSC does set very restrictive rates. He also indicated he is in favor of deregulation.

Motion/Vote: SB 105 BE CONCURRED IN. Motion carried with REPS. WHALEN, VOGEL, ENDY, EWER, and MASON voting no.

EXECUTIVE ACTION ON SB 416

Motion: REP. ANDERSON MOVED SB 416 BE CONCURRED IN.

Discussion: Ms. Erickson explained the bill.

REP. GALVIN asked if the money is due on the 1st or the 25th. The argument is the interest being lost for the eight days. Ms. Erickson stated the money must be paid by the 25th.

REP. HANSON stated the Department of Transportation said the distributors have to send it by the 25th by electronic fund transfer. This bill would give the state \$50,000 in interest.

REP. STANFORD said he feels this is an opportunity to do good business. He thinks the date is wrong, and believes the businesses should be able to choose how they want to send their money.

REP. ANDERSON stated he wasn't in favor of this bill because of all the deadlines.

REP. RYAN noted this money belongs to the state, therefore lets collect it.

REP. EWER said he didn't like forcing people to do an electronic fund transfer.

REP. MASON suggested the committee kill the bill.

REP. TASH stated the Department of Transportation is trying to stimulate this float time. He asked if it should be amended to \$500,000 instead of \$200,000.

Ms. Erickson said current law states it be set at \$500,000 and above. The Department of Transportation would like it to be \$200,000 and above.

Motion/Vote: REP. TASH MADE A SUBSTITUTE MOTION TO TABLE SB 416. Motion CARRIED with REPS. RYAN and STANFORD voting no.

EXECUTIVE ACTION ON SJR 25

Motion: REP. STANFORD MOVED SJR 25 BE CONCURRED IN.

Discussion: REP. LARSON asked why the governor doesn't write a letter.

REP. CLARK stated the language in the letter from the governor has to be absolutely perfect.

REP. LARSON stated this will cost the state \$13 million if we don't pass this bill.

Vote: SJR 25 BE CONCURRED IN. Motion carried unanimously.

ADJOURNMENT

Adjournment: 5:05 p.m.

Robert C. Clark
ROBERT C. CLARK, Chairman

Kim S. Greenough
KIMBERLEE GREENOUGH, Secretary

RC/kg

March 18, 1993

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Mr. Speaker: We, the committee on Highways and Transportation report that Senate Joint Resolution 25 (third reading copy -- blue) be concurred in .

Signed: Robert C. Clark, Chair

Carried by: Rep. Vogel

Committee Vote:
Yes ____, No ____.

611559SC.Hss

2/1

March 18, 1993

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Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 395 (third reading copy -- blue) be concurred in as amended .

Signed: Robert C. Clark
Robert C. Clark, Chair

And, that such amendments read: Carried by: Rep. Wanzenried

1. Title, line 4.

Following: "ACT"

Insert: "LIMITING THE ALLOWABLE LENGTH FOR A VEHICLE COMBINATION HAULING LOGS;"

2. Page 3, line 1.

Following: "(5)"

Insert: "(a) The length of a vehicle combination consisting of a truck or truck-tractor and one trailer, pole trailer, or semitrailer hauling raw logs may not exceed 75 feet in overall length. As used in this subsection (a), the term "length" means the total length of the vehicle combination beginning at the front of the front bumper of the truck or truck-tractor and extending to the most distant end of the logs being hauled. A term permit for an overlength vehicle combination, as provided in 61-10-124(3), does not apply to the vehicle combination described in this subsection (a). A vehicle combination exceeding 75 feet must have a trip permit."

3. Page 3, line 8.

Following: "~~(b)~~"

Insert: "(b)"

4. Page 3.

Following: line 11

Insert: "(c) The provisions in subsections (5) (a) and (5) (b) do not apply to a vehicle combination hauling utility poles."

5. Page 3, line 24.

Following: "(5)"

Insert: "(a)"

Committee Vote:

Yes 10, No 8.

611534SC.Hss

Robert C. Clark
3/18/93

HOUSE STANDING COMMITTEE REPORT

March 18, 1993

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Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 105 (third reading copy -- blue) be concurred in .

Signed: Robert C. Clark
Robert C. Clark, Chair

Carried by: Rep. Elliot

Committee Vote:
Yes , No .

611521SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 18, 1993

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Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 145 (third reading copy -- blue) be concurred in .

Signed: Robert C. Clark
Robert C. Clark, Chair

Carried by: Rep. S. Rice

Committee Vote:
Yes 11, No 0.

611530SC.Hss

AL

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE March 17, 1993 BILL NO. SB255 NUMBER 7 to 6

MOTION: Be Concurred in
Failed
Vote Reversed To Table

NAME	AYE	NO
REP. WINSLOW, KARYL		
REP. WHALEN, TIM		
REP. ANDERSON, SHIELL		✓
REP. VOGEL, RANDY		
REP. BARNETT, JOE		✓
REP. TASH, BILL		✓
REP. ENDY, BILL	✓	
REP. STANFORD, WAYNE		✓
REP. EWER, DAVID		✓
REP. RYAN, BILL	✓	
REP. GALVIN, PAT	✓	
REP. MASON, GARY		✓
REP. HANSON, MARIAN	✓	
REP. KELLER, VERN	✓	
REP. LARSON, DON		✓
REP. CLARK, BOB, CHAIRMAN	✓	

Amendments to Senate Bill No. 395
Third Reading Copy

Requested by Senator Harp
For the Committee on Highways and Transportation

Prepared by Connie Erickson
March 15, 1993

1. Title, line 4.

Following: "ACT"

Insert: "LIMITING THE ALLOWABLE LENGTH FOR A VEHICLE COMBINATION
HAULING LOGS;"

2. Page 3, line 1.

Following: "(5)"

Insert: "(a) The length of a vehicle combination consisting of a truck or truck-tractor and one trailer, pole trailer, or semitrailer hauling raw logs may not exceed 75 feet in overall length. As used in this subsection (a), the term "length" means the total length of the vehicle combination beginning at the front of the front bumper of the truck or truck-tractor and extending to the most distant end of the logs being hauled. A term permit for an overlength vehicle combination, as provided in 61-10-124(3), does not apply to the vehicle combination described in this subsection (a). A vehicle combination exceeding 75 feet must have a trip permit."

3. Page 3, line 8.

Following: "~~(b)~~"

Insert: "(b)"

4. Page 3.

Following: line 11

Insert: "(c) The provisions in subsections (5)(a) and (5)(b) do not apply to a vehicle combination hauling utility poles."

5. Page 3, line 24.

Following: "(5)"

Insert: "(a)"

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE March 17, 1993 BILL NO. SB145 NUMBER 10 to 6

MOTION: Be Concurred In
Carried

NAME	AYE	NO
REP. WINSLOW, KARYL		✓
REP. WHALEN, TIM		✓
REP. ANDERSON, SHIELL		✓
REP. VOGEL, RANDY	✓	
REP. BARNETT, JOE	✓	
REP. TASH, BILL	✓	
REP. ENDY, BILL		✓
REP. STANFORD, WAYNE	✓	
REP. EWER, DAVID	✓	
REP. RYAN, BILL	✓	
REP. GALVIN, PAT	✓	
REP. MASON, GARY		✓
REP. HANSON, MARIAN		✓
REP. KELLER, VERN	✓	
REP. LARSON, DON	✓	
REP. CLARK, BOB, CHAIRMAN	✓	

